

HOUSE FINANCE COMMITTEE
March 25, 2024
1:34 p.m.

1:34:20 PM

CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 1:34 p.m.

MEMBERS PRESENT

Representative Bryce Edgmon, Co-Chair
Representative Neal Foster, Co-Chair
Representative DeLena Johnson, Co-Chair
Representative Julie Coulombe
Representative Mike Cronk
Representative Alyse Galvin
Representative Sara Hannan
Representative Andy Josephson
Representative Dan Ortiz
Representative Will Stapp
Representative Frank Tomaszewski

MEMBERS ABSENT

None

ALSO PRESENT

Representative Julie Coloumbe, Sponsor; Brenda Stanfill, Executive Director, Alaska Network on Domestic Violence and Sexual Assault; Alexei Painter, Director, Legislative Finance Division; Pam Halloran, Administrative Services Director, Department of Public Safety; Dave Stancliff, Staff, Representative Mike Cronk; Joe Felkl, Legislative Liaison, Department of Fish and Game.

PRESENT VIA TELECONFERENCE

Teri West, Admin Services Director, Department of Corrections.

SUMMARY

HB 116 RESTORATIVE JUSTICE ACCT APPROPRIATIONS

HB 116 was HEARD and HELD in committee for further consideration.

HB 169 FISHERIES REHABILITATION PERMIT/PROJECT

HB 169 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the meeting agenda.

#hb116

HOUSE BILL NO. 116

"An Act relating to appropriations from the restorative justice account."

[1:35:40 PM](#)

Co-Chair Foster asked for a brief explanation of the bill.

REPRESENTATIVE JULIE COLOUMBE, SPONSOR, thanked the committee for hearing the bill again. She provided remarks on why the bill was important. She stressed that policymakers should direct the funding in the Restorative Justice Account to go towards helping victims, the original purpose.

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Co-Chair Foster OPENED public testimony.

BRENDA STANFILL, EXECUTIVE DIRECTOR, ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, represented the 24 member programs that were part of the network. She thanked the committee for the opportunity to testify. She spoke in support of the bill

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Representative Josephson suspected there was a lot of strong support for the bill. He asked if the bill did not get through to the finish line, he surmised that the \$3.7 million in the budget was not adequate.

Ms. Stanfill responded that the current proposal in the budget provided flat funding, but did not cover the need.

Representative Josephson surmised that the need was closer to \$6.7 million.

Ms. Stanfill agreed.

Co-Chair Foster CLOSED public testimony.

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Co-Chair Foster provided the contact information for written public testimony.

Representative Josephson wanted to hear from the Department of Corrections (DOC) and Department of Public Safety (DPS) on whether the bill would create a hole in their budgets.

TERI WEST, ADMIN SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS (via teleconference), answered that the FY 25 funds were related to the physical healthcare component; therefore, the department would request general funds to operate.

Co-Chair Johnson asked what the funds were used for by DOC.

Ms. West replied that the funds were used for operating funds. The FY 25 funds were going to physical healthcare, the medical care for offenders.

Co-Chair Johnson asked if the department did not use any of the funds for rehabilitation in DOC.

Ms. West replied that the funds were not allocated to other programs in FY 25. In other years the funds had been used for other programs or other costs related to incarceration or probation.

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Representative Stapp asked how much money the current inmate health services cost per year.

Ms. West responded that she did not have a final number on hand; it varied from year to year.

Representative Stapp asked if it was more or less than \$7.8 million.

Ms. West replied it was significantly more.

Representative Stapp asked for verification that if the bill passed the department would no longer receive \$7.8 million in the restorative justice funds. The state was required to pay for inmate medical services.

Ms. West replied that the department was required to pay for the services by statute.

Representative Stapp asked if the cost would go up or down.

Ms. West responded that the costs were projected to increase, and the services would be significantly short if the department did not receive the funding. The department would request a fund source change.

Representative Stapp asked if the bill passed, the legislature would have to backfill at least \$7.8 million in inmate health services.

