

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 11, 2006

8:07 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 250

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault."

- MOVED HCS SB 250(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 12(STA)

"An Act relating to financial relationships with persons conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons."

- MOVED HCS CSSB 12(STA) OUT OF COMMITTEE

SENATE BILL NO. 310

"An Act relating to the employment of prisoners; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 438

"An Act relating to initiative, referendum, and recall petitions; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 250

SHORT TITLE: DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

SPONSOR(s): RULES BY REQUEST OF LEG BUDGET & AUDIT

01/26/06 (S) READ THE FIRST TIME - REFERRALS
01/26/06 (S) HES, FIN
02/17/06 (S) HES AT 1:30 PM BUTROVICH 205
02/17/06 (S) Heard & Held
02/17/06 (S) MINUTE(HES)
02/22/06 (S) HES AT 1:30 PM BUTROVICH 205
02/22/06 (S) Heard & Held
02/22/06 (S) MINUTE(HES)
03/01/06 (S) HES WAIVED PUBLIC HEARING NOTICE, RULE
23
03/03/06 (S) HES AT 2:00 PM BUTROVICH 205
03/03/06 (S) Moved SB 250 Out of Committee
03/03/06 (S) MINUTE(HES)
03/06/06 (S) HES RPT 1DP 2NR 2AM
03/06/06 (S) DP: DYSON
03/06/06 (S) NR: WILKEN, GREEN
03/06/06 (S) AM: ELTON, OLSON
03/14/06 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/14/06 (S) Moved SB 250 Out of Committee
03/14/06 (S) MINUTE(FIN)
03/15/06 (S) FIN RPT 3DP 3NR
03/15/06 (S) DP: WILKEN, GREEN, BUNDE
03/15/06 (S) NR: HOFFMAN, OLSON, STEDMAN
03/27/06 (S) TRANSMITTED TO (H)
03/27/06 (S) VERSION: SB 250
03/28/06 (H) READ THE FIRST TIME - REFERRALS
03/28/06 (H) STA, FIN
04/06/06 (H) STA AT 8:00 AM CAPITOL 106
04/06/06 (H) Heard & Held
04/06/06 (H) MINUTE(STA)
04/11/06 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 12

SHORT TITLE: LIMIT RELATIONS WITH CERTAIN NATIONS

SPONSOR(s): SENATOR(s) DYSON

01/11/05 (S) PREFILE RELEASED 12/30/04
01/11/05 (S) READ THE FIRST TIME - REFERRALS
01/11/05 (S) STA, JUD
02/08/05 (S) STA AT 3:30 PM BELTZ 211

02/08/05	(S)	Heard & Held
02/08/05	(S)	MINUTE(STA)
04/14/05	(S)	STA AT 3:30 PM BELTZ 211
04/14/05	(S)	Moved CSSB 12(STA) Out of Committee
04/14/05	(S)	MINUTE(STA)
04/15/05	(S)	STA RPT CS FORTHCOMING 4DP
04/15/05	(S)	DP: THERRIAULT, HUGGINS, DAVIS, ELTON
04/18/05	(S)	STA CS RECEIVED
		NEW TITLE
04/26/05	(S)	JUD RPT CS(STA) 4DP 1NR
04/26/05	(S)	DP: SEEKINS, FRENCH, THERRIAULT, HUGGINS
04/26/05	(S)	NR: GUESS
04/26/05	(S)	JUD AT 8:30 AM BUTROVICH 205
04/26/05	(S)	Moved CSSB 12(STA) Out of Committee
04/26/05	(S)	MINUTE(JUD)
05/02/05	(S)	TRANSMITTED TO (H)
05/02/05	(S)	VERSION: CSSB 12(STA)
05/03/05	(H)	READ THE FIRST TIME - REFERRALS
05/03/05	(H)	STA, JUD
02/16/06	(H)	STA AT 8:00 AM CAPITOL 106
02/16/06	(H)	Heard & Held
02/16/06	(H)	MINUTE(STA)
02/21/06	(H)	STA AT 8:00 AM CAPITOL 106
02/21/06	(H)	Heard & Held
02/21/06	(H)	MINUTE(STA)
04/11/06	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

BARBARA MASON, Executive Director
 Council on Domestic Violence and Sexual Assault
 Department of Public Safety
 Juneau, Alaska

POSITION STATEMENT: Provided information regarding the council during the hearing on SB 250.

BILL HOGAN, Deputy Commissioner,
 Department of Health and Social Services (DHSS)
 Juneau, Alaska

POSITION STATEMENT: Deferred comment to Commission William Tandeske during the hearing on SB 250.

WILLIAM TANDESKE, Commissioner
 Department of Public Safety
 Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 250.

PAT DAVIDSON, Legislative Auditor
Legislative Audit Division
Legislative Agencies and Offices
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 250.

PEGGY BROWN, Executive Director
Alaska Network on Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on SB 250.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:07:43 AM](#). Representatives Gatto, Elkins, Lynn, Ramras, Gardner, and Seaton were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

SB 250-DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

[8:08:33 AM](#)

CHAIR SEATON announced that the first order of business was SENATE BILL NO. 250, "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault."

