

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 12, 2009
8:07 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Paul Seaton, Vice Chair
Representative Carl Gatto
Representative Craig Johnson
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 63

"An Act relating to the Council on Domestic Violence and Sexual Assault."

- MOVED CSHB 63(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 3

Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska and setting other requirements.

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 63

SHORT TITLE: COUNCIL DOMESTIC VIOLENCE: MEMBERS, STAFF

SPONSOR(s): REPRESENTATIVE(s) FAIRCLOUGH, HOLMES, COGHILL,
WILSON

01/20/09	(H)	PREFILE RELEASED 1/16/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	STA, FIN
02/12/09	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HJR 3

SHORT TITLE: CONST.AM:NO GAMING WITHOUT VOTER APPROVAL

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD, DAHLSTROM

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) STA, JUD, FIN
02/12/09 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE ANNA FAIRCLOUGH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 63 as co-prime sponsor.

CRYSTAL KOENEMAN, Staff

Representative Anna Fairclough

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Highlighted a sectional analysis to HB 63, on behalf of Representative Fairclough, co-prime sponsor.

ANN HOUSE, Chair

Council on Domestic Violence & Sexual Assault (CDVSA)

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 63.

REPRESENTATIVE CRAWFORD

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HJR 3 as co-prime sponsor.

ACTION NARRATIVE

8:07:07 AM

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Seaton, Gatto, Johnson, Wilson, Gruenberg, Petersen, and Lynn were present at the call to order.

HB 63-COUNCIL DOMESTIC VIOLENCE: MEMBERS, STAFF

8:07:31 AM

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 63, "An Act relating to the Council on Domestic Violence and Sexual Assault."

8:08:27 AM

REPRESENTATIVE FAIRCLOUGH, Alaska State Legislature, presented HB 63 as co-prime sponsor. She noted that she was a past executive director of Stand Together Against Rape (STAR), and is involved with the National Sexual Violence Resource Center (NSVRC). She said the proposed bill has bipartisan support. Representative Fairclough reminded the committee that two years ago she had brought the subject of sexual violence and assault before the legislature. She offered her understanding that for 21 of the last 22 years, Alaska has ranked number one in the nation for sexual assault and domestic violence. Furthermore, she indicated that child abuse and suicide rates are also high. Since then, she related, she has been [part of a task force] investigating some of the apparent problems associated with the Council on Domestic Violence and Sexual Assault (CDVSA).

8:10:07 AM

REPRESENTATIVE FAIRCLOUGH said one concern was whether the council should be located in the Department of Public Safety or be moved to the Department of Health and Human Services. Another concern is related to the governor's involvement with the membership of the council. Yet another concern is whether or not those council members named by the network were inappropriately influencing the council in making poor grant management decisions.

REPRESENTATIVE FAIRCLOUGH brought attention to the first paragraph on the first page of the sponsor statement, which read as follows [original punctuation provided]:

The Legislative Task Force, created by House Bill 215 in 2007, was directed to consider the Council's relationship and consultation with other state agencies; the statutory responsibilities and priorities of the Council; the appointment process for members of the Council; the location of the Council within the state administrative structure; the Council's compliance with grant management requirements; and the Council's mission and the focus of the Council's mission on prevention, intervention, crisis response, and perpetrator accountability.

REPRESENTATIVE FAIRCLOUGH said the task force reached out to the following communities: Bethel, Fairbanks, Juneau, and Anchorage. Hearings were held in each of those locations, during which the task force questioned police departments, law enforcement agencies, direct responders, hospitals, nurses, and advocates to find out what kind of relationship they had with the council and how the council was responding in the individual communities. Representative Fairclough said she served on the task force along with Representatives Holmes and Coghill, and in partnership with Senators Bundy, Elton, and Olson. She indicated that each of the task force members support HB 63. She said the Departments of Education and Early Development, Public Safety, Corrections, Law, and Health and Social Services, as well as an urban community member and a rural representative were also involved.

[8:13:02 AM](#)

REPRESENTATIVE FAIRCLOUGH deferred to her staff for a sectional analysis.