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Co-Chair Foster asked Mr. Painter to come to the table.

ALEXEI PAINTER, DIRECTOR, LEGISLATIVE FINANCE DIVISION, was available for questions.

Co-Chair Foster asked Ms. West to review the DOC fiscal note.

Ms. West reviewed fiscal note OMB component number 2952. The note asked for a fund source change for \$7.8 million from restorative justice funds to general funds.

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PAM HALLORAN, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, reviewed the fiscal note OMB component number 521.

Mr. Painter pointed out neither of the fiscal notes had change in fund source. The bill provided ranges that were up to the legislature to determine. The bill did not tell

whether it should result in decreased funding to DOC or DPS.

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Representative Galvin asked what the guidelines and parameters were for the restorative justice fund. She referred to DOC's testimony that the FY 25 funds would be spend on inmate healthcare.

Mr. Painter referred to page 2, line 12 of the legislation pertaining to DOC. He pointed to the cost related to incarceration and probation, both fit the statutory guidance.

Representative Galvin stated her understanding based on the sponsor statement was leading towards truing up the name of the fund with how the funds were used.

Mr. Painter confirmed that the DOC operations fell under the topic outlined in the fund.

Representative Galvin thanked the bill sponsor and surmised that most people would probably think the funds would be spend differently based on the name of the fund.

Co-Chair Edgmon shared that he had been in the legislature in 2018 when the restorative justice funds had been implemented.

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Representative Josephson wondered whether an amendment could be adopted to restore general fund dollars to DOC to care for the health of inmates, or a fiscal note could be added to the bill.

Mr. Painter answered that following the guidelines outlined in the bill with the addition of funding in the budget could have that result. He acknowledged that the funding could also be changed within the fiscal note.

Representative Josephson asked if part of the reason was because of the lack of replacement funding.

Mr. Painter replied that it was based on policy.

Representative Josephson stressed that the bill had no money for the Council on Domestic Violence and Sexual Assault (CDVSA).

Mr. Painter answered there was funding of \$3.7 million for CDVSA in the committee substitute, but was not within the governor's original budget.

Representative Josephson asked if in combination of the bill removed \$47 million from DOC.

Mr. Painter clarified that the bill did not change the department's funding level.

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Co-Chair Johnson was hearing that by default the funding for DOC would stay the same because the bill did not reduce their budget.

Mr. Painter responded that the fiscal note did not currently make any changes to appropriations, weather the fiscal note for the budget bill would have to make the change. He stressed that the options were up to the committee.

Co-Chair Johnson was present when the statute had been changed. She thought she heard they would be facing another request for additional money.

Mr. Painter agreed that the bill reflected a policy shift to direct funds more towards victims services rather than inmate costs.

Co-Chair Foster asked Representative Coulombe to provide any thoughts.

Representative Coulombe relayed that the bill had been introduced the previous session resulting from her budget work on DPS. stated the issue was whether they were going to make domestic violence and sexual assault agencies come before the legislature to beg for funds. She understood DOC's plight with expenses but she was hearing from child advocacy centers and shelters that they could not pay their heating bill and were turning people away. Shelters were not going away and they would be back every year to ask for funds. She pointed out that the restorative justice account

ebbed and flowed. The previous year it was \$19 million. She stated that CDVSA understood there would not be \$7 million available every year. She thought the funds should be go towards victims services.

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Representative Stapp supported moving forward with the bill. He stated that the legislature put CDVSA money into the operating budget in the current year. He asked if the operating budget should include contingency language

Mr. Painter responded that conference committee could adopt fiscal notes that added additional funds on top of the existing amount or reduce the amount or do a fund source change.

Representative Coulombe stated that the money was a one-time appropriation in the operating budget.

Representative Ortiz concurred with the intent of the bill. He thought it was a misnomer to think that going with the bill the state would see DOC asking for funding. He stated it was a matter of statutory responsibility.

Representative Coulombe stated that DOC designated to health services in the current year but it was not always the case.