[8:08:43 AM](#)

BARBARA MASON, Executive Director, Council on Domestic Violence and Sexual Assault, Department of Public Safety, stated that she welcomes the opportunity to inform the committee about the council, because she has discovered that there is a lot of misinformation about it. She said the committee packets now include the council's last year's minutes and agendas, as well as an account of five year's missions and measures. Also included in the committee packet, she noted, is a response to "recommendation one of the sunset audit."

[8:09:40 AM](#)

MS. MASON stated:

The mission of the Council on Domestic Violence and Sexual Assault is to implement a statewide system of services for the protection of individuals and families affected by domestic violence and sexual assault.

MS. MASON noted that she had distributed a fact sheet [included in the committee packet], which describes the council and provides contact information. She relayed that the council has two main functions: to coordinate with the departments [represented in council seats], as well as with other state and community groups dealing with domestic violence and sexual assault; and to serve as a funding source, which differs from most of the other advisory-only councils listed on the governor's boards and commissions. She said the council is comprised of seven members, with four members from the Departments of Public Safety, Law, Education and Early Development, and Health & Social Services, and three members appointed by the governor. She directed attention to an organizational chart that shows who sits in those seats, as well as the makeup of the council's staff [included in the committee packet].

MS. MASON stated that it is the job of her staff and herself to move forward the work of the council. One task is to manage funds received by the State of Alaska and the federal government. In response to a request from Representative Gruenberg prior to today's meeting, she said she has included "a breakout of our budget between what is dispersed to the programs and what is used by CDVSA for administrative costs," which Ms. Mason noted can be found in the handout entitled, "CDVSA Fiscal Year 2006 Budget." She said the budget shows that less than 10 percent of the funds are used for administrative costs. Program funds, she said, are dispersed through a request for proposals (RFP) process on a two-year cycle; the last cycle in which funds were dispersed occurred in June (2005). If the council receives extra funds, it will conduct another RFP process in June (2006). Ms. Mason said the council oversees and audits the programs that have been funded, thus acting as a monitoring agency.

MS. MASON revealed that she and her staff also administer the state certified batterer intervention programs. She offered further details. She said she uses a proprietary database to capture information from funded CDVSA programs in order to comply with data requirements from the funding sources. She

said the council meets on a quarterly basis; however, in 2005 there was a fifth meeting to review proposals and award grants for the valid discretionary funds. She added, "This actually usually happens, so, we usually have five meetings in a year." She noted the length of a meeting may last more than one day, depending on the purpose of the meeting. At each quarterly meeting, she said, the council reviews the reports sent in by the programs and notes concerns raised relevant to the departments it represents in order to address the issues. She offered an example. She said the minutes show that the meetings are well attended and are important to the community and all the departments.

[8:12:53 AM](#)

MS. MASON said people often ask her what the difference is between the council and the network. She explained that the council is a government entity that manages state and federal funds, while the network is a private, nonprofit entity that represents the programs that receive the funds. A common goal between the two is to provide for the safety and intervention of for those affected by domestic violence and sexual assault. Ms. Mason concluded:

I believe the council, as did the legislative auditor, provides a much-needed public need and operates in a public interest. The council supports SB 250 as it stands.

[8:13:46 AM](#)

REPRESENTATIVE GATTO asked Ms. Mason for a summary of what the problem is and what's being done about it.

[8:15:17 AM](#)

MS. MASON responded that domestic violence and sexual assault affects the community and is an issue addressed by all of the aforementioned departments represented on the council. She offered examples. She said the focus on the problem begins with addressing the issues. Safety is the first issue that is dealt with, for example. Shelters are built to get people out of a crisis situation. The next step is maintenance - helping those people plan what steps to take in the future to stay safe.

[8:17:22 AM](#)

CHAIR SEATON, in response to Representative Gatto, directed attention to the aforementioned budget handout.

8:18:08 AM

CHAIR SEATON prefaced his questions by telling Ms. Mason that the committee identifies [the issue of domestic violence and sexual assault] as an "extremely important problem." He explained that the reason he had requested that Ms. Mason bring forth the large quantity of information that is in the committee packet is because the sunset extension proposed by the bill is a long one, and he wants to ensure there is a plan being developed by the council that will "get the topic addressed most accurately."

8:20:08 AM

CHAIR SEATON noted that the audit identified that one of the major problems has been a turnover in the areas of executive director and program associates in the last four years. He indicated that he doesn't want Ms. Mason to feel she is being attacked. He said, "When you have a turnover like that it's extremely difficult to have a program fully developed and functioning."

8:20:45 AM

MS. MASON directed attention to a single sheet, entitled, "Council on Domestic Violence and Sexual Assault 2005 Sunset Audit Response" [included in the committee packet]. She paraphrased from a portion of the handout, which read [original punctuation provided]:

In response to the Sunset Audit recommendations, Barbara Mason, Executive Director of the Council contacted the Council members from the Department of Education (DEED) and the Department of Health and Social Services (DHSS) in order to begin developing a plan to address the concerns raised by Legislative Audit. Barbara Thompson from DEED indicated that DEED is currently developing training modules on various subjects including domestic violence for their professional development requirements for school district staff. Work on the domestic violence module starts in April and Barbara Mason will be a participant in the development of that module. The

next step is to assess what curricula are currently being used in the schools and in what district.

Barbara Mason has also met with Bill Hogan from DHSS and they have determined that the best place to start is to have Barbara present at the Division Directors meeting on the Councils legislative mandate. Bill and Barbara will then focus on those Divisions most concerned, Health, Behavioral Health, and Office of Children Services.

