

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 18, 2014
8:04 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Lynn Gattis
Representative Shelley Hughes
Representative Doug Isaacson
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

Representative Charisse Millett

COMMITTEE CALENDAR

HOUSE BILL NO. 199

"An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

- MOVED HB 199 OUT OF COMMITTEE

HOUSE BILL NO. 212

"An Act relating to an exemption from driver licensing requirements for spouses of members of the armed forces of the United States."

- MOVED HB 212 OUT OF COMMITTEE

HOUSE BILL NO. 273

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

- MOVED HB 273 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 199

SHORT TITLE: VPSO FIREARMS

SPONSOR(S): REPRESENTATIVE(S) EDGMON

04/04/13 (H) READ THE FIRST TIME - REFERRALS

04/04/13 (H) CRA, STA
 01/28/14 (H) CRA AT 8:00 AM BARNES 124
 01/28/14 (H) Heard & Held
 01/28/14 (H) MINUTE(CRA)
 02/04/14 (H) CRA AT 8:00 AM BARNES 124
 02/04/14 (H) Moved Out of Committee
 02/04/14 (H) MINUTE(CRA)
 02/05/14 (H) CRA RPT 5DP 1NR
 02/05/14 (H) DP: REINBOLD, FOSTER, HERRON, LEDOUX,
 NAGEAK
 02/05/14 (H) NR: OLSON
 02/11/14 (H) STA AT 8:00 AM CAPITOL 106
 02/11/14 (H) Heard & Held
 02/11/14 (H) MINUTE(STA)
 02/13/14 (H) STA AT 8:00 AM CAPITOL 106
 02/13/14 (H) Heard & Held
 02/13/14 (H) MINUTE(STA)
 02/18/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 212

SHORT TITLE: DRIVER'S LICENSING EXEMPTION: MILITARY
 SPONSOR(S): REPRESENTATIVE(S) ISAACSON, HUGHES, LEDOUX

01/21/14 (H) PREFILE RELEASED 1/10/14
 01/21/14 (H) READ THE FIRST TIME - REFERRALS
 01/21/14 (H) MLV, STA
 02/04/14 (H) MLV AT 1:00 PM CAPITOL 120
 02/04/14 (H) Heard & Held
 02/04/14 (H) MINUTE(MLV)
 02/11/14 (H) MLV AT 1:00 PM CAPITOL 120
 02/11/14 (H) Moved Out of Committee
 02/11/14 (H) MINUTE(MLV)
 02/12/14 (H) MLV RPT 4DP 1AM
 02/12/14 (H) DP: HIGGINS, HUGHES, FOSTER, LEDOUX
 02/12/14 (H) AM: GRUENBERG
 02/13/14 (H) MLV AT 1:00 PM CAPITOL 120
 02/13/14 (H) -- MEETING CANCELED --
 02/18/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 273

SHORT TITLE: EXTENDING COUNCIL ON DOMESTIC VIOLENCE
 SPONSOR(S): REPRESENTATIVE(S) HOLMES

01/24/14 (H) READ THE FIRST TIME - REFERRALS
 01/24/14 (H) STA, FIN
 02/13/14 (H) STA AT 8:00 AM CAPITOL 106
 02/13/14 (H) <Bill Hearing Rescheduled to 02/18/14>

02/18/14

(H)

STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE BRYCE EDGMON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 199.

JOE MASTERS

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 199.

JAKE METCALFE, Executive Director

Public Safety Employees Association (PSEA) Local 803

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 199.

MARK SPRINGER

Bethel, Alaska

POSITION STATEMENT: Testified in support of HB 199.

STEVEN ARLOW, Captain

Alaska State Troopers

VPSO Support

Department of Public Safety (DPS)

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 199.

NATHAN SOLORIO, Intern

Representative Doug Isaacson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 212, on behalf of Representative Isaacson, joint prime sponsor.

REPRESENTATIVE MAX GRUENBERG

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Addressed proposed Amendment 1 during the hearing on HB 212.

AMY ERICKSON, Director

Division of Motor Vehicles (DMV)

Department of Administration (DOA)

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 212.