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Representative Josephson did not know DOC would fill the gap because they had asked for supplemental funding.

Representative Coulombe asked for clarification on the question.

Representative Josephson responded that it related to Representative Ortiz's comments, and said that he did not want DOC to feel they had to specify, because the state would pay for it all. He thought that the bill would do what the public believed a restorative justice fund should do. He did not believe the bill moved the needle on the state budget.

Representative Coulombe recalled that the funds had gone towards population management the previous year. She did

not necessarily oppose a fiscal note to fill in the hole, but she did not want that to be the message to the department. She did not want to decrement healthcare.

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Co-Chair Johnson struggled with the issue. She did not think there was anything wrong with using the funding for prisoners. She thought if they felt like they wanted to fund restorative justice they should fund it. She wanted to know how much things cost.

Representative Coulombe replied that one of the reasons she moved forward with the legislation was because by statute they were required to have a prevention program, but they did not have one due to inadequate funding.

Representative Tomaszewski thanked Representative Coulombe for bringing the bill forward. He cosponsored the bill because he believed victims should be funded first. He thought the legislature should be scrutinizing the funding for criminals much more thoroughly.

Co-Chair Foster set an amendment deadline for Monday, April 1, 2024 at 5:00 p.m.

HB 116 was HEARD and HELD in committee for further consideration.

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AT EASE

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RECONVENED

#hb169

HOUSE BILL NO. 169

"An Act relating to certain fish; and establishing a fisheries rehabilitation permit."

[2:37:38 PM](#)

REPRESENTATIVE MIKE CRONK, SPONSOR, reviewed the bill. He read from prepared remarks.

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DAVE STANCLIFF, STAFF, REPRESENTATIVE MIKE CRONK, noted that the option under the bill would be optional. He reviewed the sectional analysis (copy on file):

Sec. 1 - AS 16.0S.8S5

Creates a new section in AS 16.05 to create a fisheries enhancement permit. AS 16.05.855 consists of the following subsections:

(a) Creates a new subsection for the activities that are allowed under the new fisheries enhancement permit:

(I) Remove fish from water, collect gametes and milt, fertilize and incubate eggs, and place fertilized eggs or un-fed fry back in the same water

(2) Enhance habitat in state water for survival of the fish

(b) Creates a new subsection that prescribes an application form created by the department that states what type of information must be on the application to obtain a fisheries enhancement permit. This information includes:

(I) The applicant's name

(2) Reasoning and feasibility of the proposed project

(3) Documentation of conditions justifying project, any collaboration with local stakeholders, and any other permits required for the project

(4) Locations of water in which applicant will take fish and place fertilized eggs or unfed fry

(5) Species and number of fish taken from water

(6) Applicant's management plan for propagation or repopulation in permitted water

(7) Applicant's goals, schedule, scope of work, budget, means of data collection, plan for genetics management, plans for project evaluation, and watershed enhancement plan, if applicable

(8) Application fee of \$100

(c) Creates a subsection allowing the Alaska Department of Fish & Game (ADF&G) Commissioner to issue a permit after determining if a project:

(1) May restore a fish population in a body of water where subsistence and escapement goals have not been met, where there are no established escapement goals and local stakeholders have identified a decline in fish populations, or the species of fish is limited

(2) Will result in public benefits

(3) Will not harm indigenous wild fish stocks

(4) Will not place fertilized eggs or un-fed fry into a body of water if there are enough fish for natural propagation of the species to occur

(5) Will not introduce live fertilized eggs, larvae, or fry of nonindigenous fish in violations of AS 16.35.210

(d) Creates a subsection regarding factors that the commissioner of DF&O shall consider when determining if a permit will be issued, including:

a. The department's assessment of the project

b. The capabilities of the applicant

c. The degree of communication that exists between the applicant and individuals affected by the project

d. Comments relating to the project, including those by a regional planning team established under AS 16.10.375.

e. If the project is consistent with the comprehensive salmon plan and constitutional and statutory requirements imposed on the department for the area

f. If the project will increase scientific knowledge and understanding of the natural resources affected by the project

(t) Creates a new subsection requiring a permittee to collect and provide project data and reports requested by the department and to reasonably communicate with individuals affected by the project.

