

HB

52

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 52
 (H) Publish Date: 3/29/01

Revision Date/Time(Note if Correction): 03/26/01/15:00 Dept. Affected: Correction
 Title: An Act relating to the Interstate Compact for Adult BRU: Administration & Operations
Offender Supervision and the State council for Interstate Adult... Component: Community Corrections
 Sponsor: Rules Committee
 Requester: Governor Component Number: 1382

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	6.8	3.4	3.4	3.4	3.4	3.4
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	18.0	18.0	18.0	18.0	18.0	18.0
TOTAL OPERATING						

CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	24.8	21.4	21.4	21.4	21.4	21.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	24.8	21.4	21.4	21.4	21.4	21.4

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Due to a misunderstanding, the previous fiscal note for this bill reflected costs for the Interstate Commissioner's travel to Washington D.C. for meetings. Actually, those costs are included in the \$18,000 fees. Therefore, the fiscal note is reduced by \$6,900 the first year and \$2,300 in subsequent years.

Prepared by: Candace Brower Phone 465-4852
 Division: Commissioner's Office Date/Time 03/26/01/5:30 pm
 Approved by: Margaret Pugin Date 3/26/01
 Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 52
(H) Publish Date: 01/10/01

Revision Date/Time (Note if correction): 1/5/01 Dept. Affected: Corrections
Title: Interstate Compact for Adult Supervision BRU: Administration & Operations
Sponsor: Rules Committee Component: All
Requester: Governor Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel	13.7	5.7	5.7	5.7	5.7	5.7
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	18.0	18.0	18.0	18.0	18.0	18.0
TOTAL OPERATING	31.7	23.7	23.7	23.7	23.7	23.7

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	31.7	23.7	23.7	23.7	23.7	23.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	31.7	23.7	23.7	23.7	23.7	23.7

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

All States joining the Interstate Compact for Adult Offender Supervision will be assessed a fee depending on the size of the offender population, etc. The State of Alaska has been tentatively assessed at \$18,000/year. These fees will pay for the administrative costs of the Compact.

It is anticipated that the first, of the new Compact, there will be at least three meetings of the Interstate Commission in order to develop the by-laws and rules by which the Compact will operate. All joining States will have their Interstate Compact Commissioner or designee attend in order to provide input. This fiscal note provides for three trips to Washington D.C., where the main office of the Compact will be. The travel expense reflects 3 roundtrip airfares at \$1500 each, 5 days per diem for each trip at \$42/day and 4 nights in a hotel in Washington D.C. per trip at \$150/night. Additionally, I have included two meetings of the State Council the 1st year for 4 people. The cost includes airfare at \$500 per member as well as \$115/day per diem for 3 days each. The subsequent years reflect one meeting for each body.

Prepared by: Candace Brower Phone 465-4652
Division: Commissioner's Office Date/Time 1/5/01 3:45 p.m.
Approved by: Margaret M. Pugh, Commissioner Date 1/5/01
Agency: Department of Corrections

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

We have not requested a position in this fiscal note. There is someone in an equivalent position already, in place in the Department. At some time in the future, it may become necessary to request an additional position should the demands of the workload become too great.

TONY KNOWLES
GOVERNOR
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OFFICE OF THE GOVERNOR
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HB52
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January 10, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

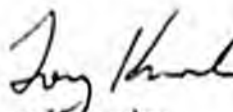
With this bill I transmit today, Alaska has the opportunity to increase supervision of criminal offenders who travel across state lines, thereby contributing to the growing national interest in protecting victims' rights. This bill allows Alaska to participate in the Interstate Compact for Adult Offender Supervision, joining other states in replacing the now-outdated Interstate Compact on Probation and Parole.

The current compact was enacted in 1937 and can no longer adequately deal with the more than four million offenders on probation and parole, 250,000 of which will cross state lines this year. The proposed new compact provides for an interstate commission to coordinate the transfer and supervision of probationers and parolees between states, as well as enforcement mechanisms for states who fail to abide by the rules of the compact.

A state council would also be created to exercise oversight and advocacy concerning the state's participation in the Interstate Commission as well as to make recommendations to the legislature to facilitate the operations and procedures of the compact within the state.

I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

HB 52

TONY KNOWLES
GOVERNOR
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OFFICE OF THE GOVERNOR
JUNEAU

HB 52
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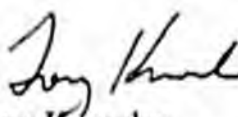
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I urge your prompt and favorable consideration of this bill.

