

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 20, 2009

1:06 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative John Coghill
Representative Carl Gatto
Representative Bob Lynn
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

Representative Nancy Dahlstrom, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 6

"An Act relating to cruelty to animals."

- MOVED CSHB 6(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 149

"An Act allowing appropriations to the civil legal services fund from court filing fees."

- MOVED HB 149 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 6

SHORT TITLE: CRUELTY TO ANIMALS

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	JUD, FIN
03/20/09	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 149

SHORT TITLE: CIVIL LEGAL SERVICES FUND

SPONSOR(S): JUDICIARY

02/25/09	(H)	READ THE FIRST TIME - REFERRALS
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02/25/09 (H) JUD, FIN
03/20/09 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

MIKE SICA, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Assisted with the presentation of HB 6 on behalf of the sponsor, Representative Lynn.

CULLEN FOWLER, Chief
Klawock Police Department
City of Klawock
Klawock, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 6.

TALEA DAVIS
Wrangell, Alaska

POSITION STATEMENT: Testified in support of HB 6.

DONALD MARVIN, Mayor
City of Klawock
Klawock, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 6.

LESLIE ISSACS, City Administrator
City of Klawock
Klawock, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 6.

MEGAN SMITH
Wrangell, Alaska

POSITION STATEMENT: Provided comments during the hearing on HB 6.

RACHEL DZIUBA, D.V.M., Director
Veterinary Clinic
Gastineau Humane Society (GHS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 6.

CHAVA LEE, Executive Director

Gastineau Humane Society (GHS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 6.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 6.

JANE W. PIERSON, Staff
Representative Jay Ramras
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 149 on behalf of the sponsor, the House Judiciary Standing Committee, which is chaired by Representative Ramras.

VANCE A. SANDERS, Attorney at Law;
Chair
Board of Directors
Alaska Legal Services Corporation (ALSC)
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 149.

ANDY HARRINGTON, Attorney at Law;
Executive Director
Alaska Legal Services Corporation (ALSC)
Fairbanks, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 149.

ACTION NARRATIVE

[1:06:57 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:06 p.m. Representatives Ramras, Coghill, Gatto, and Lynn were present at the call to order. Representatives Gruenberg and Holmes arrived as the meeting was in progress. Representative Dahlstrom was excused.

HB 6 - CRUELTY TO ANIMALS

[1:07:35 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 6, "An Act relating to cruelty to animals."

[1:07:44 PM](#)

REPRESENTATIVE COGHILL moved to adopt the proposed committee substitute (CS) for HB 6, Version 26-LS0022\R, Luckhaupt, 2/24/09, as the work draft. There being no objection, Version R was before the committee.

REPRESENTATIVE LYNN, speaking as the sponsor of HB 6, relayed that bestiality is a serious matter with links to sexual abuse of a minor crimes. He said the impetus for the bill was a situation that arose in Klawock involving a [convicted sexual offender] who'd tied someone's dog to a tree, taped its muzzle shut, and then sexually assaulted it. Research indicates that this is not an isolated incident. He noted that members' packets include a list of frequently asked questions about bestiality, and answers to those questions. For example: is there a connection between animal sexual abuse and domestic violence, child abuse, and other violent crimes? - yes, and it's worse than ever expected; is animal sexual abuse illegal in other states? - yes, at least [32] other states outlaw bestiality; are there exemptions [in the bill] for accepted veterinary and animal husbandry practices? - yes; and is bestiality a problem in Alaska and the rest of the U.S.? - yes, acts of this nature are probably more common than one would think. He mentioned that members' packets also include letters of support from the Alaska Peace Officers Association (APOA); the Department of Corrections (DOC); the Alaska Farm Bureau, Inc.; the American Humane Association; and The Humane Society of the United States. House Bill 6, in addition to addressing bestiality, is also addressing public safety, especially for children, he concluded.

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MIKE SICA, Staff, Representative Bob Lynn, Alaska State Legislature, on behalf of the sponsor, Representative Lynn, opined that it is wrong for Alaska law to remain silent on the issue of bestiality, a behavior that should be considered criminal. Section 1 of Version R, he relayed, adds a new offense to Alaska's existing cruelty to animals law - AS 11.61.140(a); proposed AS 11.61.140(a)(6) proscribes certain sexual conduct or activities as cruelty to animals. Section 2

of Version R adds a definition of what constitutes sexual conduct with an animal, and is lifted almost word for word from Washington statute. Because an animal cannot give consent to a sexual relationship with a human, acts of bestiality should be considered cruel even when no physical harm occurs to the animal. Furthermore, sexual conduct with animals often mimics sexual assaults against women, children, and vulnerable adults due to the coercive nature of the act and a lack of consent.