MS. MASON said one of the focuses is to find out what questions are being asked. For example, in health clinics, when someone comes in with an injury that is not consistent with the story being given, the health care provider needs to be asking the right questions, and to be asking them to the person separately from his/her partner. Ms. Mason said she will be meeting on April 17 with division heads within DHSS to focus on the three top [entities]: the Division of Health, the Office of Children Services, and the Division of Behavioral Health - the latter particularly in regard to how to address victims and perpetrators of violence who may need help in terms of going through trauma. She said most victims have post-traumatic stress syndrome (PTSD), which can be a mental health issue.

[8:23:43 AM](#)

CHAIR SEATON said, "We want to make sure that these are not just your daily contacts with people." He asked, "Is this the track of developing a strategic plan to get those things done?"

[8:23:58 AM](#)

MS. MASON replied that she has spoken with the people putting together the module and will be meeting with the division heads when she attends the division head meeting out of DHSS so that she can make the contacts and "start working with them individually" and work through the system.

[8:24:20 AM](#)

CHAIR SEATON clarified that he would like to see a plan or development strategy on paper related to the statutory requirements that need to be met. He indicated that he is talking about "how we are going to proceed with the Department of Education [and Early Childhood Development] and not do it on an ad hoc basis." He said he wants something to measure

against, so that the legislature knows where [the council] is in relation to the plan.

[8:25:35 AM](#)

REPRESENTATIVE GARDNER observed that there are approximately 14 duties of the council. She said she is trying to both listen to the testimony and read the information in the committee packet "with an eye to measuring how they fit with the duties of the council." She said from what the committee has heard thus far, there are elements of the council duty that haven't been discussed. She asked Chair Seaton if the committee would be coming back to the bill another day.

[8:26:30 AM](#)

CHAIR SEATON asked that the committee wait to see how the present meeting fares.

[8:26:58 AM](#)

REPRESENTATIVE GARDNER noted that one duty of the council is to develop and implement a standardized data collection system on domestic violence and sexual assault crisis intervention and prevention. She said she would be interested in "seeing what that looks like." Representative Gardner explained that she is uncomfortable extending the sunset date for as long as the bill proposes when she doesn't feel like she has a sense that the duties of the council currently are being met.

[8:27:27 AM](#)

MS. MASON expressed pride in the council's database. She said this is the first year that the council has been dealing with the new system, and it is meeting all its requirements. She offered further examples regarding the use of the database.

[8:28:15 AM](#)

CHAIR SEATON directed attention to [a five-page handout in the committee packet entitled, "Council on Domestic Violence and Sexual Assault Results Delivery Unit."] After some discussion between Representative Gruenberg and Ms. Mason to determine how up-to-date the report is when it read "12/27/04" and "FY 2006" at the bottom of the first page, Chair Seaton surmised that there may be a lag time in data preparation or when data is available. He said, "Hopefully we'll have this 2005 data that

we can add on to the bottom, because right now on page 2 ... you'll see that the most ... recent data we have is 2004."

8:32:03 AM

CHAIR SEATON indicated the headings on page 1 of the report, which read: "End Results," "Strategies to Achieve Results," "End Results," "Strategies to Achieve Results," and "Major Activities to Advance Strategies." He said the legislature is concerned with these categories, and he asked Ms. Mason to lead the committee through them. In particular, he asked questions regarding the list under "Major Activities to Advance Strategies," which read as follows [original punctuation provided with some formatting changed]:

Conduct state RFP process, allocate funds, support legislative efforts, write federal RFP

Conduct onsite audits, hold telephonic meetings, provide written materials

Maintain database, conduct data audits, provide query reports

Participate in the planning, coordinating, and implementation of workshops

Conduct needs assessments, evaluate effectiveness of projects

Analyze data reports

8:33:49 AM

MS. MASON confirmed that onsite audits have been conducted. She explained that the audits are done on a two-year cycle, unless there are issues that require an audit to be conducted on an annual basis. Regarding workshops, Ms. Mason said tribal state forums have been conducted. Those forums were supported by [Grants to Encourage Arrest (GTEA)]. Ms. Mason said she hopes those monies will be received again.

8:35:56 AM

CHAIR SEATON said it is problematic that there are activities and advanced strategies, but no delineation within the missions and measures showing how they were accomplished. Referring back

to page 1 of the report, he asked if the council does needs assessments or if they are done by "the folks that come and apply for grants."

[8:36:34 AM](#)

MS. MASON replied that she doesn't know of one that has been done recently that is a formalized needs assessment.

[8:37:21 AM](#)

CHAIR SEATON directed attention to page 2 of the aforementioned handout pertaining to the results delivery unit. He observed that under "Performance Measure Detail," the target is for "10% increase in shelter/support services to victims of domestic violence, sexual assault, or other violent crimes." Further down the page, he noted, it shows the total count of incidents decreasing from fiscal year 2001 (FY 01) to FY 04. He asked, "If our goal is a ten percent increase in shelter services and we're getting less days in shelters, ... it seems to me that that's saying we're failing in our goal. Or is this supposedly the case that ... there isn't the requirement for sheltered services?"

[8:38:23 AM](#)

MS. MASON responded that this is one of the measures that she doesn't much care for, because there are fluctuations in shelter usage. She offered examples.