Sincerely,


Tony Knowles
Governor

HB 52

Sectional Analysis of HB 52 and SB 25
(An Act Relating to the Interstate Compact for Adult Offender Supervision)

Section 1. Legislative findings that: (1) existing Interstate Compact (ICSPP) is the oldest corrections compact among the states and has not been amended since its adoption 62 years ago; (2) the ICSPP currently has jurisdiction over more than a quarter million offenders and is inadequate to address problems associated with interstate movement of probationers and parolees; and (3) acknowledges national recommendations to change the ICSPP to effectively manage interstate movement of probationers/parolees to better address public safety and offender accountability.

Section 2. Repeals and reenacts AS 33.36.110 (current Interstate Compact) as the Interstate Compact For Adult Offender Supervision. [This Compact was drafted by a group sponsored by the National Institute of Corrections.]

- Article I (pages 2-3) – discusses Purpose and Policy of Compact to promote public safety and protect victims' rights through better management, control, and tracking of movement of interstate offenders, and to equitably distribute the costs, benefits and obligations of the Compact among the participating states.

Discusses creation of Interstate Commission that will establish uniform procedures to manage and track interstate movement of offenders, improve information systems that will assist in goals of public safety and victim notice, report on activities of Compact to all branches of government, and coordinate training of officials monitoring offenders.

- Article II (pages 3-5) – definitions of terms used in the Compact.
- Article III (pages 5-6) - creates the **Interstate Commission** for Adult Offender Supervision, which consists of representatives from each member state (commissioners) appointed by a **State Council** from each state. Discusses membership of the State Council, which is created in Alaska through AS 33.36.140 in section 3 of this bill (page 20). Directs that the State Council shall appoint as its commissioner to the Interstate Council, the current administrator from the state (see AS 33.36.130 in section 3 of this bill (page 2

Provides that, in addition to the commissioners from each state, who shall be the voting members, the Interstate Commission shall include ex-officio non-voting members, including representatives from governor's organizations, legislators, state chief justices, attorneys general, and crime victims.

Each compacting state has one vote on the Interstate Commission, which shall meet at least once each year. The Interstate Commission shall establish an executive committee to act on its behalf when not in session, except for rule-making and amending the Compact.

- Article IV (pages 6-8) – provides the Powers and Duties of the Interstate Commission, the most important of which include: rule-making authority which shall be binding on the compacting states; oversee, supervise and coordinate the interstate movement of offenders; enforce compliance with compact provisions; appoint committees and hire staff; provide for dispute resolution among the compacting states; report annually to the legislatures, governors, judiciary and state councils of the compacting states concerning the preceding year's activities of the Interstate Commission; coordinate education, training and public awareness regarding interstate movement of offenders; and establish uniform standards for reporting, collecting and changing data.
- Article V (pages 8-10) - Organization and Operation of the Interstate Commission. The Interstate Commission shall, within 12 months of its first meeting, adopt by-laws to govern its conduct and carry out the purposes of the Compact; lists several areas that must be addressed in by-laws.
- Article VI (pages 10-12) – Activities of the Interstate Commission. Highlights include: each member state shall have one vote; authorizes Interstate Commission to adopt by-law to provide for telephonic or telecommunication or electronic participation in meetings; all meetings shall be open to the public with public notice given, with limited exceptions.
- Article VII (pages 12-14) – Rulemaking Functions of the Interstate Commission. Mandates the Interstate Commission to adopt rules to effectively achieve the purposes of the Compact, including transition rules during the period in which the Compact is being considered and enacted by the states. Rulemaking shall substantially comply with the federal Administrative Procedure Act. A majority of the compacting states can reject a rule through legislative action. Proposed rules must be published, a hearing provided and the opportunity for public comment before they may be enacted.

This section also provides what subjects must be addressed through rulemaking within 12 months of the first meeting of the Interstate Commission, including: notice to victims; offender registration; transfer procedures; restitution; level of supervision; transition rules between effective date of the Compact and date on which the last eligible state adopts the Compact; and mediation and dispute resolution between the member states.

Provides that the existing rules for the current Interstate Compact will remain in effect only until 12 months after the first meeting of the Interstate Commission.

