

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

February 17, 2006

1:39 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Kim Elton
Senator Donny Olson

MEMBERS ABSENT

Senator Gary Wilken, Vice Chair
Senator Lyda Green

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."

HEARD AND HELD

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

WITNESS REGISTER

Tom Maher, Staff
Legislative Budget and Audit Committee
Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified on SB 250.

Pat Davidson, Legislative Auditor
Division of Legislative Audit
PO Box 113300

Juneau, AK 99811-3300

POSITION STATEMENT: Testified on SB 250.

Brenda Standfill, Chair

Network for Domestic Violence and Sexual Assault;

Executive Director

Interior Alaska Center for Nonviolent Living

130 Seward Street, Suite 214

Juneau, AK 99801

POSITION STATEMENT: Testified on SB 250.

Barbara Mason, Executive Director

Council on Domestic Violence and Sexual Assault

Department of Public Safety

PO Box 111200

Juneau, AK 99811-1200

POSITION STATEMENT: Testified on SB 250.

Caren Robinson

Alaska Women's Lobby

Network for Domestic Violence and Sexual Assault

130 Seward Street, Suite 214

Juneau, AK 99801

POSITION STATEMENT: Presented a history of the Network during the hearing on SB 250.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:39:58 PM](#). Present were Senators Kim Elton, Donny Olson and Chair Fred Dyson.

SB 250-DOMESTIC VIOLENCE/SEXUAL ASSAULT COUNCIL

CHAIR DYSON announced SB 250 to be up for consideration.

[1:40:50 PM](#)

TOM MAHER, Staff, Legislative Budget and Audit Committee, Alaska State Legislature, introduced SB 250 by paraphrasing from the following:

Senate Bill 250 relates to the termination date of the Council on Domestic Violence and Sexual Assault and eliminates references to the Network on Domestic Violence and Sexual Assault.

In this sunset review, Legislative Audit concluded that the Council on Domestic Violence and Sexual Assault continues to serve a public need and is operating in the public interest.... Sec. 3 of this bill extends the sunset date for the Council from June 30, 2006 to June 30, 2014 - an eight-year extension.

The audit also addressed some on-going operational concerns that include staff turnover and the failure of the Council to address two of its statutory mandates regarding the working with Department of Education and Early Development and school districts on curricula on the cause, prevention, and treatment of domestic violence and sexual assault and coordinating with the Department of Health and Social Services on the delivery of services to victims of domestic violence by health care facilities and other providers. These are on-going issues and the Council, in its response, is working to resolve them. It is fair to note that the auditor commented that with "limited staffing and several mandates, the Council chose to focus primarily on their grant funding and oversight role" - to insure continued funding of grant programs.

... Sections 1 and 2 address the other recommendation directed to the legislature in this report. That is that the Legislature amend the Council statutes related to the appointment of Council members. Current law requires the Network on Domestic Violence and Sexual Assault (Network), a non-profit corporation, to submit a list of recommended candidates to the Governor for appointment when a vacancy occurs. Further, statutes require that the Governor fill any unexpired term of a Council member after consultation with the Network.

The Network annually receives a grant from the Council for a legal advocacy project and the appearance of conflict exists when a Council member reviews, evaluates, approves and monitors a grant to the same nonprofit organization that may have been responsible for recommending that individual be appointed to the Council. SB 250 deletes both statutory references that produce this appearance of conflict.

The standard sunset period for occupational boards and non-occupational boards was changed from "not to exceed four years" to "not to exceed eight years". Increasing the standard sunset period allows for better use of audit staff, committee time, and makes the sunset process less consuming for boards and regulatory agencies.

Second, as Alaska's sunset process has matured, most of the sunset reviews are less about eliminating board and commissions, and more about operational performance. To better measure operational performance, last session, two new criteria were added to statute that must be considered in the course of a sunset review by the auditors:

1. The extent to which the board, commission, or agency has effectively attained its objectives and the efficiency with which it has operated.
2. The extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

Expanding the criteria will assure that auditors will measure the efficiency and effectiveness of boards, commissions or agencies under review.

Finally, there is one fiscal note from Occupation Licensing - passage of this legislation will incur no additional costs - and the outlying fiscal years the fiscal note merely shows the cost of continuing this board at the current level already included in the budget.

