

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

May 13, 2021

3:42 p.m.

**MEMBERS PRESENT**

Representative Jonathan Kreiss-Tomkins, Chair  
Representative Matt Claman, Vice Chair  
Representative Geran Tarr  
Representative Andi Story  
Representative Sarah Vance  
Representative James Kaufman  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 47

"An Act relating to special registration plates for vehicles owned by persons with disabilities."

- MOVED SB 47 OUT OF COMMITTEE

HOUSE BILL NO. 187

"An Act relating to the elimination or modification of state agency publications that are outdated, duplicative, or excessive or that could be improved or consolidated with other publications or exclusively delivered electronically; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 118

"An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; relating to living conditions for prisoners; and providing for an effective date."

- MOVED CSHB 118(STA) OUT OF COMMITTEE

HOUSE BILL NO. 177

"An Act relating to an increase of an appropriation due to additional federal or other program receipts; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 198

"An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

- BILL HEARING POSTPONED TO 5/15/21

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 71 (FIN)

"An Act relating to special request registration plates celebrating the arts; relating to artwork in public buildings and facilities; relating to the management of artwork under the art in public places fund; relating to the powers and duties of the Alaska State Council on the Arts; establishing the Alaska arts and cultural investment fund; and providing for an effective date."

- BILL HEARING POSTPONED TO 5/15/21

#### **PREVIOUS COMMITTEE ACTION**

BILL: SB 47

SHORT TITLE: VEHICLE REGISTRATION/PERSONS W/DISABILITY

SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	STA
03/23/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/23/21	(S)	Heard & Held
03/23/21	(S)	MINUTE(STA)
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/22/21	(S)	Moved SB 47 Out of Committee
04/22/21	(S)	MINUTE(STA)
04/23/21	(S)	STA RPT 4DP
04/23/21	(S)	DP: SHOWER, HOLLAND, KAWASAKI, COSTELLO
04/30/21	(S)	TRANSMITTED TO (H)
04/30/21	(S)	VERSION: SB 47
04/30/21	(H)	READ THE FIRST TIME - REFERRALS
04/30/21	(H)	STA
05/06/21	(H)	STA AT 3:00 PM GRUENBERG 120
05/06/21	(H)	Heard & Held
05/06/21	(H)	MINUTE(STA)
05/11/21	(H)	STA AT 3:00 PM GRUENBERG 120

05/11/21 (H) -- MEETING CANCELED --  
05/13/21 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 187

SHORT TITLE: STATE AGENCY PUBLICATIONS

SPONSOR(s): REPRESENTATIVE(s) KAUFMAN

04/22/21 (H) READ THE FIRST TIME - REFERRALS  
04/22/21 (H) STA, FIN  
04/29/21 (H) STA AT 3:00 PM GRUENBERG 120  
04/29/21 (H) <Bill Hearing Canceled>  
05/06/21 (H) STA AT 3:00 PM GRUENBERG 120  
05/06/21 (H) Heard & Held  
05/06/21 (H) MINUTE(STA)  
05/11/21 (H) STA AT 3:00 PM GRUENBERG 120  
05/11/21 (H) -- MEETING CANCELED --  
05/13/21 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 118

SHORT TITLE: EXPANDING PRISONER ACCESS TO COMPUTERS

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

03/01/21 (H) READ THE FIRST TIME - REFERRALS  
03/01/21 (H) STA  
03/18/21 (H) STA AT 3:00 PM GRUENBERG 120  
03/18/21 (H) Heard & Held  
03/18/21 (H) MINUTE(STA)  
03/23/21 (H) STA AT 3:00 PM GRUENBERG 120  
03/23/21 (H) Heard & Held  
03/23/21 (H) MINUTE(STA)  
04/01/21 (H) STA AT 3:00 PM GRUENBERG 120  
04/01/21 (H) Heard & Held  
04/01/21 (H) MINUTE(STA)  
04/27/21 (H) STA AT 3:00 PM GRUENBERG 120  
04/27/21 (H) Heard & Held  
04/27/21 (H) MINUTE(STA)  
05/11/21 (H) STA AT 3:00 PM GRUENBERG 120  
05/11/21 (H) -- MEETING CANCELED --  
05/13/21 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 177

SHORT TITLE: REVISED PROGRAM: APPROPRIATIONS

SPONSOR(s): REPRESENTATIVE(s) TUCK

04/16/21 (H) READ THE FIRST TIME - REFERRALS  
04/16/21 (H) STA, FIN  
05/11/21 (H) STA AT 3:00 PM GRUENBERG 120

05/11/21 (H) -- MEETING CANCELED --  
05/13/21 (H) STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

SENATOR ELVI GRAY-JACKSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, made comments on SB 47 preceding public testimony.

ANNETTE ALFONSI  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 47.

BESSE ODOM, Staff  
Senator Elvi Gray-Jackson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of Senator Gray-Jackson, prime sponsor, presented Senator Gray-Jackson's response to a letter opposing SB 47.

MATTHEW HARVEY, Staff  
Representative James Kaufman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 187, on behalf of Representative Kaufman, prime sponsor, presented a sectional analysis on Version G of the bill.

JEFFREY STEPP, Staff  
Representative Jonathan Kreiss-Tomkins  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 118, explained Amendment 4 and answered questions on behalf of Representative Kreiss-Tomkins, prime sponsor.