(t) Creates a subsection which sets the timeline for when DF&G must act on a permit application. Within 15 days, the department must notify an applicant whether or not their application is complete and can reject an incomplete application if it is not complete within 30 days of the notification. After the notification, DF&G must approve or reject the application within 90 days, otherwise the application is automatically approved.

(g) Creates a new subsection to enact requirements of a permittee to:

a. Collect no more than 500,000 eggs for fertilization.

b. Implement controls to avoid the introduction of nonindigenous pathogens or to increase indigenous pathogens beyond acceptable levels.

(h) Creates a new subsection to ensure that any fish released in State water with an enhancement project permit under this section will be available for common use in the same way as wild fish are.

(i) Creates a new subsection to specify the duration of a permit and how to extend a permit

(j) Creates definitions for the following terms under AS 16.05.855:

a. "person" is defined as an individual, any business, governmental agency, or another legal or commercial entity

b. "qualified person" is defined as a state resident or a corporation organized under Alaska's laws

c. "reasonably communicate" is defined as communicating significant information regarding the project by a mode of communication that is likely to notify persons that a reasonable person would know are affected by the project

Sec. 2 - AS 16.05.871

Amends this section by adding a new subsection (e) Subsection (e) states that fisheries enhancement projects under AS 16.05.855 shall be considered by the commissioner as outlined in AS 16.05.871 (d) because precautions in subsection (d) will not damage a fish enhancement project

Sec. 3 - AS I 6.10.375

Amends this section to allow enhancement projects created through this act to be included in regional comprehensive salmon plans

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Representative Hannon asked what was different than what was in current law.

Representative Cronk replied that it was an effort to get young people involved as stakeholders on a smaller scale, resulting in a more fiscally acceptable way.

Representative Hannan stated her understanding that current statute allowed it.

Mr. Stancliff deferred the question to the Department of Fish and Game (DFG) . He stated that when people were involved who did not have experience or training.

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Representative Cronk stated that the bill was using the fish from a specific river and put back in the same river. He asked to hear from the department.

JOE FELKL, LEGISLATIVE LIAISON, DEPARTMENT OF FISH AND GAME, clarified that the legislation created a fisheries rehabilitation program.

Representative Hannan asked the reason for the legislation.

Mr. Felkl answered science and education.

Representative Hannan provided a scenario related to a tribe and wondered whether there was no change.

Mr. Felkl responded affirmatively.

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Co-Chair Johnson thanked the sponsor for bringing the bill forward. She had grown up in Alaska at a time when there had been an abundance of fish. She thought the bill was simple and pragmatic. She stated that fish returns had not gotten better.

Representative Coulombe noticed that the bill was changed in the House Fisheries Committee. She noted that some of the sectional did not match up with the bill.

Mr. Stancliff responded that it was no longer a de facto situation.

Representative Coulombe wondered whether the application approval was still in the bill.

Mr. Stancliff replied that it was no longer in the bill.

Representative Hannan referenced an anadromous fish streams book, she asked if it would only be available to streams that had previously had fish.

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Mr. Felkl would have to follow up on the question.

Representative Josephson looked at AS 16.10.400 hatchery law, and noted that the department had to rule that there was no threat to current stocks.

Mr. Felkl answered that it was in the bill and pertained to an amendment at the request of the department.

Representative Josephson asked for the page number.

Mr. Felkl answered page 3, line 1.

Representative Josephson asked whether rehabilitation could be separated from wild fish stocks.

Mr. Felkl answered that the department had incorporated that into the current permitting.

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Representative Cronk read from a section of the bill what stated that the bill would only be used to rehab currently low escapements. He viewed the bill as a tool needed in Alaska.

HB 169 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the schedule for the following meeting.

#

ADJOURNMENT

[3:01:08 PM](#)

The meeting was adjourned at 3:01 p.m.