[1:43:47 PM](#)

CHAIR DYSON invited Ms. Davidson to explain the proposed amendment to AS 18.66.020(a) and to speak to the problem that this would cure.

PAT DAVIDSON, Legislative Auditor, Division of Legislative Audit (DLA), explained that the problem relates to perception. Currently, when considering appointments to the Council, the Governor is required to consult a list of persons recommended for appointment that is compiled and submitted by the Network.

While the Network receives money from the Violence Against Women Act federal grant, most of its money comes from a state plan that is federally authorized. In addition, it receives discretionary state money that is not subject to federal oversight. The DLA is concerned that the aforementioned statutory requirement creates the possibility of a perceived conflict of interest because the Governor's choice of appointees is not restricted to the list submitted by the Network. The DLA suggests that this statutory requirement be deleted.

CHAIR DYSON asked if a potential conflict arises from the Network's possible interest in recommending appointees likely to procure the discretionary part of the state grant for the Network.

MS. DAVIDSON replied that is correct. The conflict arises from the network's position as both a recommender of appointees and a possible recipient of grants made by the Council. In addition to its concern about transparency, the DLA is also concerned that the statutory requirement is unfair to the Network because of the undue suspicion that it could incur.

SENATOR ELTON remarked that the interest of transparency may be better served under the current statutory requirement because it ensures that the public is informed of the Network's recommendations and the Governor has the choice of whether or not to consider them. He expressed his concern that the public may have no way of knowing about recommendations of the Network if the statutory requirement is removed.

[1:50:23 PM](#)

MS. DAVIDSON responded that any organization may make recommendations to the Governor, and the DLA is concerned that the statutory requirement makes the Network a first among equals. She said there is no compelling reason that the Governor should be required to hear the recommendations of the Network, and she added that originally the Network was not a grantee and the statute did not create a conflict of interest.

SENATOR ELTON said he understands the DLA's concerns, given that a perceived conflict may be as bad as an actual one.

CHAIR DYSON stated that although the bill would not be passed out today, he would like to have the potential amendments aired.

MR. MAHER said he reviewed the auditor's report with Senator Therriault, who has recommended that this committee consider the potential conflict. He said he and Senator Therriault had asked a representative from the Network if they had additional language to propose.

[1:53:51 PM](#)

CHAIR DYSON requested that Senator Elton move to adopt his amendments, saying he himself would then object for discussion purposes, after which public testimony would be taken.

SENATOR ELTON moved to adopt Amendment 1, which read:

AMENDMENT 1

Offered in the Senate HESS Committee

To: SB 250

Page 1, line 2:

Following "Assault";

Insert "amending the council membership and the qualifications for membership of the council's public members;"

Delete the first occurrence of "and"

Page 1, line 7:

Following "three"

Delete "persons"

Insert "public members [PERSONS]"

Page 1, line 7:

Following "governor":

Insert ", who shall include

- (a) one member who resides in a community not connected to the highway or marine highway system,
- (b) one member who is a survivor of domestic violence or sexual assault or who has counseled or advocated for survivors of domestic violence or sexual assault; and
- (c) one member who is an expert in domestic violence and sexual assault program service delivery"

Page 2, line 3:

Delete the second occurrence of "and"

Insert "; and

(6) the executive director of the Alaska Network on Domestic Violence and Sexual Assault, who shall serve as an ex officio, nonvoting member"

Page 2, line 12:

Insert a new section to read:

***Sec. 3. AS 18.66.020(c) is amended to read:**

(c) A person who receives compensation from or is an employee of a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed as a voting member to the council.

Renumber the following bill section(s) accordingly.

Insert a new section to read:

Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The provisions of AS 18.66.020(a)(1)(A)-(C), added by sec. 1 of this Act, apply to vacancies among the public members of the Council on Domestic Violence and Sexual Assault that occur on or after the effective date of sec. 1 of this Act.

CHAIR DYSON objected for discussion.

SENATOR ELTON explained that Amendment 1 sets forth criteria for public members serving on the Council. It provides that the three public members shall include a member who is from a rural community, which is defined as a community that is located off the highway system and off the Marine Highway System; one member who is a survivor of domestic violence or sexual assault or who has advocated for survivors of domestic violence or sexual assault; and one member who is an expert in the delivery of domestic violence and sexual assault programs.