LAURA BROOKS, Division Operations Manager  
Health and Rehabilitation Services  
Department of Corrections  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions pertaining to HB 118.

KACI SCHROEDER, Assistant Attorney General  
Criminal Division (Juneau)

Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions pertaining to HB 118.

REPRESENTATIVE CHRIS TUCK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As the prime sponsor, presented HB 177.

**ACTION NARRATIVE**

[3:42:23 PM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:42 p.m. Representatives Vance, Story, Claman, Kaufman, and Kreiss-Tomkins were present at the call to order. Representatives Eastman and Tarr arrived as the meeting was in progress.

**SB 47-VEHICLE REGISTRATION/PERSONS W/DISABILITY**

[3:43:13 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be SENATE BILL NO. 47, "An Act relating to special registration plates for vehicles owned by persons with disabilities."

[3:43:39 PM](#)

SENATOR ELVI GRAY-JACKSON, Alaska State Legislature, as prime sponsor of SB 47, reminded committee members that SB 47 would amend statute to allow speech-language pathologists, physical therapists, and occupational therapists to provide proof of disability to their client. She pointed out that currently, only chiropractors, physicians, physicians' assistants, or advanced practice registered nurses can provide proof of disability to their client. She noted that SB 47 is also known as the disabled parking placard bill.

CHAIR KREISS-TOMKINS opened public testimony on SB 47.

[3:44:56 PM](#)

ANNETTE ALFONSI testified in support of SB 47. She shared the story of someone who needed extra time in physical therapy after a knee replacement and who could have used a [disability]

parking placard. The physician's office was full for a month and during this wait time the patient fell while walking in a parking lot in winter, breaking a hip and needing a hip replacement. The patient's easily managed and temporary case was escalated into a major issue, leave of absence from work, elevated medical bills, and chronic increased pain. This could have been prevented if the physical therapist had been able to write the [application] form for a [disability] parking placard.

MS. ALFONSI stated that when thinking of this bill she is thinking of the next person who will slip and fall next winter. She related that about 20 percent of the Anchorage Bowl population is eligible for services at Joint Base Elmendorf-Richardson (JBER) Hospital. In other states the specialists listed in SB 47 can write [an application] form for the military, but upon moving to Alaska they can no longer write the forms even though they have the experience, expertise, and scope of practice to do so. The [U.S. Department of Veterans Affairs (VA)] is known for being difficult to schedule an appointment with a physician; the least that can be done for veterans who gave up their mobility for the freedom of Americans is to make it easier for them to get the [disability] parking placard.

MS. ALFONSI stated that SB 47 is simple but profound. She said the only thing legislators are voting on is whether physical therapists, speech-language pathologists, and occupational therapists should be able to write the [application] form for a disability parking placard in Alaska. She urged a vote of yes.

CHAIR KREISS-TOMKIN, after ascertaining that no one else wished to testify, closed public testimony on SB 47.

[3:47:42 PM](#)

SENATOR GRAY-JACKSON referenced a letter from Representative Prax essentially opposing the bill. She requested that her staff person share her letter of response to the Representative's concerns.

[3:47:57 PM](#)

BESSE ODOM, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, on behalf of Senator Gray-Jackson, prime sponsor of SB 47, echoed that on May 9, 2021, the sponsor received a letter from Representative Prax. She said the bill sponsor had replied that the intent of SB 47 is to fix back-end issues related to receiving disability plates, such as expanding access and

reducing overall wait times. The proposed legislation does not address issues around parking spaces or the perceived misuse of disability plates; an additional bill may be needed to address the issues presented in the letter, and Ms. Odom said the bill sponsor had let Representative Prax know she would be willing to work with him to produce such a bill.

[3:49:15 PM](#)

REPRESENTATIVE EASTMAN recalled a question asked during the bill's previous hearing regarding who would bear legal liability if a person who received a license plate under this bill was involved in an accident that related to their disability. For example, whether a speech-language pathologist could be held liable.

CHAIR KREISS-TOMKINS recalled that when Jeffrey Schmitz of the Division of Motor Vehicles (DMV) answered this question [on 5/6/21], Mr. Schmitz didn't think that there was any liability associated with the [disability parking] placard. Chair Kreiss-Tomkins allowed he didn't know if that was a definitive legal analysis.

[3:50:20 PM](#)

SENATOR GRAY-JACKSON said a question was put forth to Ms. Lori Wing-Heier [Director, Division of Insurance, Department of Commerce, Community & Economic Development] about what a typical liability profile insurance would be for the new group of medical professionals that would be able to issue [disability parking] placards versus the typical insurance levels that a physician carries. She read the response from Ms. Wing-Heier, as follows:

In reviewing the descriptions in the business licensing statutes, the two new categories being added by [SB] 47, the close analysis of physical capabilities or disabilities are apparent. ... None of the classifications note specific agreements with the ... [Division] of Motor Vehicles to identify motorists who would benefit from the handicapped placard or license plates. The insurance forms do not address the assignments of handicapped parking materials. Insurance forms would generally respond if the person in question was shown to be legally liable due to the performance of their professional services. We cannot find any information in our filings for professional

liability that addresses an increase in a premium because of the issuance of a handicapped plate or placard. The handicapped designations are generally assigned when the mobility is limited. The handicapped parking materials would still require proper licensing of a driver to meet the requirement of DMV.