MR. SICA asserted that there is a link between sexual abuse of animals and violent crimes against people; information available in members' packets indicates that there is an incredible amount of sexual abuse of animals being linked with sexual violence against people and serial sexual homicide. For example, in the aforementioned Klawock case, the perpetrator had already been convicted twice of sexual abuse of a minor crimes. However, this person was not arrested right away for sexually abusing the dog, because law enforcement was initially at a loss with regard to what to charge the person with, and so meanwhile all the children in the town had to stay indoors; this person was known to prowl around the school grounds and the post office, and carry the elements of what is now known to be a "rape kit"- rope, tape, gloves, and knives.

MR. SICA noted that the Gastineau Humane Society (GHS) - the entity responsible for enforcing the animal cruelty laws in Juneau - gets reports from all over Southeast Alaska about someone having sex with an animal, but is at a loss with regard to what to charge perpetrators with when the animal hasn't been killed or seriously injured, or when the atrocity doesn't occur in a domestic violence (DV) situation or in front of a child. He also noted that the DOC has provided some information regarding crossover behaviors between people who sexually abuse animals and people who sexually abuse other people. He added that the Homer police department and the sexual assault response team (SART) have had to investigate some horrific sexual crimes against children and other people, and are finding a lot of sexual assault on animals happening as part of the abuse. In conclusion, he mentioned that sexual abuse of an animal is now a felony crime in Washington, whereas HB 6 would make it a misdemeanor crime in Alaska.

MR. SICA, in response to a question, indicated that the title of the bill has been narrowed via Version R in order to keep it focused on the criminal behavior it's intended to address.

REPRESENTATIVE HOLMES expressed concern that the bill provides the same penalties for encouraging or permitting the behavior as it does for engaging in the behavior.

REPRESENTATIVE GRUENBERG referred to proposed AS 11.61.140(a)(6)(B)(ii) - which says in part, "causes, induces, aids, or encourages another person to engage in sexual conduct with an animal" - and offered his understanding that aiding and abetting criminal behavior is always punishable via existing statute, and surmised, therefore, that it's not necessary to include this language in the bill. He indicated that he'd also been questioning whether the word "or" on [page 1], line 1, should instead be "and", but had learned that the drafter felt that "or" was the appropriate word to use.

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[Chair Ramras turned the gavel over to Representative Coghill.]

CULLEN FOWLER, Chief, Klawock Police Department, City of Klawock, after providing more details about the aforementioned incident in Klawock, relayed that there hadn't seemed to be anything in current statute to charge the perpetrator with, though eventually he was charged with criminal mischief. This lack of an appropriate statute is concerning, he remarked, especially given that the offense occurred in a park frequented by children, and that it was committed by a known sexual offender.

[Representative Coghill returned the gavel to Chair Ramras.]

MR. FOWLER, in response to a question, relayed that the perpetrator has since been released, and that this is very concerning to the community.

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TALEA DAVIS noted that she is a high school student, said she supports HB 6, and then recounted an incident wherein a woman attempting to sell her business in Wrangell hired a [high school] boy to kill some stray cats that were hanging around her business, and that this boy killed about 22 cats by stomping on their heads, though one of the cats belonged to someone and wasn't actually a stray. She mentioned that she'd also heard of the Klawock incident, and offered her belief that the person who perpetrated that act on a defenseless dog should receive a harsh punishment.

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DONALD MARVIN, Mayor, City of Klawock, opined that the lack of an appropriate statute addressing bestiality is a problem that needs correcting. The incident that occurred scared the community, and was not considered a laughing matter by the children, who afterward all made sure they were home before dark. The perpetrator has been in and out of the community, he relayed, and the authorities need something to ensure that the perpetrator doesn't get an opportunity to harm anyone else. In response to a question, he said that the owner of the dog had to be convinced not to seek justice on his own, and the owner's children - a boy and three little girls - were really affected by the incident.