JOMO STEWART, Project Manager
Fairbanks Economic Development Corporation (FEDC)
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of HB 212.

REPRESENTATIVE LINDSEY HOLMES
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: As prime sponsor, presented HB 273.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Legislative Affairs Agency
Juneau, Alaska
POSITION STATEMENT: Presented an audit report and answered questions during the hearing on HB 273.

LAUREE MORTON, Executive Director
Council on Domestic Violence and Sexual Assault (CDVSA)
Department of Public Safety (DPS)
Juneau, Alaska
POSITION STATEMENT: Testified and answered questions during the hearing on HB 273.

ACTION NARRATIVE

[8:04:09 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Keller, Gattis, Isaacson, Hughes, and Lynn were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

HB 199-VPSO FIREARMS

[8:04:27 AM](#)

CHAIR LYNN announced the first order of business was HOUSE BILL NO. 199, "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

[8:05:26 AM](#)

REPRESENTATIVE BRYCE EDGMON, Alaska State Legislature, as prime sponsor, presented HB 199. He recollected that at the prior hearing on HB 199, on 2/13/14, Representative Hughes had asked a couple questions.

[8:07:01 AM](#)

REPRESENTATIVE HUGHES explained that her questions had been in regard to the screening and training of VPSOs, and she said she would like the Department of Public Safety (DPS) to address them.

CHAIR LYNN indicated he would hear other testimony first.

[8:08:07 AM](#)

JOE MASTERS stated that although he had worked in law enforcement for over 30 years - as a Village Public Safety Officer (VPSO) in Unalakleet, a rural police officer, an Alaska State Trooper, and five years as commissioner of DPS - he was testifying on his own behalf. He said he would discuss the unique nature of VPSOs and their duties and the issue of their safety. He said VPSOs are an important and integral part of the safety of rural villagers. He said many communities with VPSOs have no other source of law enforcement. Occasionally there are village police officers (VPOs), but often they are not armed either. He said over the past few years there has been an increase in assaults on police officers in Alaska. Since 2002, the rate of injury assaults on Alaska police officers increased by 66 percent, while the rate of non-injury assaults increased by 137 percent. He said there have been seven incidents over the past several years where VPSOs have been threatened by subjects using fire arms. He said the aforementioned incident that ended Mr. Madole's life was widely publicized, but just prior to that there was a known incident in Southwest Alaska, outside of Bethel, where a VPSO was chased by a subject with a shotgun and received pellets to the face. He said there was also a VPSO in a community outside of Kotzebue, who was backed down the street by a subject, who was tackled by another bystander and did not shoot at the VPSO. He said there are many similar examples. He stated that VPSOs have been law enforcement officer for over 30 years in rural Alaska.

[8:12:10 AM](#)

MR. MASTERS said the idea of a VPSO being armed is not a new concept; in the early '80s, a VPSO could be armed if their

communities accepted additional liability insurance. He said he does not recall what the training requirement was.

8:12:45 AM

CHAIR LYNN asked Mr. Masters if there have been past incidents where armed VPSOs misused their weapons.

MR. MASTERS answered that he does not recall any incidents during the time he served as a rural officer, but cannot say for certain. Mr. Masters relayed that in the early '90s there was a transition course, which helped VPSOs fill traditional police positions. He said he was a trainer in Sitka at the time and also instructed courses in the use of firearms. He said during that time there were no more problems as a result of the training or relating to decisions of when the use of deadly force was acceptable compared to any other law enforcement academies. He acknowledged that there are people concerned about training and background [checks] for VPSOs, which are issues he said need to be addressed. Notwithstanding that, he opined that it is time to offer the necessary tools to VPSOs that are trained properly so that they can defend themselves. He said under current statute, VPSOs are allowed to carry a firearm, but only under extreme exigent circumstances; however, those circumstances can happen so quickly that a VPSO may not have time to go get a firearm. Mr. Masters emphasized his strong support of HB 199. He revealed that when he was commissioner, he had begun a regulation process to allow VPSOs to be armed and address the training aspect, as well, because he was sure that DPS "held the responsibility and the authority to dictate what level of training and certification was required prior to a VPSO being allowed to be armed."