[3:51:46 PM](#)

SENATOR GRAY-JACKSON, responding to Representative Eastman, explained that the part he referenced about veterans is already in state statute. She said the only thing new in SB 47 is adding speech-language pathologists, physical therapists, and occupational therapists.

[3:53:05 PM](#)

REPRESENTATIVE EASTMAN maintained that a step away from the bill's original intent is being taken, which focused narrowly on someone's limited ability to walk. He said the committee is now going past that and he is wondering why the committee hasn't gone back and amended that portion of the statute on page 1. He stated that the only people who can apply for this are those who have a disability that limits or impairs their ability to walk.

SENATOR GRAY-JACKSON referenced an e-mail provided by Ms. Alfonsi [in follow-up to the bill's 5/6/21 hearing]. She spoke from the e-mail as follows:

Upon reflection, the disability parking placard law is only about parking, not about driving, so it would be inappropriate to add drive to the end of it as suggested in the last meeting. Also, since someone who isn't driving can get a disability parking placard form for someone else to drive, it furthers the idea that this is about parking and walking, not about driving. So, the form itself is fine the way it is written. Since someone already has an active license to drive when they are getting a parking placard there is no liability on the part of a provider.

[3:55:45 PM](#)

REPRESENTATIVE CLAMAN moved to report SB 47 out of committee with individual recommendations and the accompanying fiscal

notes. There being no objection, SB 47 was reported out of the House State Affairs Standing Committee.

**HB 187-STATE AGENCY PUBLICATIONS**

[3:56:27 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 187, "An Act relating to the elimination or modification of state agency publications that are outdated, duplicative, or excessive or that could be improved or consolidated with other publications or exclusively delivered electronically; and providing for an effective date." [Before the committee, adopted as the working document on 5/6/21, was the proposed committee substitute (CS) for HB 187, Version 32-LS0779\G, Wallace, 5/5/21 ("Version G").]

[3:56:59 PM](#)

REPRESENTATIVE KAUFMAN, as prime sponsor of HB 187, addressed Version G. He read the sponsor statement, as follows:

HB 187 in its current form is intended to conserve resources expended in the production, processing, transportation, distribution, storage, and disposal of excess state agency publications. ... The product affected by HB 187 are publications as defined in AS 44.99.240. As currently written in statute, AS 44.99.220 requires state agencies to compile and maintain a list of the publications that they produce each fiscal year. This bill would ensure that the state is receiving added value from the work that is already being done by using the list as an opportunity to assess the actual need for each document and to determine if the people of Alaska will be best served by printing or by digital delivery. HB 187 also provides for the reduction in statutory requirements to produce publications through changes made to AS 37.07.220. These changes will require that the governor submit a bill to eliminate or modify requirements for publications deemed to be outdated, duplicative, or excessive, or could be consolidated with other publications, and which of those could be delivered in electronic form. Time, energy, space, and materials can all be conserved by the passage of HB 187.

CHAIR KREISS-TOMKINS stated he is pleased to see HB 187 brought forward.

[4:00:00 PM](#)

MATTHEW HARVEY, Staff, Representative James Kaufman, Alaska State Legislature, on behalf of Representative Kaufman, prime sponsor, presented a sectional analysis of HB 187, Version G. He explained that Section 1 would amend AS 37.07.020 to add a requirement for the governor to submit legislation to remove or amend the statutory requirements for publications that meet these qualifiers. He said Section 2 would repeal and re-enact AS 44.99.220 requiring state agencies to use the list of publications, which is currently required to be developed in that statute, to identify and highlight publications deemed to be outdated, duplicative, or excessive, or that could be consolidated with other publications, or could be delivered in electronic form. This list of publications, including highlighted publications, is required to be electronically submitted to the governor and both bodies of the legislature. The governor or the governor's designee is required to determine a goal percentage of publications to be improved upon by each state agency immediately prior to the start of each legislature on even numbered years. Mr. Harvey noted that this last part is a change and the main reason why the sponsor asked to adopt a CS. The Office of Budget and Management (OMB), he related, pointed out that complications might occur if it was submitted every year because a bill sometimes takes two years to get through both bodies. He further noted that "and" was changed to "or" in several places in the bill, along with adding that the report to the legislature would be submitted electronically.

[4:02:09 PM](#)

REPRESENTATIVE EASTMAN asked what the practical impact would be once the bill is passed into law.

MR. HARVEY replied that the fiscal note description states an estimate of about \$585,000 per year to print publications. He said the sponsor does not have an estimate for the time, delivery, and other things related to going from printing to electronic and from getting rid of reports. Also, he noted, the setting of goal percentages could differ department by department.

[4:03:38 PM](#)

REPRESENTATIVE STORY stated that this is a great idea. She said she likes that a look is being taken at documents and publications that could be improved, consolidated, or delivered electronically. She noted that not everyone has access to the Internet, so there are times when documents do need to be produced, and she is glad to see that in the bill.

REPRESENTATIVE KAUFMAN responded that Version G is the blending of input received on the bill.

[4:05:02 PM](#)

REPRESENTATIVE EASTMAN said it makes sense to have a bill put forward that deals with publications that are required by law. He asked whether a bill is necessary for publications that are required by regulation; he surmised the administration could handle those without a bill.