MR. FOWLER added that the dog was injured by the duct tape, which was wrapped so tightly around the dog's neck that the resulting pressure blew out blood vessels in its eyes; that the dog became sensitive to being touched - the dog owner thought this was because the dog was also hit and kicked when it was being sexually assaulted; and that for about two months the dog was very jumpy and afraid, and would hide under the table. The owner of the dog was concerned that the dog might turn on family members, but the dog has slowly returned to normal behavior for the most part, though the owner thinks that there might be some residual effects from the abuse the dog was subjected to, Mr. Fowler remarked.

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LESLIE ISSACS, City Administrator, recounted that for a couple of days while authorities were searching for the perpetrator, he'd received calls at city hall from concerned parents indicating that they were taking time off from work in order to escort their young children home from school because they were afraid that the perpetrator would surface and take their children and do to them what he'd done to that dog; this fear in the community was very real, and because the authorities weren't able to hold the perpetrator in jail, the whole community was severely affected by the incident.

[1:35:21 PM](#)

MEGAN SMITH relayed that her cat was one of the cats killed by that high school boy in the aforementioned incident that occurred in Wrangell.

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RACHEL DZIUBA, D.V.M., Director, Veterinary Clinic, Gastineau Humane Society (GHS), after relaying that in her private practice - Bridge Veterinary Services - she primarily practices large animal veterinary medicine on horses throughout Southeast Alaska, said she supports the passage of HB 6, and that passage of the bill makes sound social sense. Although many might think that the language of the bill is graphic or sensational, in order to clearly delineate between appropriate and inappropriate behavior, such careful wording must be present, she remarked, adding that as a veterinarian, she is particularly appreciative of the bill's clarity. The bill clearly does not impose a penalty on actions considered to be standard veterinary practices or standard farming and animal husbandry practices; such practices are clearly not a crime under HB 6 as currently written. The bill does, however, provide currently-unmet legal recourse to address inappropriate sexual contact between humans and animals. House Bill 6 will protect both animals and the public from the cycle of abuse and violence perpetrated by those who seek to commit sexual acts of exploitation against animals.

DR. DZIUBA said that the act of forcing a living creature to engage in sexual activity without the ability to give consent cannot simply be viewed as a personal choice, no more than can forcing a child or an impaired adult to engage in sexual activity. There is a strong, known link between sexual dominance and violence against animals, and violence against humans; the pattern of aggression and control exhibited by humans seeking to engage in sexual activities with animals must be recognized as a punishable crime in order to ultimately encourage the development of a society that is safer to live in. She said that during her tenure as a licensed veterinarian in Alaska, she has unfortunately been made aware of several instances in which animals have been sexually assaulted. These horrible acts of sexual violence - which really do occur and occur more frequently than most people want to believe - must be addressed in law. In conclusion, she reiterated that she fully supports HB 6 as currently written, and encouraged the committee to do the same.

REPRESENTATIVE GRUENBERG disclosed that he and his family are clients/customers of the "humane society."

DR. DZIUBA, in response to a question, clarified that in her position with the GHS, she has been made aware of several

complaints received as part of the GHS's animal control services about sexual acts of violence committed against animals in Juneau. In response to a question, she said she views animal abuse to be abuse regardless of whether the animal is already dead.

1:41:35 PM

CHAVA LEE, Executive Director, Gastineau Humane Society (GHS), extended her support of HB 6, characterizing it as a well-crafted piece of legislation that speaks specifically to the crime of sexual misconduct without inhibiting or criminalizing veterinary practices or standard animal husbandry practices. As the head of an animal control agency, she relayed, she can say that sexual deviancy against animals does exist, and it exists in Alaska. In each case that has come to her attention, during the sexual assault of the animal, coercion, abuse, threat of physical harm, or terrorizing a human was also present. The people who reported the crimes were afraid for their own safety or the safety of their children; the sexual abuse of the animal had been used to intimidate, threaten, or terrorize into their submission. The animal victims in each of these cases, as well as those other cases occurring throughout the state, had no choice, and there was little that could be done to protect or defend them. Unfortunately, because no crime in the legal sense had been committed, the human victims were also left with no voice, no advocate, no recourse; there was no justice for either the abused animal or the humans who were threatened by the abuser.

MS. LEE said that statistics gathered by the Federal Bureau of Investigation (FBI), the American Humane Association, and other agencies that work with offenders illustrate that there is a high correlation between sexual abuse and torture of animals, and sexual abuse and violence towards human beings. Such statistics, as were provided in members' packets, are staggering. Although HB 6 deals specifically with animals, there is no escaping the fact that it also addresses humans as well. First, and foremost, humans are the abusers. Further, statistics illustrate that human abusers, who often are victims of abuse themselves, often begin their own cycle of violence by abusing animals. Therefore, anything that can be done to criminalize such acts of [animal] abuse helps to break that cycle. Although the passage of HB 6 won't stop sexual abuse or sexual torture of animals, it will give [human] victims recourse under the law. Passing HB 6 is therefore the right thing to do, she concluded.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 6.