[8:38:52 AM](#)

CHAIR SEATON said he understands that but is still having trouble interpreting the numbers.

[8:39:45 AM](#)

REPRESENTATIVE GRUENBERG asked if the numbers in question could be reflective of reduced funding.

MS. MASON said it could be, but she noted that it also could be reflective of how data is being gathered. In response to a follow-up question from Representative Gruenberg, she said the funding has fluctuated over the years. She directed attention to page 15 of the audit report, [which shows the schedule of operating expenditure and funding sources of the council].

REPRESENTATIVE GRUENBERG remarked that [the numbers] do not seem to indicate [a drop in resources].

[8:42:15 AM](#)

CHAIR SEATON referred back to page 2 of the previously discussed report and noted that second target is "5% increase in coordinated training/educational workshops." He noted that the table showing the statewide training functions dropped from 2,390 in FY 01 to 1,723 in FY 04, which he calculated as a 20-25 percent decrease. He stated, "I guess I'm having a hard time figuring out if we're accomplishing these missions, or if ... the data is showing that we're not accomplishing the missions and we're going the wrong way." He explained that is why he would like to see a strategic plan to clarify these numbers.

[8:43:23 AM](#)

MS. MASON said she will look into this issue. She said, "I notice this ... says by ... CDVSA grantees, but I would assume that we would also want to include the training with the forum that we did." She added, "And I'm not sure how these numbers were combined, either."

[8:43:45 AM](#)

CHAIR SEATON directed attention to page 3 of the report, which shows the result: "Work toward longer-term solutions to the root causes of domestic violence, sexual assault, or other violent crimes." He noted that the target shown is "5% reduction in domestic violence, sexual assault, and other violent crimes," but the number of incidents shown in the chart are 25,787 in FY 00, rising to 27,540 in FY 03. He said that looks like the numbers are going the wrong way, and he reiterated his need to see a strategic plan.

[8:45:04 AM](#)

REPRESENTATIVE GARDNER suggested that the increased number could indicate, for example, that although the amount of incidents have remained the same, the amount of reporting has gone up.

[8:45:38 AM](#)

CHAIR SEATON remarked that Ms. Mason is in a difficult position in front of the committee, trying to answer tough questions

based on the available data. He suggested the committee would benefit from listening to a council member.

[8:46:05 AM](#)

BILL HOGAN, Deputy Commissioner, Department of Health and Social Services (DHSS), said he cannot shed much light regarding the council, thus, he suggested the committee ask questions of Commissioner Tandeske.

[8:47:09 AM](#)

WILLIAM TANDESKE, Commissioner, Department of Public Safety, stated his appreciation of Representative Gardner's comments. He said the numbers being discussed by the committee are difficult to "weave into something meaningful." He said when there is more reporting [of domestic violence and sexual assault incidents], that means that the programs "out there in the field" are having a positive impact. Regarding Representative Gruenberg's question about funding, he said he thinks the funding streams have suffered from "flat funding," a problem that erodes the budget. He noted that there has been some fluctuation in funding sources. He offered some examples. Commissioner Tandeske said that in spite of those fluctuations, the support of what the network and council does remains strong. He stated that the entire issue of domestic violence and sexual assault is all encompassing; it involves law enforcement, prosecution, and the Department of Health & Social Services. He continued:

Having been involved in it as a police officer - as a trooper - starting in 1973, I can tell you that we are so far ahead - and continue to make progress - ... of where we were back in those days, in terms of statutory authority and support for programs. I think that stability is the key that we're looking for; I think it's very hard for us to do our jobs in working with the network programs in an unstable environment. Strategies require long-term planning, and long-term planning is difficult when you're really operating year to year.

[8:51:34 AM](#)

REPRESENTATIVE ELKINS proffered that when he looks at the figures showing [the total count of incidents and the number of incidents reported to law enforcement], he sees the increase

being a sign that the services provided and the outreach programs have improved to the point that there is more response to the program, as opposed to there being a failure in the system.

COMMISSIONER TANDESKE responded that that is certainly a possibility. He said also as the state's population grows, more incidents of all sorts of crime can be expected. He added, "I think as law enforcement expands and is better trained, you also see those numbers go up." He said he has confidence that the result of the outreach being done will be improved reporting.

[8:52:40 AM](#)

CHAIR SEATON pointed to the previously noted chart on the third page of the report that shows the target of a 5 percent reduction, but increased numbers, and he stated, "If we're not using this data to identify some reasons for ... this, then there's no use having a measure of it."

[8:53:48 AM](#)

COMMISSIONER TANDESKE responded that he is not a big fan of missions and measures "for this very reason." He said he thinks numbers can and need to be interpreted over the long haul. He continued:

A great crime for this kind of example is sexual abuse of a minor - again, terribly underreported. Folks might raise their eyebrows when I say I want to see those numbers go up, but I do, because I know it's going on [and] I want it reported. And so, yes, I agree with you that those numbers are difficult to interpret, but it doesn't change the fact that it's a terribly underreported crime and we need to work on getting more of it reported.

... Personally, as I look at missions and measures for my whole department, I really try to stay away from [stating], "Well, I'm going to reduce homicides by 10 percent." ... I'd love to do that, but I'm not sure that that's totally going to be within my ... reach to do that.