REPRESENTATIVE KAUFMAN answered that the bill is trying to create the feedback loop that doesn't exist right now. The intent is that legislation is required and if it can be done administratively, then it can just be reported that something was reduced. The desire is to create the feedback loop that then can be used to trigger legislation if required but also as a status report of publication. He qualified that he doesn't want to say reduction, but rather rationalizing the state's publications against what they need to be or what's beneficial and the delivery methods. He said he would welcome changes to the wording if necessary to make that clearer.

[4:06:47 PM](#)

REPRESENTATIVE EASTMAN drew attention to page 2, line 15, of HB 187, Version G, regarding a minimum percentage of publications that each state agency is to identify as needing work. He asked whether it is the sponsor's intent that the percentage cut apply to each individual agency or to all agencies collectively combined, given that some agencies may have only one or two publications.

REPRESENTATIVE KAUFMAN replied that the intent is to create a custom goal-setting opportunity for each agency; it enables administrative focus. He explained the goal could be zero if an agency is so lean that it is considered a model for others; for example, an agency has aligned its document production and delivery so well that it cannot find any waste.

[4:08:51 PM](#)

CHAIR KREISS-TOMKINS commented that a meta-affect would be set into motion by the bill; it would be an ongoing administrative process that is aimed to reduce administrative processes. When it first runs its course, he continued, the administration will identify things that are pointless and should be ended, and hopefully the legislature will act on that and about 90 percent of the value will be realized. He inquired about the ongoing frequency of what is in Section 1 and in Section 2 on page 2, lines 14-15, given the biennial cycle.

REPRESENTATIVE KAUFMAN responded that the goal of quality management is the reduction of wasted time, effort, and money for meeting an agency's desired result, and to not exceed expectations and to not underperform. When this list is compiled, he explained, it creates the awareness and then there is the opportunity to declare that some of it can be reworked. If improvement projects are done successfully, it will get to a point of diminishing returns, which would be reflected in the reports.

[4:12:28 PM](#)

CHAIR KREISS-TOMKINS asked what value the language in Section 2 adds beyond that which is established in Section 1. Presumably, he continued, the agencies are not going to identify anything in addition to, or different from, what is identified in Section 1.

MR. HARVEY answered that initially the goal setting would serve for how to get those broad chops; then, as it goes on and gets into diminishing returns, there could be creativity in how to combine or better provide value with some of those reports. When it gets to the point where the returns diminish such that this itself is excessive, OMB has advised that this could then be highlighted as a report needing to be statutorily revised.

[4:15:22 PM](#)

REPRESENTATIVE KAUFMAN pointed out that it is not static because two legislative bodies are producing expectations for documentation, so the list is everchanging with new inputs. The process is built the way it is, he explained, to keep the managers aware and on their toes so they can recommend consolidations or recommendations. He noted that the terms "reports" and "publications" have been used interchangeably in

today's discussion, but that it is publications, the greater set of documents.

CHAIR KREISS-TOMKINS, regarding a report that is not adding value, questioned why anyone in an agency would not be recommending it for deletion in Section 1. In other words, he continued, the list in Section 1 would not be any different from what is in Section 2.

REPRESENTATIVE KAUFMAN offered to look more closely at this to see if the bill could be made shorter.

[4:16:51 PM](#)

REPRESENTATIVE TARR said she read Section 1 as taking the information from Section 2 and requiring the governor to introduce legislation that would list those things.

CHAIR KREISS-TOMKINS agreed that that is right, in part, but said Section 1 would still read coherently without the process in Section 2, on page 2, line 9.

REPRESENTATIVE KAUFMAN pointed out that the goal setting is not included in Section 1, which is the ongoing "let's keep working this" where there may be numerous publications and managers can have a stretch target to continue looking and improving.

CHAIR KREISS-TOMKINS said he understands that part but opined that the agency that should be measured for performance is the legislature. He stated that since the publications are statutorily required it is in the legislature's hands to get rid of the publications that are recommended by the agencies, so it is the legislature that should be held to account relative to that recommendation.

REPRESENTATIVE KAUFMAN responded he would be happy to come up with a bill to that effect.

REPRESENTATIVE EASTMAN remarked that there is a mechanism for making sure this bill gets heard once it is presented because there is something in the Uniform Rules about committees acting on all the bills that come before them.

[4:20:05 PM](#)

REPRESENTATIVE EASTMAN asked for an estimate on the length of time it would take to compile the list, given the even year requirement.

REPRESENTATIVE KAUFMAN replied it is variable because it depends on the length and complexity of the list for each agency. The list already exists. The challenge would be to do the analysis for making recommendations, and that would depend upon the agency's present understanding of the benefit of the documents it is producing. It may be a challenge for some agencies and a very quick activity for others.

REPRESENTATIVE EASTMAN, regarding the list that would be created by HB 187, Version G, asked whether it is the sponsor's intention that this report would be added to that list at some point in the distant future.

MR. HARVEY answered that it likely would. He explained that OMB would act as the compiling body through the budget process; along with asking for draft budgets from each department, OMB would also ask for this list.

[4:23:09 PM](#)

CHAIR KREISS-TOMKINS offered his appreciation for the bill.