[8:13:17 AM](#)

CRYSTAL KOENEMAN, Staff, Representative Anna Fairclough, Alaska State Legislature, on behalf of Representative Fairclough, co-prime sponsor, highlighted parts of the sectional analysis, which read as follows [original punctuation provided]:

Section 1. Amends AS 18.66.020(1)

Changes the number of members on the council from three public members to four public members

Adds language that states that one of the public members must be from a rural area

Adds a new subsection adding in the commissioner of corrections or a designee of the commissioner of corrections as a member of the council

Section 1. Amends AS 18.66.020(b)

Changes the term of office of a public member from two years to three years

Changes language from "shall" to "may" in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council.

Section 1. Amends AS 18.66.020(c)

Adds language that deals with members appointed to the council that states they may not be an employee of the State of Alaska

Section 2. Amends AS 18.66.020(d)

Adds new subsection that defines the term "rural area"

Section 3. Amends AS 18.66.040

Changes the quorum requirement from four members to five members

Section 4. Amends AS 18.66.050

Changes language making staff positions in the Council non-exempt, other than the Executive Director

Adds language for the Department of Corrections in regards to coordinating services

Section 5. Amends AS 39.25.110(38)

Changes the staff of the executive director from the exempt service to the classified service

Section 6. Amends Uncodified law of the State of Alaska

Adds new subsection that deals with the appointing of a new member to the council within 30 days after this Act takes effect

Extends the term of the public members from two years to three years

MS. KOENEMAN explained that the increase in the quorum directly relates to the increase in members. She explained that a change

to classified service from exempt makes those positions more secure.

8:15:16 AM

REPRESENTATIVE FAIRCLOUGH noted that there are letters from the network and the council in support of the aforementioned change of "shall" to "may". She pointed out that the definition of "rural" is taken from an already existing definition in state statute.

8:16:21 AM

REPRESENTATIVE FAIRCLOUGH, in response to Representative Gatto, relayed that the council is funding mechanism as well as a strategic planning organization. The total number of those serving on the council would be changed from seven to nine. She confirmed that the Department of Corrections is represented on the task force. She explained, "They were seen as a valued resource because of perpetrator accountability." In response to another question from Representative Gatto, she explained that currently council staff are subject, like commissioners, to come and go with the administration, and the task force recommends that staff be made classified in order to attain stability and historical perspective.

8:19:10 AM

REPRESENTATIVE SEATON directed attention to the fourth bullet point on page 11 of the CDVSA Legislative Task Force report, which read:

The 2005 Legislative Audit found that the Council was not living up to its statutory responsibility to work with the Department of Education and Early Development to develop curricula on domestic violence and sexual assault for use in schools. Further, it was not consulting with Health and Social Services to develop standards and procedures for delivery of services in health care facilities.

REPRESENTATIVE FAIRCLOUGH explained that the task force recommended that the council put together a strategic plan, and she indicated that is happening. One related issue is regarding funding. She clarified that in statute there is a position for an educator, but that position is not funded. The purpose of bringing the task force forward was to address the issue of

prevention, and the task force asked the council to devise a strategic plan to deal with four components: prevention, intervention, [crisis response], and perpetrator accountability.

REPRESENTATIVE SEATON observed that the first and fourth bullet points [on page 11 of the task force report] are indentifying a coordination between "those three departments." He continued:

I just want to make sure that ... when things were reviewed in the bill as we have, we've got Corrections in there, that we some how incorporated the audit recommendation that Education and Health and [Social] Services be incorporated [in] that communication. And, if I'm understanding, what you're reporting to me is that the strategic plan accomplished that ... [which] was required.

REPRESENTATIVE FAIRCLOUGH responded as follows:

The strategic plan places that out. It was just released, and so, they have been working together to develop that. But the task force did not agree to bring forward a financial request to you this year until we saw that a strategic plan was implemented and that that communication was happening.

... The auditor, as you're pointing out, and we agree, ... [is] saying that there wasn't communication to develop the curriculum. But what the auditor didn't know is that the council had worked with specific (indisc. -- coughing) organization, and there was a grant that was let for ... a boy's curriculum to work with rape prevention. ... The auditor didn't have that information, so, the council went back, and in collaboration came up with a strategic plan and, I believe, are looking at memorandum of understandings to outline how they communicate with each other. They believed it was happening, but the auditor couldn't see it in paperwork.