[8:55:01 AM](#)

CHAIR SEATON drew attention to the fifth page of the results delivery unit handout, which outlines that the core services of a batterers' intervention program would be to develop, oversee, and audit all state-approved batterers' intervention programs. He noted that zero part-time and full-time personnel have been allotted to the program, and he asked, "Has that fallen off of the list for the council, or was that being addressed some other way?"

[8:55:59 AM](#)

COMMISSIONER TANDESKE suggested Ms. Mason could better answer that question.

[8:56:10 AM](#)

REPRESENTATIVE GATTO, regarding the previous discussion related to the meaning behind the statistics, said he doesn't interpret numbers, he merely looks at them and decides whether or not a goal has been met. He said if a 5 percent reduction is the goal, but an increase is shown, then it is essential to have an explanation or justification. He emphasized his reluctance to grant the enormous extension of time proposed in SB 250 when the goals are not being met.

[8:58:04 AM](#)

COMMISSIONER TANDESKE responded that collectively the council and the network are doing a great job. He stated that there are certainly things to be improved upon, as with any program; however, there are so many factors that explain the numbers. For example, he said sometimes job situations may be bad, and victims may have fewer options. He said he heard that last year shelters were "having longer stays" because battered women had fewer options available to them.

[8:59:08 AM](#)

CHAIR SEATON said that is one of the problems the committee members are having with the bill - trying to interpret the numbers before them.

[8:59:21 AM](#)

REPRESENTATIVE GRUENBERG referred to a sentence on page 14 of the audit report, which read [original punctuation provided]:

In fact, the community-based batterers intervention programs had their budget reduced from \$320,000 to \$200,000 in FY 04.

REPRESENTATIVE GRUENBERG directed attention to page 15 of the audit report and "Exhibit 1," which shows the schedule of operating expenditure and funding sources. He highlighted several of them, and then observed that the numbers are wildly fluctuating, and he asked Commissioner Tandeske if he could offer an explanation.

[9:01:34 AM](#)

COMMISSIONER TANDESKE answered no. He explained that although the council resides in his department, he does not handle the day-to-day operational and budget issues it faces.

[9:01:51 AM](#)

REPRESENTATIVE GRUENBERG repeated his question to Ms. Mason.

[9:02:04 AM](#)

MS. MASON said travel is a big part of what the council funds in order to get out to the programs and to travel for mandated training. She said she cannot offer an answer more specific to the fluctuations for each year without checking with the person in charge of funding.

[9:02:48 AM](#)

CHAIR SEATON pointed out that general fund allocations and "those receipt authorities" are the purview of the legislature and are affected by the legislature's priorities.

[9:03:04 AM](#)

REPRESENTATIVE GRUENBERG said it sounds like the council is receiving significantly less support from legislative funding. He asked Commissioner Tandeske if it appears that is true.

[9:03:34 AM](#)

COMMISSIONER TANDESKE said he doesn't think that is the case. He stated his belief that there is strong legislative support. He said there was "drop off" in other funding sources last year and the legislature added \$1.4 million from the general fund.

Although the support is there, he said he thinks it is difficult without consistent funding - particularly for the programs funded through the council - to work out a five-year plan when trying to pay heating bills month to month. He stated, "... The sources are all over the board."

[9:05:01 AM](#)

CHAIR SEATON said the committee is less inclined to review the individual programs, because it thinks the council has done a good job with statutory requirements related to funding. He said the committee is trying to find out if there currently is enough information on a strategic plan for accomplishing "the other statutorily required portions of the council," in order to decide whether to extend the date to 2014, as is requested in SB 250. He expressed his agreement with Representative Gatto's view that the committee has not seen enough strategic plans to grant that request.

[9:06:30 AM](#)

REPRESENTATIVE GRUENBERG asked when the extra million was received.

[9:06:49 AM](#)

COMMISSIONER TANDESKE answered 2006.

[9:07:00 AM](#)

REPRESENTATIVE GRUENBERG concluded, "So, it wouldn't be reflected on the figures we have here."

[9:07:11 AM](#)

PAT DAVIDSON, Legislative Auditor, Legislative Audit Division, Legislative Agencies and Offices, in response to a question from Chair Seaton, outlined that the sunset process, to a large extent, is defined in Title 34.66. She explained that the legislation would establish the criteria on which boards and commissions should be evaluated. She indicated that in the analysis of the public need portion of the audit report, statutory criteria is identified. Those criteria include determining: the public's best interest and whether anything may impede the work of the organization.

[9:08:36 AM](#)

MS. DAVIDSON, in response to a follow-up question from Chair Seaton regarding timing, stated, "Initially the way that it worked prior to the change last year, boards and commissions were to be extended for a period not to exceed four years." She added that if the boards have a termination date, they are given one year to conclude their administrative actions. She offered an example. She said, "During the last legislative session, that 'not-to-exceed' period changed from four years to eight years." She said while there are approximately 20 boards and commissions that are under sunset, most of them are occupational in nature and less than a dozen are more programmatic evaluations. She concluded, "It is totally up to the legislature as to whether they want to extend it eight years, or feel comfortable in something less, or even in something more."

[9:10:10 AM](#)

CHAIR SEATON asked when a pre-expiration audit takes place and whether or not it needs to be requested.

[9:10:33 AM](#)

MS. DAVIDSON replied that by statutory requirement, an audit must be presented to the legislature in the January before the termination date.