REPRESENTATIVE KAUFMAN stated that bills like HB 187 are just one slice of many opportunities to implement continuous quality improvement.

[4:24:14 PM](#)

CHAIR KREISS-TOMKINS announced that HB 187, Version G, was held over.

**HB 118-EXPANDING PRISONER ACCESS TO COMPUTERS**

[4:24:34 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 118, "An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; relating to living conditions for prisoners; and providing for an effective date."

CHAIR KREISS-TOMKINS noted there had been off-line discussions on the bill between his office, Representative Vance, the Department of Corrections, and the Department of Law. He reminded members that before the committee was Amendment 3, [labeled 32-LS0024\B.6, Radford, 4/19/21 and offered by Representative Vance on 4/27/21, with pending objection].

[4:25:37 PM](#)

REPRESENTATIVE VANCE [moved to withdraw] Amendment 3. [There being no objection, Amendment 3 was withdrawn.]

[4:25:47 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 4 to HB 118, as amended, labeled 32-LS0024\B.7, Radford, 5/10/21, which read:

Page 6, lines 26 - 27:

Delete "[AND MAY NOT BE USED FOR"

Insert "and may only [NOT] be used in a manner authorized by the department [FOR"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:26:16 PM](#)

JEFFREY STEPP, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, spoke on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 118. He explained Amendment 4 would amend Sec. 4. AS 33.30.015(a) such that the commissioner may not allow a prisoner held in a state correctional facility operated by the state to use a computer other than those approved by the correctional facility. Further, the use of a computer may be approved to facilitate the prisoner's rehabilitation or the prisoner's compliance with a reentry plan or case plan developed under AS 33.30.011. This would include use related to employment, education, vocational training, access to legal reference materials, visitation, or health care and may be used only in a manner authorized by the department.

CHAIR KREISS-TOMKINS invited comment from the Department of Corrections.

[4:28:13 PM](#)

LAURA BROOKS, Division Operations Manager, Health and Rehabilitation Services, Department of Corrections (DOC), spoke

to Amendment 4. She offered DOC's understanding that there are concerns about inmate access to technology and safety regarding inmate use of technology. She said the department has been listening and shares concern. While this technology is new to DOC, she continued, the important distinction is that it isn't new technology. The tablets being looked at and the access being talked about are designed for correctional use and have a multi-layered security matrix that lets inmates access approved content without being able to access the Internet at all and without being able to access the settings to be able to change that access. This is well tried in systems much larger than Alaska's DOC and is designed to be tamper proof and to meet correctional safety standards. The primary mission of DOC is to protect the public and DOC remains committed to protecting victims and victims' rights. Safeguards are in place to protect DOC staff, those in DOC's care, and crime victims, and DOC does not believe [HB 118, as amended,] would counter or undermine any of those safeguards. The department will continue to take all necessary safeguards and utilize appropriate security measures to ensure that these protections remain.

[4:30:01 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), stated she is speaking from the prosecutor's perspective and a core concern for a prosecutor is protecting the victim, which includes after there is an arrest. She explained that DOL works with its counterparts in law enforcement and in DOC to ensure that measures are taken to keep victims safe. As soon as a case is initiated, DOL asks for a no contact order as a condition of bail and when the person is remaining in DOC custody. The department continues that request into sentencing, which would then include any time spent in custody of DOC serving out the sentence. She noted that DOL works closely with DOC because DOC can monitor the inmate's activity and can alert law enforcement for an investigation if things are seen that are a little off or that are concerning. She said she doesn't see anything in the bill or in Amendment 4 that would hinder DOL's ability to continue to protect victims in this way.

[4:31:42 PM](#)

REPRESENTATIVE EASTMAN brought attention to page 6, line 21, which states that these computers can be only those approved by the "correctional facility". He said it seems a distinction is being drawn there with the amendment because the amendment is

talking about manners that are authorized by the "department". He asked why there would not be the consistency of requiring the approval of the "correctional facility" in both places.

REPRESENTATIVE EASTMAN, in response to Ms. Brooks, clarified that page 6, line 21 states, "use of a computer other than those approved by the correctional facility", while Amendment 4 states limiting the use of these computers to manners that are "authorized by the department". He said he is asking why the word "department" was chosen in Amendment 4, the purpose it serves, and whether that is better or worse than replacing the word "department" with the phrase "the correctional facility" in the amendment.

MS. BROOKS replied that the Department of Corrections looks at those words as interchangeable. She said there may be some circumstances where a particular facility may or may not have the infrastructure that could allow some forms of technology versus others, and so that may be the distinction there. When looking at a particular type of computer, DOC may need to allow a particular facility to make that determination, but the ultimate responsibility still lies with the department.

[4:34:09 PM](#)

REPRESENTATIVE EASTMAN inquired about how something would come to be authorized by the department as spoken of in Amendment 4, such as the process and who would have the final say.

MS. BROOKS responded that it would go as the department already authorizes things. She said there is a process in place, and it depends on who is initiating the request. Anything that is more specific than what is used by the entire population, or anything that falls outside of standard guidelines, must be approved through the department's central office, through DOC's director of institutions, and sometimes it goes to the level of deputy commissioner or even the level of commissioner for approval.