REPRESENTATIVE SEATON said he wanted to make certain that that portion of the recommendations had been incorporated or addressed in some manner in the proposed legislation.

REPRESENTATIVE FAIRCLOUGH responded, "This bill does not address that particular finding."

REPRESENTATIVE SEATON asked, "But you believe that that coordination is happening through the strategic plan?"

REPRESENTATIVE FAIRCLOUGH answered yes.

[8:23:48 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the definition of rural area on page 2, line 17, and noted that a representative from Bethel has requested that that figure be raised from 5,500 to 7,000. He asked Representative Fairclough if she would have any objection to that.

REPRESENTATIVE FAIRCLOUGH said she would object, because Legislative Legal and Research Services has told her that a definition of rural already existing in statute. She said she does not have a problem "expanding" to allow others to be represented, but pointed out that no one is excluded from serving on the council now. What is not represented on the council is "a remote, smaller voice," she said.

REPRESENTATIVE GRUENBERG said he would not offer such an amendment if Representative Fairclough will assure him that she will discuss the issue with Representative Bob Herron.

REPRESENTATIVE FAIRCLOUGH said she would do so.

REPRESENTATIVE GRUENBERG directed attention to the third paragraph of a letter from the chair of CDVSA, dated February 8, 2009, [included in the committee packet], which read as follows [original punctuation provided]:

Council members are supportive of the change making it optional for the Governor to consult the Alaska Network on Domestic Violence and Sexual Assault about public member appointments. However, in our discussions, we agreed that it is a good idea for the governor's office to ask for such recommendations, and we encourage making that connection in order to secure a pool of well qualified applicants.

REPRESENTATIVE GRUENBERG noted that the language to which the letter refers is found on page 2, line 10, "The governor may consult". He said the council seems to support the language in the first part of the paragraph, but then seems to change by the latter part. He asked Representative Fairclough if she would

support a change from "may" to "should" or to "is encouraged to".

REPRESENTATIVE FAIRCLOUGH explained that she does not object to that, but Legislative Legal and Research Services recommended the word "may" because it has been legally tested, while "should" has not.

[8:28:38 AM](#)

REPRESENTATIVE GRUENBERG, speaking as a lawyer, said he thinks "is encouraged to" makes the language aspirational, while not making it legally binding.

REPRESENTATIVE FAIRCLOUGH said she agrees with Representative Gruenberg's position, but asked that he not propose an amendment to change that language. She explained that she would not speak against such an amendment, but Legislative Legal and Research Services has told her that "we do not inspire in statute, we use language that's defensible in law."

REPRESENTATIVE GRUENBERG said he will not offer the amendment, but offered to speak with Representative Fairclough, the director of the council, and Legislative Legal and Research Services to "get you to where you want to be."

REPRESENTATIVE FAIRCLOUGH expressed appreciation of the offer.

[8:31:03 AM](#)

REPRESENTATIVE PETERSEN directed attention to the second bullet point on page 12 of the CDVSA Legislative Task Force report, which read as follows [original punctuation provided]:

The Legislature should provide additional funds to support the school health education specialist position as required by AS 14.30.360 to assist districts in the coordination and development of curriculum to address domestic violence, sexual assault, and interpersonal violence.

REPRESENTATIVE PETERSEN asked if that recommendation was incorporated into the proposed legislation, and how exactly that person would coordinate the development of the curriculum.

REPRESENTATIVE FAIRCLOUGH explained as follows:

Our auditors have "dinged" ... the council for not communicating with the Department of Education [and Early Development] in the curriculum development, and this position had meant to (indisc. -- coughing) make that connection. But when the task force reviewed everything that was happening inside of the council - struggling with staff and staff retention, historical perspective - we didn't feel like we should move that forward at this time and in this fiscal environment. We have (indisc. -- coughing), it's a resource there, but right now we felt like the council needed to, as a task force, roll out a strategic plan so they knew where they were going. And they are talking, but the task force as a group, and those who've sponsored this bill, have not included that recommendation as of yet.