REPRESENTATIVE GATTO questioned whether Alaska's statutes contain a definition of "animal".

[1:45:43 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), said she is assuming that there is a definition of "animal" in the statutes pertaining to veterinarians and veterinary practices, and offered to research that issue further.

REPRESENTATIVE GRUENBERG noted that AS 11.81.900(b)(3) says:

(3) "animal" means a vertebrate living creature not a human being, but does not include fish;

REPRESENTATIVE GRUENBERG, again referring to proposed AS 11.61.140(a)(6)(B)(ii), then questioned whether including its language in the bill is really necessary or whether existing AS 11.16.110 - Legal accountability based upon the conduct of another - would suffice.

MS. CARPENETI explained that AS 11.16.110 requires specific intent unless the person was otherwise made legally accountable by a provision of law defining the offense; pointed out that the first and second degree sexual abuse of a minor statutes include - as part of the definition of the offense - this same separate language that's in proposed AS 11.61.140(a)(6)(B)(ii); and offered her assumption that that is why the drafter chose to include this language in HB 6 as well.

REPRESENTATIVE GRUENBERG surmised, then, that a person found guilty of violating proposed AS 11.61.140(a)(6)(B)(ii) would be punishable just as if he/she were the person committing the crime.

MS. CARPENETI said yes. In response to a question regarding the bill's reference to AS 11.41.455 - Unlawful exploitation of a minor - she explained that AS 11.41.455(a)(5) prohibits bestiality.

REPRESENTATIVE GRUENBERG surmised, then, that if the act of bestiality involves a minor, then it would be punishable under

AS 11.41.455, and if it doesn't involve a minor, then, once the bill passes, it would be punishable under AS 11.61.140.

MS. CARPENETI and MR. SICA concurred.

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REPRESENTATIVE HOLMES expressed concern that a person could be charged with a crime under proposed AS 11.61.140(a)(6)(B)(ii) even if he/she was simply joking and no sexual conduct with an animal actually occurs.

MS. CARPENETI, again pointing out that the same language already exists in other statutes, said her interpretation is that the sexual conduct with an animal would actually have to occur, but offered to research the issue further.

REPRESENTATIVE GRUENBERG argued that a person could be found guilty of inducing or encouraging another person to do something even if that other person never does the thing that he/she was induced or encouraged to do.

MS. CARPENETI again offered to research the issue further.

MR. SICA, in response to a question, offered his understanding that the crime of bestiality became a felony in Washington in 2005 after one man bled to death as a result of engaging in sex with an animal.

REPRESENTATIVE HOLMES referred to proposed AS 11.61.140(a)(6)(C) - which would make it a crime for a person to permit sexual conduct with an animal to be conducted on any premises under the person's control - and asked whether under that provision a landlord would have a duty to evict a tenant or turn him/her in to the authorities if the landlord suspected that the tenant was engaging in such activity.

MS. CARPENETI offered her belief that permitting something to occur requires more than just knowing something is occurring - that a more culpable mental state would be required for purposes of prosecution - and noted that similar language is included in the statutes pertaining to crimes and behaviors that could endanger a minor. In response to another question, she offered her understanding that in the Klawock incident, the perpetrator was charged with and convicted of criminal mischief, which includes the crime of harming property.

2:00:03 PM

REPRESENTATIVE GATTO made a motion to adopt Conceptual Amendment 1, which read [original punctuation provided]:

Insert on page 2 after line 23.

Animal means a non human mammal, bird, reptile or amphibian, either dead or alive

REPRESENTATIVE HOLMES objected for the purpose of discussion.

REPRESENTATIVE GATTO indicated that he would prefer for the bill to provide for what he characterized as a more inclusive definition of animal than currently exists [in AS 11.81.900(b)(3)], offering his belief that Conceptual Amendment 1 would more clearly reflect the committee's intent. He also indicated that he has concern the bill might only apply in instances in which a live animal is sexually abused.

MS. CARPENETI pointed out that the definition provided by Conceptual Amendment 1 would apply to the entirety of the animal cruelty statute, and expressed a desire to have more time to research what effect Conceptual Amendment 1 would have on that statute.