CHAIR SEATON directed attention to language that was being deleted [the bold and bracketed portion of Section 1, subsection (a), paragraph (1), which read as follows:]

***Section 1.** AS 18.66.020(a) is amended to read:

(a) The council consists of
(1) three persons appointed by the governor [AFTER CONSULTATION WITH THE NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, A NONPROFIT CORPORATION; THE NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT SHALL SUBMIT A LIST TO THE GOVERNOR OF PERSONS RECOMMENDED FOR APPOINTMENT];

[9:12:45 AM](#)

MS. DAVIDSON, in response to remarks by Chair Seaton, noted that initially the network was not a grantee of the council. However, more recently, not only does the network get funds through certain federal grants, it also receives some discretionary money. She continued:

The concern is that if you are the organization that is established in statute to be making recommendations, and ... the governor, by statute, is to consider ... [those] recommendations, ... members that are appointed to the council - possibly recommended by ... the network - might carry or appear to carry an interest of the network, ... when the network is competing for funds with all the other programs.

... We are not trying to tie the hands of the governor, but having one particular nonprofit identified in statute at that level didn't appear to be necessary. Anybody can make recommendations to the governor; the governor can consider anybody he wants to place on the council. It's just taking one organization and establishing it in statute. There's not a firm conflict of interest, but it didn't appear to be necessary to appoint members to the council. And in that vein we just recommended that it be deleted.

[9:14:53 AM](#)

REPRESENTATIVE GRUENBERG asked which statute sets forth the expiration date for various boards such as licensing.

[9:15:18 AM](#)

MS. DAVIDSON responded that the statute relating to occupational boards is found in AS 08.01 or 08.03.

[9:16:01 AM](#)

REPRESENTATIVE GARDNER mentioned the possibility of having at least one council member who is related to or is him/herself a victim of domestic violence or sexual assault.

[9:16:44 AM](#)

MS. DAVIDSON responded that from an audit standpoint, the division has not had any concerns regarding the composition of the board; however, she said that would be a choice up to the legislature.

[9:17:14 AM](#)

MS. MASON, in response to the same issue, said she thinks there have been victims represented on the board; however, she said she thinks not all people who have been victims of violent crime or sexual assault want to identify themselves as such. She said she doesn't think any board members object to having members on the board who have been victims or have a family member who is a victim. Furthermore, she stated that considering the number of violent crimes and domestic violence, she thinks it would be hard to avoid knowing someone who has been a victim. She said she wouldn't mind showing an interest [in having board members who have been victims or know victims]; however, she suggested that making that a requirement may be setting a limit on the makeup of the board.

[9:18:49 AM](#)

CHAIR SEATON asked Ms. Mason to get back to the committee regarding missions and measures for 2005.

[9:19:13 AM](#)

REPRESENTATIVE GATTO moved Amendment 1, as follows:

On page 2, line 14:
Delete "2014"
Insert "2008"

REPRESENTATIVE GATTO indicated that Amendment 1 would also include "an accompanying letter dealing with a strategic plan to accomplish the goals set in statute."

[9:20:26 AM](#)

REPRESENTATIVE ELKINS objected. He stated that he sees no need for Amendment 1. He said looking at [the council's] record is like looking at a glass and deciding whether it's half full or half empty. He said when he views the statistics, he sees the glass as half full, and he has no problem supporting the bill with the 2014 date.

[9:22:07 AM](#)

A roll call vote was taken. Representatives Gardner, Gruenberg, Gatto, Lynn, and Seaton voted in favor of Amendment 1. Representatives Ramras and Elkins voted against it. Therefore, Amendment 1 was adopted by a vote of 5-2.

9:22:20 AM

CHAIR SEATON reminded the committee that Amendment 1 included an accompanying letter requesting strategic plans to address the goals set in statute, and he said that letter would be sent to the council.

9:23:06 AM

PEGGY BROWN, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, distributed two handouts [included in the committee packet], entitled, "The Challenge: Victim Safety in Alaska," and "ANDVSA Alaska Network on Domestic Violence & Sexual Assault 2005 annual report." She noted that the challenge sheet shows a snapshot of what has been going on in Alaska related to domestic violence and sexual assault in the last few years. Regarding funding, she said, "We've had a 4 percent increase and over 43 percent request in services."

MS. BROWN said the network would like "to remain in statute as recommending names to the governor." A small percentage of the network's budget comes from a federal grant and is discretionary money, as Ms. Mason said. Much of what the money is used for is continuing legal education of legal advocates across the state. Ms. Brown said the council has been in existence for 25 years, while the network has existed for almost 26 years. Initially, she explained, the network helped set up the council, which became a model protocol, she said, because it was housed within the Department of Public Safety. Ms. Brown noted that there has been a lot of turnover in the council, while there has not been so much turnover in ANDVSA.

9:26:29 AM

MS. BROWN revealed that she has a good working relationship with Ms. Mason and they both have plans to get things done "that have been remiss in the last few years," including training, funding, and technical assistance. She told the committee that domestic violence and sexual assault is not as private and hidden an issue as it once was. She said federal money doesn't go directly to the programs to keep the doors open; "that's kind of what the state has been tasked to do."