8:32:34 AM

REPRESENTATIVE WILSON expressed appreciation that the smaller communities are being included, because many of them do not have law enforcement or village public safety officers (VPSOs).

CHAIR LYNN concurred.

8:33:20 AM

REPRESENTATIVE GATTO talked about a class required for those individuals imprisoned on charges of battery. He said sometimes the sentences are too short for the inmate to be able to complete the class.

REPRESENTATIVE FAIRCLOUGH said the task force is looking into a program which would allow the person to complete the program outside of incarceration. She noted that rural areas, in particular, often do not have the means to help a former convicted batterer finish such a program. The Department of Corrections could be involved. She noted that in the past, the Department of Corrections was a part of the Department of Public Safety, but when it was separated it lost out on being part of the council.

REPRESENTATIVE FAIRCLOUGH, in response to a question from Representative Gatto about the fiscal note, said she cannot detail what the fiscal note covers without consulting Jo Griggs. In response to a follow-up question, she said council members do not get paid, but surmised that if council members receive a stipend, the majority of it covers travel.

REPRESENTATIVE SEATON said the fiscal note from the Department of Public Safety mentions travel for the commissioner. He pointed out that the commissioner normally has his/her own travel budget, and he wants to ensure that "this isn't an add-on leveraging money into Public Safety." He asked Representative Fairclough to consider that issue as the bill is heard in the House Finance Committee.

The committee took an at-ease from [8:38:28 AM](#) to [8:38:43 AM](#).

CHAIR LYNN, after ascertaining that there was no one to testify, closed public testimony.

[8:39:23 AM](#)

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, labeled 26-LS0138\P, 2/12/09, which would insert "Alaska" after "the" on page 1, line 10. He explained that the word "Alaska" is needed before "Network on Domestic Violence and Sexual Assault" anywhere it appears in the bill. He noted that it also occurs on page 2, line [11].

[8:40:12 AM](#)

CHAIR LYNN asked if there was any objection to Conceptual Amendment 1. There being none, it was so ordered.

CHAIR LYNN reopened public testimony.

[8:40:47 AM](#)

ANN HOUSE, Chair, Council on Domestic Violence & Sexual Assault (CDVSA), talked about the council. She emphasized the importance of the council. She recommended every committee member visit one of the shelters. She pointed out the aforementioned letter from the council, which she authored, and she offered to answer questions. She stressed that the council is looking for money to focus on prevention of domestic violence and sexual assault in Alaska. She expressed gratefulness for the task force's putting the council on its "track." She said the council needs members from outlying areas, because those members offer a different point of view. Ms. House talked about the learning curve serving on the council, and reminded committee members that those on the council serve without pay - they receive money only for travel.

[8:43:25 AM](#)

REPRESENTATIVE SEATON moved to report HB 63, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 63(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:44:17 AM](#) to [8:47:08 AM](#).

HJR 3-CONST.AM:NO GAMING WITHOUT VOTER APPROVAL

[8:47:11 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE JOINT RESOLUTION NO. 3, Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska and setting other requirements.

[8:47:32 AM](#)

REPRESENTATIVE CRAWFORD, Alaska State Legislature, presented HJR 3 as co-prime sponsor. He said the proposed resolution would require a statewide vote of the people to legalized any form of gaming or gambling for profit. Furthermore, any municipality or organized borough could vote independently on the matter. If there were an affirmative statewide vote to legalize gambling or gaming, Homer, for example, could vote to make it illegal in its locality. The resolution would not interfere with anything that is currently legal, such as charitable gaming and lotteries. He offered to answer questions.

CHAIR LYNN asked about statewide lotteries such as are held in other states.

REPRESENTATIVE CRAWFORD said he hesitates to answer, because he does not know how far current charitable gaming and lottery law goes, but he reiterated that the resolution would not change anything that is currently legal.

CHAIR LYNN mentioned a recent lottery that had unintended consequences.