REPRESENTATIVE GRUENBERG said he is hesitant to include a different definition than that which already exists in statute, surmising that the current definition has already been carefully thought out, but suggested that the DOL ought to consider whether it wants the bill to apply to sexual abuse of dead animals as well as live animals.

REPRESENTATIVE GATTO, in response to a question, indicated that he thinks that Conceptual Amendment 1 provides for a better definition of "animal" than currently exists in statute.

REPRESENTATIVE LYNN expressed a preference for maintaining the language of Version R as it's currently written.

REPRESENTATIVE GRUENBERG suggested that Representative Gatto consider including his proposed definition in other legislation, rather than in HB 6.

REPRESENTATIVE COGHILL said he, too, is troubled by the breadth of Conceptual Amendment 1, and suggested that Representative Gatto take time to research the issue further.

MS. CARPENETI, in response to a question, explained that any forthcoming new definition could specify whether it applies to the whole of a particular title or chapter of statute, or to just a section or subsection of statute.

REPRESENTATIVE GATTO withdrew Conceptual Amendment 1.

REPRESENTATIVE GRUENBERG referred to the title of HB 6, and questioned whether it ought to specify "sexual conduct or sexual activities" rather than just "sexual conduct or activities". His concern, he relayed, is that the title isn't tight enough as currently written.

REPRESENTATIVE LYNN indicated that he would be amenable to such a change.

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REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 2, to insert on page 1, line 1, the word "**Sexual**" after the word "**or**". There being no objection, Amendment 2 was adopted.

[2:09:01 PM](#)

REPRESENTATIVE COGHILL moved to report the proposed CS for HB 6, Version 26-LS0022\R, Luckhaupt, 2/24/09, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE HOLMES objected for the purpose of discussion. She asked Ms. Carpeneti to research further the issues raised during discussion of proposed AS 11.61.140(a)(6)(B)(ii) and (C), and suggest any changes necessary to alleviate members' concerns.

MS. CARPENETI agreed to do so.

REPRESENTATIVE HOLMES then removed her objection.

CHAIR RAMRAS announced that CSHB 6(JUD) was reported from the House Judiciary Standing Committee.

HB 149 - CIVIL LEGAL SERVICES FUND

[2:10:05 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 149, "An Act allowing appropriations to the civil legal services fund from court filing fees."

The committee took an at-ease from 2:10 p.m. to 2:13 p.m.

CHAIR RAMRAS mentioned that the House Judiciary Standing Committee is the sponsor of HB 149, and indicated that the bill is intended to provide additional funding for the State's civil legal services [fund].

2:14:46 PM

JANE W. PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, explained that HB 149 was written at the request of the Alaska Legal Services Corporation (ALSC), which is a nonprofit law firm that's been in business for 40 years and which responds to the civil legal needs of low-income Alaskans who would otherwise go without legal assistance. The mission of the ALSC is to provide meaningful access to justice [via] resolving legal problems for low-income clients in the civil justice system, thus promoting family stability and reducing the legal consequences of poverty. Although the ALSC stretches its resources in order to help as many people as possible, there are still a large number of unmet needs. House Bill 149, therefore, would provide [an additional] mechanism for funding the ALSC, by allowing the legislature to appropriate up to 25 percent of the filing fees paid to the Alaska Court System (ACS) during the previous year, into the civil legal services fund, which was created last year. For example, in fiscal year (FY) 2008, the ACS collected and turned over to the State of Alaska a total of \$2,525,300, and so 25 percent of that amount would represent \$631,325 should the legislature choose to appropriate those funds to the ALSC.

MS. PIERSON relayed that over the last several years, while still struggling to serve larger and larger numbers of applicants, the ALSC's funding has dwindled, from \$4.2 million as of 1987, to \$3.1 million as of 2007. Furthermore, appropriations from the State of Alaska that were once as high as \$1.2 million, is currently only \$200,000. House Bill 149 aims to correct this lack of funding and help ensure civil legal representation for Alaska's most needy population.