MS. BROWN admitted that everyone could work towards doing a better job. She said there is a new, passionate director and a well-informed council. She stated, "We believe that the public

members should represent the public." She said she has been with the network for 10 years, and she offered to answer questions from the committee.

[9:27:21 AM](#)

CHAIR SEATON returned again to [Section 1, subsection (a), paragraph (1) - text provided previously], and asked Ms. Brown if she sees that as an impairment to her ability to recommend names to the governor. He indicated that two of the last five were selected from the list provided by [the network]. He asked, "Would you continue to nominate people to the list?"

[9:28:16 AM](#)

MS. BROWN said that's a good question. She said it is quite a process to find somebody to nominate who is willing to serve as a public member who also has knowledge of domestic violence and sexual assault. She stated, "I honestly don't know if we would continue; I would think that that would probably fall upon the council to do that, or some other agency. We would, of course, maybe make recommendations every now and then."

[9:29:23 AM](#)

CHAIR SEATON said he understands that if the network is required to make the nominations in statute, that is work that will be done, but without the requirement in statute, it may not happen.

MS. BROWN credited Janna Stewart, chair of CDVSA, as having said, "The expertise and knowledge of the network far outweighs any potential or theoretical conflict." Ms. Brown stated, "In some ways we're trying to fix what's not broken. This is a relationship that has worked, that has never been a conflict of interest. It is an adherence, potentially."

[9:30:22 AM](#)

REPRESENTATIVE GATTO said the legislature knows how important an issue domestic violence and sexual assault is and it won't let [the council] disappear. However, he said it's important to question whether the council is pursuing the goals in statute. Asking the council to check in with the legislature in two years is an important way for the legislature to address any faults that it finds. He noted that in two years' time many new faces will be around and the focus can change to different issues as a result.

[9:33:30 AM](#)

MS. BROWN said she appreciates Representative Gatto's point of view. She continued:

I fully recognize that sometimes it's necessary to create a space to get people to move into in order to improve things and tweak things, and I appreciate everyone's passion, ... devotion, and knowledge on domestic violence and sexual assault. You know, 10 years ago, I'd have to be knocking on doors just to try and get the issue discussed.

[9:34:36 AM](#)

CHAIR SEATON closed public testimony.

[9:34:45 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, as follows:

Beginning on page 1, line 5, through page 2, line 11:
Delete Sections 1 and 2

On page 1, lines 2-3:
After "**Assault**"
Delete "**; and eliminating statutory references to the network on domestic violence and sexual assault**"

[9:36:06 AM](#)

REPRESENTATIVE GATTO objected.

[9:36:19 AM](#)

CHAIR SEATON clarified that if Amendment 2 were adopted, the network would remain in the system for recommending persons for appointment by the governor.

[9:36:45 AM](#)

REPRESENTATIVE GRUENBERG spoke to Amendment 2. He described the network as important, knowledgeable, involved, and having "a broad base of membership and representation across the Alaska domestic violence community." He said the governor can select

whomever he/she wishes, but leaving the network in the process provides additional input. He continued:

I realize that this does mention a specific nonprofit corporation, which is a little unusual, but this is a unique organization. I can't think of any other organization like it in other spheres

Again, nobody has said there is a problem with the way the system is working. If anything, I think that having the network involved strengthens the system.

[9:38:29 AM](#)

REPRESENTATIVE GARDNER stated her support of Amendment 2 for many of the reasons that the sponsor has stated. She added that the network has been in existence for [almost 26 years] and the governor is in no way obligated to accept the network's recommendations. Given all that, she said she sees no reason to dismantle something that seems to be working well and representing the entire state.

[9:39:45 AM](#)

CHAIR SEATON recalled the previous testimony that revealed that if the network were not required to [recommend nominees], it may not choose to do the work without that requirement. Regarding the previous discussion about conflict of interest, Chair Seaton said he doesn't think "that conflict rises to the level that ... we should risk losing the mandate of the network to forward names to the governor."

[9:40:22 AM](#)

CHAIR SEATON, in response to a remark by Representative Gatto, clarified again what Amendment 2 would do.

[9:40:35 AM](#)

REPRESENTATIVE GATTO removed his objection to Amendment 2.

[9:40:43 AM](#)

REPRESENTATIVE RAMRAS objected to Amendment 2.

[9:40:50 AM](#)

REPRESENTATIVE GRUENBERG pointed out that the administration itself has not come before the legislature to say it doesn't want to continue consulting with the network; therefore, Representative Gruenberg said he cannot conclude that the administration specifically wants to eliminate the network.

[9:41:27 AM](#)

REPRESENTATIVE LYNN said he wants to know the opinion of both the council and the network regarding Amendment 2.

[9:41:53 AM](#)

CHAIR SEATON recalled that Ms. Brown had said that the network would like to continue to make recommendations to the governor. He asked Ms. Mason to reiterate what the council's opinion is related to this issue.

[9:42:05 AM](#)

MS. MASON restated that the council supports SB 250 "as it stood."

[9:42:19 AM](#)

CHAIR SEATON asked, "So, ... has the council taken a policy decision that it does not want the recommendation of the network?"

[9:42:29 AM](#)

MS. MASON answered, "No, basically what our stance has been is that either way the network can continue to make recommendations as they do now, whether they are in the statute or not. Currently, the governor can or can not -- to us it doesn't change anything."