- Article VIII (pages 14-15) – Oversight, Enforcement and Dispute Resolution by the Interstate Commission. Requires the Interstate Commission to oversee interstate movement of offenders in compacting states and monitor these activities in non-compacting states that may significantly affect compacting states. Directs the courts and executive agencies in member states to enforce the Compact; and provides that

the Interstate Commission is entitled to receive service of process, and has the right to intervene, in all judicial or administrative proceedings that pertain to the Compact and that may affect the powers, responsibilities or actions of the Interstate Commission (implemented by two court rule changes in section 6 of this bill (pages 21-22)).

Provides procedures for the Interstate Commission to resolve disputes between states, and to enforce the provisions of the Compact using any of the enforcement mechanisms set out in Article XI (pages 16-19).

- Article IX (pages 15-16) – Finance. Obligates the Interstate Commission to pay for the costs it incurs, to levy and collect annual dues from each compacting state to cover operational costs based upon a formula focusing on population of the state and the volume of interstate offender movement [Alaska is projected to be in the group of states with the lowest annual assessment]. Provides that the Interstate Commission must follow usual responsible rules of finance and accounting, and requires an annual audit by a certified or licensed public accountant to be included in annual report.
- Article X (page 16) – Compacting States' Effective Date and Amendment. Provides that the Compact shall become effective after 35 states have enacted it. No amendment to the Compact shall become effective unless it is enacted into law by unanimous consent of the compacting states.
- Article XI (pages 16-19) – Withdrawal, Default, Termination and Judicial Enforcement. A compacting state may withdraw from the Compact by enacting a statute repealing the statute that enacted the Compact. Provides authority for the Interstate Commission to impose penalties on a member state that defaults in any of its obligations under the Compact, the by-laws or duly adopted rules, including fines, suspension and termination of membership in the Compact, and judicial enforcement of compliance with Compact requirements.
- Article XII (page 19) – Severability and Construction. Standard language re enforceability of remaining provisions if any particular provision is found to be unenforceable.
- Article XIII (pages 19-20) – Binding effect of Compact and other laws. Clarifies relationship between the Compact and any conflicting laws.

Section 3. AS 33.36 is amended to add sections to implement provisions of the Compact in Alaska.

- AS 33.36.130 provides that the governor shall appoint the compact administrator in Alaska, and describes the responsibilities of the compact administrator to manage the state's supervision and transfer of offenders, and to report to the State Council under AS 33.36.140.

- AS 33.36.140 creates the State Council to implement the provisions of the Compact. The State Council is composed of seven members including five voting members: the commissioner of corrections, the compact administrator, an attorney employed in the Department of law appointed by the governor, two members appointed by the governor from citizens of the state, at least one of whom must be a representative from victim's groups; and one ex officio nonvoting member from the legislative branch selected by the legislature and one ex officio nonvoting member from the judicial branch selected by the judiciary. (Note: The makeup of the State Council is consistent with the requirements of Article III (b) of the Compact on page 5 of the bill.)

The commissioner of corrections or the commissioner's designee serves as the chair of the State Council. The citizen members of the State Council serve for three year terms, and these members and the Department of law representative serve at the pleasure of the governor.

This section sets out the duties of the State Council, including: designating the compact administrator as the state's commissioner to the Interstate Council, exercising oversight and advocacy concerning the state's participation in the Interstate Commission, and making recommendations to the legislature to facilitate the implementation of the Compact and its rules and bylaws.

- Section 4. Amends AS 39.25.120(c) to place the compact administrator in the partially exempt service.
- Section 5. Repeals AS 33.36.120, the definition section of the current Interstate Compact.
- Section 6. Amends Civil Rule of Procedure 4 to require service of process on the Interstate Commission as required by Article VIII(a)(2) of the Compact (page 14), and makes clear that this section of the Compact takes effect only if it receives a two-thirds majority of each house.
- Section 7. Amends Civil Rule of Procedure 24 to give the Interstate Commission standing to intervene in a judicial proceeding as required by Article VIII(a)(2) of the Compact (page 14), and makes clear that this section of the Compact takes effect only if it receives a two-thirds majority of each house.
- Section 8. Instructs the revisor of statutes to change the name of the Compact to the Interstate Compact for Adult Offender Supervision..
- Section 9. Effective date. Provides that this Act takes effect only if at least 34 other states ratify the Compact, and the effective date will be the day the commissioner of corrections notifies the revisor of statutes that at least 34 other states have ratified the Compact, or July 1, 2001, whichever is later.