REPRESENTATIVE EASTMAN asked whether DOC would object to changing the word "department" to "correctional facility" in the amendment, given the earlier statement that "department" and "correctional facility" are somewhat interchangeable,

MS. BROOKS answered that she doesn't think DOC would have an objection, and she understands Representative Eastman is looking for uniformity in the language.

REPRESENTATIVE EASTMAN confirmed that is correct.

[4:36:18 PM](#)

CHAIR KREISS-TOMKINS requested Mr. Stepp respond to Representative Eastman's question.

MR. STEPP offered his understanding that the department sets the policy, which is what the amendment is referencing, and the facilities execute the policy at the local level. He said it seems to him that having the authorization come from the higher authority is what would be wanted rather than from the individual correctional facility. He qualified that he would defer to DOC and/or DOL in this regard.

MS. BROOKS agreed with Mr. Stepp. She said that if looking for changes for purposes of uniformity, DOC would prefer that "department" be used to keep it uniform rather than referring to the individual correctional facility for that decision.

REPRESENTATIVE TARR agreed with the point made by Ms. Brooks.

[4:38:28 PM](#)

CHAIR KREISS-TOMKINS stated that that makes sense to him. He requested Representative Vance's opinion.

REPRESENTATIVE VANCE stated she prefers the language offered by DOC because it provides the multi-layered oversight that she wants to have in this. She added that Mr. Stepp explained it well regarding policy versus implementation.

REPRESENTATIVE CLAMAN noted that how to implement this issue was discussed in prior hearings and he thinks Amendment 4 does it very well and he wouldn't change a word.

[4:39:14 PM](#)

CHAIR KREISS-TOMKINS moved Conceptual Amendment 1 to Amendment 4, to delete "correctional facility" on page 6, line 21, and replace it with "department". There being no objection, Conceptual Amendment 1 to Amendment 4 was adopted.

[4:40:12 PM](#)

REPRESENTATIVE TARR noted that this changes the language from "use a computer other than those approved by the 'correctional

facility'" to the language "use a computer other than those approved by the 'department'". She posed a situation of not enough computers to go around so that the correctional facility needs to set up a schedule for use of the computers. She asked whether, under this language change, the department would have to approve the schedule set up by the correctional facility, thereby creating a complicated situation of micro-management.

CHAIR KREISS-TOMKINS replied that he is putting a lot of weight into the statement by Ms. Brooks that this is the language preferred by DOC. He asked Ms. Brooks for further comment.

MS. BROOKS answered that DOC's primary concern is making sure that the computers being provided, and the access, is closely monitored and the department has oversight on that. She explained that even when it is said that a correctional facility can approve use, or can approve a particular item, that still must come through the department overall. So, DOC would issue that authority down the line through giving that authority to that individual facility if there were some technological issues that required deviation from what DOC has approved for all the other facilities. She said she therefore thinks the language "use a computer other than those approved by the department" is sufficient, will not add additional burden on the department for management, and will not add any kind of multi-layer system that would slow down an approval process for the individual facility.

REPRESENTATIVE EASTMAN said he thinks the department having this authority is for the best. He surmised that the decisions made by the department will not be which computer with which serial number to use, but rather whether to use iPads or touchscreens, which are appropriate decisions for the department to make.

[4:43:38 PM](#)

REPRESENTATIVE EASTMAN withdrew his objection to Amendment 4, as amended. There being no further objection, Amendment 4, as amended, was adopted.

[4:44:09 PM](#)

CHAIR KREISS-TOMKINS expressed his support for the provisions under HB 118, as amended.

[4:44:39 PM](#)

REPRESENTATIVE CLAMAN moved to report HB 118, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection CSHB 118(STA) was reported out of the House State Affairs Standing Committee.

**HB 177-REVISED PROGRAM: APPROPRIATIONS**

[4:45:05 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 177, "An Act relating to an increase of an appropriation due to additional federal or other program receipts; and providing for an effective date."

[4:45:14 PM](#)

The committee took an at-ease from 4:45 p.m. to 4:47 p.m.

[4:47:02 PM](#)

CHAIR KREISS-TOMKINS invited Representative Tuck, prime sponsor, to introduce HB 177.

[4:47:32 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor, presented HB 177. He said HB 177 attempts to put limitations on the Revised Program - Legislative (RPL) process. The RPL process, he said, was originally to allow the governor to receive additional funds from other sources, mostly from the federal government, any time the legislature has previously set up a program and appropriated money for that program. However, he noted, this last year the governor took liberties to set up his own programs from funding sources that the legislature did not first establish, and this was never constitutionally challenged or challenged in the courts. There was an injunction, but the injunction was to stop the process. It went to the Alaska Superior Court and was never ruled upon, but the court looked for legislative action. So, this last year the legislature ratified what the Legislative Budget & Audit Committee had done. For injunction purposes, Representative Tuck explained, the Alaska Superior Court judge is looking for some sort of legislative action, but it could be argued that that wasn't the appropriate legislative action since at no time during that time can any individual member of the legislature amend that specific RPL, which shows that the legislature did not have full appropriations powers. So, he continued, HB 177

is a cleanup bill allowing the legislature to continue being the appropriators for the legislature. The bill would establish sidebars and limitations so that an RPL introduced by the governor to the Legislative Budget and Audit Committee could not go forward 45 days later if the committee doesn't approve or doesn't take up that RPL.