[9:42:55 AM](#)

CHAIR SEATON asked, "Are you talking about you as the executive director, or are you talking about the council has taken a policy position that they want to eliminate the nomination process as is currently in this bill?"

[9:43:13 AM](#)

MS. MASON said she spoke with all of the council members, and each one told her that the network can make recommendations regardless of whether or not that is specified in statute. Furthermore, she said the governor can or can not accept the recommendations of the network whether or not those recommendations are required by statute. She concluded, "I wouldn't say it was a policy statement, because I did that by contacting each of the members. I don't think they would object either way."

[9:43:42 AM](#)

MS. DAVIDSON stated:

Actually the recommendation with regard to eliminating the network was a current status of a prior audit recommendation. The last time we did the council sunset review in 2001, we had some problems with some of the grants going to the network. Some of the things that we saw happening is that the network had modified their final grant prohibiting the council from reviewing the records - that was in 2001. In the year 2000, requests from reimbursements from the network were not supported by sufficient documentation of expenditures.

In 2001 and 2000, the network was excluded from the monitoring schedule of the council, and as we were following up on those recommendations, that's originally where that recommendation to eliminate the network came from. ... In that council as opposed to the current council, more of the members had been recommended by the network. ... It's a conflict of interest [in] appearance only. When we saw issues like that where the network, ... excluded from monitoring, was changing their grant agreements, none of the other grantees were doing this. That's the genesis of the recommendation that had been made.

MS. DAVIDSON said that the audit report that the committee has shows the current status of the recommendation, but does not bring all that history with it.

[9:45:55 AM](#)

REPRESENTATIVE GARDNER asked if it would be fair to say that the problems identified in the 2001 audit, relating to the network's

participation, were resolved by the time of the most recent audit.

[9:46:10 AM](#)

MS. DAVIDSON answered yes.

[9:47:27 AM](#)

REPRESENTATIVE GRUENBERG told Ms. Mason he thinks it is incorrect to say that there would be no change, because the current law requires the governor to consult with the network, and if the law were amended, that requirement would not longer exist. He asked Ms. Mason if the members of the council "understood that would be a change."

[9:48:24 AM](#)

MS. MASON responded that the council members understand that the requirement of the governor would change. She clarified that the council is stating that the actual effect would not change; the network could still make recommendations and the governor could still accept them.

The committee took an at-ease from [9:49:04 AM](#) to [9:51:08 AM](#).

[9:51:15 AM](#)

A roll call vote was taken. Representatives Gardner, Gruenberg, Gatto, Lynn, and Seaton voted in favor of Amendment 2. Representatives Elkins and Ramras voted against it. Therefore, Amendment 2 was adopted by a vote of 5-2.

[9:51:47 AM](#)

REPRESENTATIVE GRUENBERG moved to report SB 250, [as amended], out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, HCS SB 250(STA) was reported out of the House State Affairs Standing Committee.

[9:53:17 AM](#)

REPRESENTATIVE GRUENBERG recalled that Representative Gatto was contemplating offering a letter of intent. He said that if that's still the case, he may have an amendment to the letter of intent.

REPRESENTATIVE GATTO specified, "It was to come back with recommendations as to how they can implement a plan that satisfies the statutes." In response to Representative Gruenberg, Representative Gatto indicated that it's probably appropriate to specify a date.

REPRESENTATIVE GRUENBERG suggested that the date be the first day of the next legislative session.

REPRESENTATIVE GATTO noted his agreement.

CHAIR SEATON reviewed, "Okay, so we have a motion for a letter of intent that will set forward a strategic plan to accomplish the requirements of the statute and to report back to the [House State Affairs Standing Committee] by the first day of next session, and that's by Vice Chair Gatto and Representative Gruenberg."

REPRESENTATIVE GRUENBERG suggested that the report be provided to both the House and the Senate [and thus could refer to the legislature].

[9:54:10 AM](#)

REPRESENTATIVE GATTO noted his agreement to the aforementioned change.

CHAIR SEATON asked if there was any objection to the letter of intent [as amended]. Chair Seaton noted that there was no objection. [The letter of intent was again addressed at the 4/18/06 House State Affairs Standing Committee meeting.]

SB 12-LIMIT RELATIONS WITH CERTAIN NATIONS

[9:54:50 AM](#)

CHAIR SEATON announced that the last order of business was CS FOR SENATE BILL NO. 12(STA), "An Act relating to financial relationships with persons conducting business in or having headquarters in countries that support or ignore slavery and trafficking in persons."

[9:55:22 AM](#)

CHAIR SEATON reviewed the bill and the previous amendments that had been made by the committee.

[9:56:22 AM](#)

REPRESENTATIVE GATTO moved to adopt the proposed House committee substitute (HCS) for CSSB 12, Version 24-LS0143\S, Bullock, 3/31/06, as a work draft. There being no objection, Version S was before the committee.

[9:56:48 AM](#)

REPRESENTATIVE LYNN moved to report HCS CSSB 12, Version 24-LS0143\S, Bullock, 3/3/06, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 12(STA) was reported from the House State Affairs Standing Committee.

[9:57:45 AM](#)

REPRESENTATIVE GRUENBERG moved that the House State Affairs Standing Committee introduce a House Concurrent Resolution, labeled, 24-LS1816\A, Bullock, 3/31/06. There being no objection, the motion carried.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:58:30 AM](#).