8:16:30 AM

CHAIR LYNN expressed appreciation for Mr. Masters' testimony because of his varied related job positions. He asked how the training back at the time VPSOs were armed in the past compares to the training proposed under HB 199.

MR. MASTERS answered that the amount of training given in the 1980s to all types of law enforcement officers was much less than it is today. He posited that it is more relevant what kind of training will be given today, and he warned against putting too much detail in VPSO training to the point that it would be above and beyond that which a police officer does.

8:19:13 AM

JAKE METCALFE, Executive Director, Public Safety Employees Association (PSEA) Local 803, said Local 803 serves state troopers, airport police, court service officers, and municipal police departments in Ketchikan, Sitka, Juneau, Fairbanks, Soldotna, Unalaska, and Dillingham. He said VPSOs are not members of Local 803; however, the state troopers oversee them and work with them on a daily basis. He related that from 1990-[1994], he worked as an assistant district attorney, and from 1994-1997 he was a district attorney in Bethel, where he worked in the capacity of prosecutor with VPSOs employed by the Association of Village Council Presidents. He said the people who worked in his office worked with VPSOs on a regular basis. He said he thinks not only does he know how important VPSOs are to villages, but he also has an understanding of their job duties. He said VPSOs are certified to be VPSOs, not police officers; law enforcement is a limited portion of what they do, and it is done on a limited basis. He said VPSOs do not go through the same amount of training as state troopers or municipal police officers go through, which he explained is one of the concerns that PSEA Local 803 has with the proposed legislation.

MR. METCALFE said police officers receive a great deal of training before being authorized to work alone with a weapon, and he offered his understanding that under HB 199 and the attached fiscal note, that training has not been considered. He said PSEA Local 803 thinks that the fiscal note is not accurate, because there is training that should be required. He said a police certificate requires 900 hours of training, while a VPSO certificate, which does not require the basic law enforcement training, requires approximately 600 hours. Further, when a police officer finishes training, he/she goes out in the field with an experienced police officer for up to six months. He said if the same thing is anticipated under HB 199, then that would require a state trooper to do the field training, which would mean a considerable amount of increased funding.

8:23:18 AM

MR. METCALFE stated that Captain Steven Arlow has given a presentation on the VPSO Program to a couple of legislative committees, and one statistic given is that there is about a 30-percent turnover in the VPSO Program on a yearly basis. He said that by his calculations, there is a complete turnover about every three years. He said he thinks that turnover is something

that should be considered as repetitive in terms of the cost to the state. He urged the committee to get more information about the training that would be required and the true cost under HB 199 in arming VPSOs.

[8:24:41 AM](#)

CHAIR LYNN pondered whether the stress of working in remote locations without proper defense is a factor in the high turnover of VPSOs.

MR. METCALFE ventured there are a number of factors that go into the turnover rate, including: the lack of a retirement program; insufficient pay, and working outside ones own community. He said part of it could be the stress of being unarmed; however, much of what a VPSO does is not related to law enforcement. For example, VPSOs are involved in search and rescue, fire, and educating students in schools. He said the law enforcement aspect involves helping state troopers with misdemeanor cases; very seldom are they involved in felony cases other than to help a trooper who is going into a community to investigate a felony. He reiterated that there are many factors that go into the turnover of VPSOs.

[8:26:53 AM](#)

REPRESENTATIVE KELLER challenged Mr. Metcalfe's testimony that a turnover rate of approximately 30 percent means that there is a complete turnover about every three years, because "you may get turnover rates up because of problems in one area that can be dealt with."

[8:27:33 AM](#)

MR. METCALFE said he appreciates Representative Keller's comment, because there are a number of ways to look at the issue. He opined that 30 percent a year is an amount that needs to be considered in the cost of training, because 30 percent in any program is costly.

REPRESENTATIVE KELLER clarified that his comment had not been pointed to the 30 percent a year turnover, but rather to Mr. Metcalfe's conclusion that that means the whole program turns over every three years.