He said Amendment 1 provides that the executive director of the Network serve as an ex-officio member of the Council to provide it with his or her expertise, and it allows existing Council members who do not meet the aforementioned criteria to complete their terms. It makes a title change to accommodate for its other changes.

[1:57:59 PM](#)

SENATOR ELTON moved to adopt Amendment 2, which read:

AMENDMENT 2

Offered in the Senate HESS Committee

To: SB 250

Page 2, line 12:

Insert new bill sections to read:

Sec. 4. AS 18.66.020 is amended by adding a new subsection to read:

(d) A public member appointed by the governor may not be an officer or active employee of the state.

Renumber the following bill section accordingly.

Page 2, line 15:

Insert a new bill section to read:

Sec. 7. Section 4 of this Act takes effect August 1, 2007.

CHAIR DYSON objected for discussion.

SENATOR ELTON explained that Amendment 2 provides that any public member serving on the Council may not be an officer or an employee of the state. He added that since there is currently a member of the Council who fits this description, the amendment would become effective at the end of the member's term.

He said statute already delineates four positions on the Council for state employees, and he is concerned about additional state employees serving on it because they are already well represented there. He expressed his concern that a number of state employees have served as public members on the Council over the past several years.

SENATOR ELTON reported that he'd submitted his amendments to the Legislative Legal Services Division, but was not comfortable with the result of their drafting. He advised anyone with concerns about imprecise language to contact his office.

CHAIR DYSON opened public testimony, saying he would be interested in hearing any alternative ideas.

[2:01:04 PM](#)

BRENDA STANDFILL, Chair, Network for Domestic Violence and Sexual Assault; Executive Director, Interior Alaska Center for Nonviolent Living, noted that her organization serves victims of domestic violence and sexual assault in the Fairbanks area. She said the Council is an important part of the state's efforts to combat domestic violence and sexual assault, and she supports its continuation for the next eight years.

She said the Network's formalized recommendation process should remain in statute, since it ensures that people who make outstanding contributions at the local level will continue to come to the attention of the Governor. She agreed with Senator Elton's comment that although this process may create the appearance of impropriety, it is better to have the recommendations of the Network on the record.

MS. STANDFILL agreed with regard to the proposed amendments, that the public-member status of board members should be defined, since state employees are often overrepresented. She supported making the executive director of the Network an ex-officio member of the committee, and added that this would formalize the close relationship that currently exists between the Network and the Council.

[2:05:23 PM](#)

BARBARA MASON, Executive Director, Council on Domestic Violence and Sexual Assault, supported SB 250. She asked for time to review the proposed amendments before commenting on them.

CAREN ROBINSON, Alaska Women's Lobby, Network on Domestic Violence, said that originally the Council was placed under the commissioner's office at the Department of Health and Social Services, and its very small budget was divided informally among its directors. As awareness of the seriousness of domestic violence and sexual assault grew, however, then-Governor Hammond declared that the state needed a formalized process according to which it could administer funding dedicated to addressing the problem; he insisted that the process be legislated in such a way that his administration would be closely involved in the process and, consequently, four committee seats were established for commissioners or their designees.

MS. ROBINSON said the three public Council seats were established to ensure that victims and those advocating for victims were involved in the Council's decisions. She said

that, at the time, the administration decided the best way to find the right people for these positions was to have potential candidates forwarded by the Network. She remarked that generally this system has worked very well.

She addressed the proposed amendments, saying that despite the potential of a conflict of interest, it is more important to maintain the close relationship between the Network and the Council because the Council represents the voice of victims and their advocates. She said she was not greatly concerned about public employees serving as public committee members because there have been wonderful state employees who have served in that capacity.

[2:13:52 PM](#)

CHAIR DYSON said he'd like to know what the administration thinks about the recommendations of the auditor and the amendments.

MS. ROBINSON replied that the commissioners or their designees who serve on the board should best represent the position of the administration.

CHAIR DYSON requested that Mr. Maher ask the commissioners to review the bill and amendments, and to give the committee their views by next Wednesday.

MR. MAHER replied that he would do so. [SB 250 was held over.]

[2:17:59 PM](#)

There being no further business to come before the committee, Senator Dyson adjourned the meeting at [2:18:06 PM](#).