4:50:29 PM

REPRESENTATIVE TUCK presented a sectional analysis of HB 177. He explained that Section 1, page 1, lines 5-7, would amend AS 37.07.080(h) to clarify that the RPL process is only available for additional funds for existing programs or projects that have already been funded by the legislature. He said page 2, lines 3-8, would amend AS 37.07.080(h)(3) to require approval by the full legislature if the Legislative Budget & Audit Committee recommends against the RPL. This would eliminate the governor's ability to act unilaterally on his or her own 45 days later, he explained, so that only by approval from the legislature could the governor move forward.

4:51:26 PM

REPRESENTATIVE CLAMAN offered his understanding that under HB 177, the Legislative Budget & Audit Committee could approve a substantial increase in an appropriation and the appropriation would never come back to the legislature. Only if the Legislative Budget and Audit Committee rejected the governor's proposed program, would it get back to the legislature.

REPRESENTATIVE TUCK confirmed that is correct. He said that currently, if the Legislative Budget & Audit Committee doesn't take it up or doesn't approve it, the governor can act anyway 45 days later. So, really, the only purpose of the Legislative Budget and Audit Committee to take it up is to speed it up, but not to require the full legislature to take it up.

REPRESENTATIVE CLAMAN offered his understanding that the RPL process is a take-it-or-leave-it framework. Regarding HB 177, he asked whether there is room for the Legislative Budget and Audit Committee to negotiate changes with the governor or whether it is still a take-it-or-leave-it structure, or the bill doesn't say.

REPRESENTATIVE TUCK responded that the process is that if the Legislative Budget and Audit Committee fails to adopt an RPL, the governor then has two choices. The first choice is to wait

the 45 days. [The second choice is] to withdraw that RPL since an RPL cannot be amended, and then introduce a new RPL that is accommodating to the legislature's wishes.

[4:53:31 PM](#)

REPRESENTATIVE CLAMAN posed a scenario in which the governor presents an RPL to the Legislative Budget and Audit Committee and the committee says it will agree to 50 percent but not 100 percent. He asked whether the Legislative Budget and Audit Committee would need to reject that RPL and then the governor would come back or whether in those negotiations there is some way to negotiate that in the process before it gets officially rejected.

REPRESENTATIVE TUCK answered no, it is going back to the take-it-or-leave-it scenario until the governor gets it in such a form that the Legislative Budget and Audit Committee will approve it. He said there is no way to change the language or the amount during a committee hearing because the Legislative Budget and Audit Committee does not have that ability to amend. He explained that it is already a gray area on whether the governor should have this power in the first place. That power is granted to the governor through the RPL process written under AS 37.07.080(h), as well as what the legislature puts in the operating budget. The problem with the Legislative Budget and Audit Committee being able to amend that is that the committee is basically acting on behalf of the full legislature, and that is where it is granting too much power to the committee on behalf of the legislature. So, technically, an RPL cannot be stopped because 45 days later once "we grant those permissions" to the governor he can act anyway. He clarified that when he says "grant those permissions" he is not talking about by the Legislative Budget and Audit Committee but by the statutes along with whatever is put into the operating budget. Representative Tuck related that this last year \$1.6 billion came through the Legislative Budget and Audit Committee. There are programs that were never set up by the legislature, there are programs that were never in existence, programs that the governor unilaterally set up on his own. That is not the intent of the RPL process, he stressed; [the legislature] is the appropriations body.

[4:56:39 PM](#)

REPRESENTATIVE CLAMAN stated he likes HB 177 because he didn't like the process last year as he thought it was way too much power to the governor and [the legislature] had given up too

much power as the appropriating body. He posed a scenario in which the governor comes in with an RPL for \$100 million and, via negotiations before the committee ever sits, it becomes clear that committee members don't want to agree to the \$100 million. He asked whether, under the framework of HB 177, the governor would be able to withdraw that RPL and resubmit an RPL for \$50 million.

REPRESENTATIVE TUCK answered yes and advised that that is the way it is currently. As well, he said, that opportunity would still be there through this legislation.

4:58:09 PM

REPRESENTATIVE TARR remarked that a main benefit of HB 177 is that it would force "the already established program" to be used the way it is supposed to be used. She cited the [2020] business assistance program as an example of a program that was done improperly, causing delay in businesses receiving the funds. She stated that in addition to the separation of powers and cleaning up of the process as identified by the courts, the other benefit of HB 177 is that it would naturally mean that the programs would already exist, and if additional funds were to come through and if things needed to be changed, then there would be the ability to do that.

REPRESENTATIVE TUCK recounted that as introduced to the Legislative Budget and Audit Committee, the RPL for small business relief funds was for loans, not grants. After the committee said that would be a problem, he continued, the governor pulled that RPL and re-submitted an RPL as grants. However, the Alaska Industrial Development and Export Authority (AIDEA), which only does loans, had already started a request for proposal (RFP) process to get banking institutions to administer those loans. Upon being converted to grants, the RFP had to be modified and there was no response from financial institutions; it took three RPLs to finally get institutions to respond. The governor then ended up running the money for the RPL process through the Department of Commerce, Community and Economic Development (DCCED) because that is where grants are administered, and then money was transferred to AIDEA and AIDEA exercised its procurement policies to get institutions to do that. So, Representative Tuck continued, it was very messy and there are three questions: Did people receive the money who really needed to receive the money? Did people get money who should not have gotten the money? Did the program really do what it was wanted to do? He said the answer is probably no on

all three questions. He stated he understands why, during a pandemic, the vote was to overrule the [committee] chair to get those monies out rather than to allow the full legislature to do that. He said HB 177 would put up sidebars to prevent that from happening again.