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VANCE A. SANDERS, Attorney at Law; Chair, Board of Directors, Alaska Legal Services Corporation (ALSC), noted that he started working with the ALSC back in 1984, and has been very involved in the program. He characterized the ALSC as an integral part of the justice delivery system in Alaska, noting that a poor person who is not charged with a crime does not have equal access to justice; the ALSC acts as a safety net for a variety of people whom, but for the ALSC, wouldn't have any access to justice at all. Unfortunately, the ALSC is only receiving some federal funding, and so the ALSC must look for additional funding from other sources, such as various municipalities in the state, legislative appropriation, which, again, is now down to \$200,000, and other attorneys via the Robert Hickerson Partners in Justice campaign. Simply put, the ALSC needs a more reliable stream of income, Mr. Sanders remarked, adding that the ALSC anticipates that HB 149 would provide for such, though funds would still be subject to annual appropriation, and thus there aren't any constitutional problems with the bill.

REPRESENTATIVE COGHILL asked [which other entities] have access to the State's civil legal services fund.

MR. SANDERS said he didn't know.

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REPRESENTATIVE GRUENBERG sought assurance that the ALSC could receive funding from the State's civil legal services fund even though the ALSC also provides assistance to persons over the age of 60 regardless of their income level.

MR. SANDERS indicated that the ALSC could still receive funding from the State's civil legal services fund.

REPRESENTATIVE GRUENBERG asked whether AS 37.05.590's definition of a "low-income individual" is still accurate.

MR. SANDERS indicated that it is. In response to another question, he indicated that that definition doesn't need revision because the percentage listed therein is tied to the federal poverty threshold, which changes annually. In response to a further question, he indicated that it might be helpful to specify in the bill that it is not intended to reduce other funding.

CHAIR RAMRAS expressed disfavor with doing so.

2:26:35 PM

ANDY HARRINGTON, Attorney at Law; Executive Director, Alaska Legal Services Corporation (ALSC), relayed that in 2008, the ALSC provided direct representation services to over 1,500 families; approximately 1,800 people attended ALSC workshops and clinics; and about 43,000 people obtained assistance from the ALSC's web site. The ALSC has done a lot of good work, he remarked, but due to insufficient resources, had to turn away two out of every three families that sought the ALSC's help, and another 700 people seeking help were referred elsewhere due to staff limitations. The Alaska Supreme Court's Access to Civil Justice Task Force estimates that there are about 33,000 indigent Alaskans facing a legal need during any given year. He opined that the cost effectiveness with which the ALSC delivers these services stems from two factors: the ALSC's volunteer support program, which recruits private attorneys to donate time handling cases for low-income Alaskans, and the much lower salaries of the ALSC's attorneys. He mentioned that the ALSC is struggling to maintain delivery of services in rural areas of the state; that the ALSC has nine offices, one of which is a new office in Kenai; and that funding is obtained from a variety of sources.

MR. HARRINGTON, in response to a question, offered his understanding that currently there are two groups which can obtain funding from the State's civil legal services fund, one being the ALSC, and the other being the Alaska Pro Bono Program, Inc. (APBP), which uses the same income and asset eligibility guidelines as the ALSC. Should other, similar organizations change their income and asset eligibility criteria to mirror those of the ALSC and the APBP, he added, then they, too, could obtain funding from the State's civil legal services fund.

CHAIR RAMRAS mentioned that the Department of Revenue (DOR) would be submitting a zero fiscal note with the bill. He then, after ascertaining that no one else wished to testify, closed public testimony on HB 149.

REPRESENTATIVE GATTO - referring to the aforementioned figure of \$631,325 - offered his understanding that passage of the bill is going to result in the ALSC receiving a substantial increase in State funding.

REPRESENTATIVE GRUENBERG pointed out that the bill merely gives the legislature the authority to appropriate up to [25 percent of the filing fees received by the ACS during the previous

fiscal year] - those funds would still have to be appropriated by the legislature every year.

REPRESENTATIVE GATTO offered his belief that the bill would be giving the ALSC a preference over all other organizations, indicating that for that reason he would be voting "no" on the bill.

REPRESENTATIVE COGHILL concurred with Representative Gruenberg that the legislature would still have to appropriate any such funding every year, and indicated that he is amenable to the bill and its proposed additional funding source.

[2:35:51 PM](#)

REPRESENTATIVE COGHILL then moved to report HB 149 out of committee with individual recommendations and the forthcoming zero fiscal note.

CHAIR RAMRAS relayed that there was an objection to the motion.

A roll call vote was taken. Representatives Lynn, Gruenberg, Holmes, Coghill, and Ramras voted in favor of reporting HB 149 from committee. Representative Gatto voted against it. Therefore, HB 149 was reported out of the House Judiciary Standing Committee by a vote of 5-1.

[2:37:19 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:37 p.m.