REPRESENTATIVE CRAWFORD said, "That is currently legal under the law that we have now," but said "It didn't turn out very well

for anybody - even the winner." He said he would take a close look at that to consider some form of modification.

8:51:58 AM

REPRESENTATIVE CRAWFORD, in response to Representative Gatto, said the tradition of splitting the pot at high school football games, since already established, would not be affected by the proposed resolution. In response to another example, he reiterated that those gaming laws already set up would not be affected by HJR 3.

8:54:23 AM

REPRESENTATIVE SEATON asked if the bill would change the current situation involving gaming on cruise ships. He offered his understanding that "the collection of part of that tax does not give a permit for that within the state."

REPRESENTATIVE CRAWFORD responded that the issue seems to be an unclear part of law. He revealed his intent to introduce a separate bill to stop collecting tax on the gambling which takes place on cruise ships. However, he said that is a separate question.

CHAIR LYNN said he doesn't think the committee wants to talk about that issue while discussing HJR 3.

REPRESENTATIVE CRAWFORD concurred.

REPRESENTATIVE SEATON requested the bill sponsor get a legal opinion regarding the possible impact of HJR 3 on the cruise ship industry and gambling on cruise ships in particular.

CHAIR LYNN said he thinks that would be a good idea. He noted that HJR 3 would be held for further consideration beyond today's discussion.

REPRESENTATIVE CRAWFORD offered his belief that a legal opinion has already been obtained when similar legislation was heard last year.

CHAIR LYNN asked Representative Crawford to check into it.

REPRESENTATIVE GATTO said he thinks cruise ship gambling is regulated by federal government.

[8:57:59 AM](#)

REPRESENTATIVE WILSON talked about the effect of gambling on various classes of people, noting that after the initial interest by many wears off, those who become addicted to gambling tend to be those without jobs. She said studies have shown that people will spend their grocery money on gambling. She opined that addictive gambling destroys families, and she said the proposed resolution is a good one. She concluded that Alaska is better off the way it is currently.

CHAIR LYNN concurred. He noted that he is one of the co-sponsors. He named the co-prime sponsors and co-sponsors and invited others to join in sponsorship of the resolution.

[9:00:45 AM](#)

REPRESENTATIVE PETERSEN related that he is from Iowa, which currently has more forms of legalized gambling of any state other than Nevada. He said recently there has been a task force studying the effects of gambling, and studies are now showing that 6 percent of Iowans are now gambling addicts and gambling might actually be costing the state more money than it is bringing in. He expressed concern that Alaska could end up with more than 6 percent of its population addicted, because "in remote areas of the state there's very little entertainment."

CHAIR LYNN talked about the cost of gaming to families.

REPRESENTATIVE PETERSEN spoke of gambling machines in grocery stores which have resulted in shoppers leaving the store without having bought any groceries.

[9:03:48 AM](#)

REPRESENTATIVE GATTO observed that Nevada is successful with its gambling because it "mines" California. He stated his support of the proposed resolution.

[9:05:22 AM](#)

CHAIR LYNN announced that he would be hearing public testimony at another time.

[9:05:53 AM](#)

REPRESENTATIVE CRAWFORD expressed appreciation for House State Affairs Standing Committee's hearing the resolution early in the session so that it might be approved before the rush at the end of session.

CHAIR LYNN assured Representative Crawford that when the sponsors are ready to discuss the bill again, the committee would place that hearing "close to the top of the list."

REPRESENTATIVE CRAWFORD mentioned studies conducted in South Carolina and North Dakota which show that for every dollar in tax money that gambling brings in, the state pays out about \$3 in social services monies to counteract the ills caused by the gambling. He said that does not even take into account the rate of suicide, bankruptcy, domestic violence, and alcoholism increasing the closer the proximity to a casino. He stated, "I can't see any advantage to anybody, other than the owners of these casinos and electronic gaming machines. It's a fool's paradise, and it's not something that we need in Alaska. In fact, it's something that we need to do everything in our power not to bring in."

[9:08:38 AM](#)

CHAIR LYNN announced that HJR 3 was held over.

[9:08:55 AM](#)

CHAIR LYNN discussed the upcoming calendar.

[9:09:13 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:09 a.m.