[5:02:56 PM](#)

REPRESENTATIVE TUCK addressed Section 1 of the bill. He said a problem with the Legislative Budget and Audit Committee having the powers to amend is the same problem that is had on the second page, which is the committee having the power to stop an RPL. He pointed out that currently the governor can act within 45 days after submitting an RPL if the Legislative Budget and Audit Committee takes no action. He suggested a potential amendment to the bill that would: stop [the governor] for 45 days for anything not exceeding \$20 million; stop the governor for 90 days for anything between \$20 million and \$50 million; stop the governor for 180 days for anything between \$50 million and \$100 million; and stop the governor for 270 days for anything over \$100 million if the Legislative Budget and Audit Committee does not act. That would take it into the legislature coming back into session, Representative Tuck explained. The legislature has difficulty calling itself into a special session, he continued, and if the governor doesn't call the legislature into a special session to appropriate these funds, then the governor cannot act until these timeframes are up. This would give the legislature time to get its act together to call a special session if the Legislative Budget and Audit Committee did not approve an RPL.

REPRESENTATIVE TUCK, responding to Chair Kreiss-Tomkins, allowed that the legislature does not like special sessions and said a reason for having the RPL process is so special sessions can be prevented. However, he added, a balance is needed so the governor doesn't just do whatever he or she wants.

[5:05:05 PM](#)

REPRESENTATIVE EASTMAN asked whether the Legislative Budget and Audit Committee can sponsor bills.

REPRESENTATIVE TUCK replied that because the Legislative Budget and Audit Committee is a joint committee made up of both the House and Senate, the only way the committee can introduce bills is through the Rules Committee, much like the governor

introduces a bill through the Rules Committee. In this case, he stated, he decided to introduce this legislation in the House.

[5:05:48 PM](#)

REPRESENTATIVE EASTMAN allowed he is not acquainted with the procedures of the Legislative Budget and Audit Committee and that this is his first time to deal with this statute. He drew attention to the language on page 2, line 2, that states "not initiate the additional activity". He asked whether this language is still an artifact to the creation of a new activity when what is being talked about now is the creation of a new activity as well as spending a little bit more on the same type of project. He further asked whether there might be a benefit to making that more in line with the new language that is at the beginning of Section 1. Responding to Representative Tuck for clarification, he questioned whether the language "not initiate the additional activity" captures the new statute because it isn't just starting new projects that is being talked about, but also conceivably spending additional money on the same project. He suggested that the language read, "not make an expenditure concerning the additional activity". He said it is the word "initiate" that he is looking at and questioning whether that word is still appropriate given the changes to the statute being proposed.

REPRESENTATIVE TUCK replied that that is existing language. He explained that what is being said is that if the Legislative Budget and Audit Committee does not call itself into a committee hearing to take up the RPL, or if the committee denies the RPL, then the governor cannot go any further with the additional activity. Therefore, he continued, he thinks the language [is understandable], but he is open to how that can be improved. Basically, it is additional activity according to a program established by the legislature, signed by the governor, and appropriated by the legislature.

[5:08:54 PM](#)

REPRESENTATIVE TUCK added that there were three classifications of inappropriate RPLs seen by the Legislative Budget and Audit Committee this year. One was setting up the governor's own program; another was appropriating money which the governor had previously vetoed; and the third was putting into an RPL items in the capital budget that [the legislature] did not pass. He stated that if the governor vetoes something, then it isn't prescribed by law to have that program. One such vetoed program

was the community assistance program, which the governor then appropriated around the legislature.

REPRESENTATIVE EASTMAN asked what an appropriate remedy would be when a governor takes the aforementioned kind of liberty with an appropriation.

REPRESENTATIVE TUCK answered that that is something for the court to decide; he would have liked for the court case to go a little further. He said he originally thought the lawsuit would come from a municipality rather than from outside, and it was only an injunction, not a full discussion about the appropriateness of the RPL process and the way the governor is using it. A lawsuit is needed that continues all the way to the supreme court, he continued, and then the judges would decide a remedy. However, he said, he doesn't think the remedy would be anything more than "don't do it again" because the money has been appropriated. [There need to be] checks and balances to ensure that that activity doesn't happen anymore, he added.

CHAIR KREISS-TOMKINS stated that he, too, wishes the lawsuit by Mr. Forrer and Mr. Geldhof had reached a conclusion of the Alaska Supreme Court just to have the clarity regarding appropriation powers and executor discretion.

[5:11:55 PM](#)

CHAIR KREISS-TOMKINS announced that HB 177 was held over.

[5:12:39 PM](#)

CHAIR KREISS-TOMKINS offered closing comments.

[5:13:55 PM](#)

The committee took an at-ease from 5:13 p.m. to 5:17 p.m.

[5:17:03 PM](#)

CHAIR KREISS-TOMKINS amended his closing comments.

[5:17:41 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:18 p.m.