MR. METCALFE said 30 percent is huge amount that should be considered in the cost of the proposed legislation.

8:29:09 AM

MARK SPRINGER said although he serves on the Bethel City Council and is on the Alaska Municipal League (AML) Board of Directors, he is testifying on behalf of himself. He said he has lived in rural Alaska since 1976, in Hooper Bay, as a city administrator who hired VPSOs. He opined that Mr. Metcalfe's characterization of the job of a VPSO - as focused primarily on fire fighting, search and rescue, and visiting schools - was a mischaracterization of the work done by VPSOs. He said dispatch cards will show that VPSOs enforce state laws every day. They involve themselves in driving under the influence (DUI) and domestic violence cases, conducting preliminary investigations of serious crimes, securing crime scenes until state troopers arrive, and assisting troopers with felony investigations. He related one reason that it is said VPSOs do not do felony work is that often a district attorney will not take felony paperwork from a VPSO, even though a VPSO "may be, by dint of experience, perfectly qualified to perform the initial part of a felony investigation."

MR. SPRINGER stated his full support of HB 199 and urged the committee's support. He concurred with the testimony of former VPSO and commissioner of DPS, Mr. Masters. He said both Mr. Masters and Mr. Metcalfe made an important point that VPSOs in Alaska are not peace officers under state statute. He stated he has always thought that they ought to be. He said they used to be certified by the Alaska Police Standards Council (APSC), but that ended more than ten years ago. He opined that the APSC should be the agency that sets the standards for training for VPSOs to carry firearms. He said Alaskans can be proud of how the Alaska State Troopers' "consistent, judicious, and measured application of force, and particularly deadly force, as compared to a lot of other law enforcement agencies in the United States." He indicated his confidence in allowing the commissioner to set and enforce the standards for VPSOs to be armed and be trained to the same degree as the troopers. He described a situation where a trooper responds to a call where there may be an inebriated person with a shotgun and the door gets kicked in, and he said that is the type of situation he wants to see VPSOs handle. He said there are a lot of experienced VPSOs in the state; many in his region have been certified police officers. He said when a police officer becomes a VPSO, "the clock stops" on his "law enforcement time" for the APSC. Mr. Springer concluded his testimony by relating

that he has had his life protected by a VPSO, and by reiterating his support of HB 199.

[8:35:17 AM](#)

REPRESENTATIVE ISAACSON expressed appreciation for Mr. Springer's testimony. He indicated that during its prior hearing on HB 199, the committee learned that the requirements for the minimum standards and training would be directed by the APSC. He asked Mr. Springer to confirm that he supports that portion of the proposed legislation.

MR. SPRINGER answered yes.

[8:36:50 AM](#)

REPRESENTATIVE HUGHES asked the next testifier, Captain Steven Arlow, to address the issues of training, screening, and the ability of Native corporations that hire VPSOs to conduct "extra background screening or anything like that."

[8:37:57 AM](#)

STEVEN ARLOW, Captain, Alaska State Troopers, VPSO Support, Department of Public Safety (DPS), said he has overseen the VPSO Program for DPS for the last eight years and is familiar with the issues that the program faces. He said he listened to the previous testifiers and would like to outline the department's current plan and address statements that were made. He relayed there are ten contracting entities in the VPSO Program that will be involved in all aspects of the department's decision-making process. He said the department wants to hold VPSOs to the same firearms training standard as that of Alaska State Troopers. He said there has been discussion among the various nonprofit groups and contractors regarding the possibility of doing a polygraph test and psychological evaluation. He indicated a cost of \$400 related to evaluation. He said that is something the department would entertain doing.

MR. ARLOW, regarding the question about turnover, said the percentage is about 33 percent; however, he said it is not accurate to say that the entire program is at 33 percent, because it is more of a region-specific turnover. There are some stable regions that have very little turnover. He said the VPSO Program was designed to conduct search and rescue and fire safety efforts and take part in school resource activities, as well as take part in law enforcement; it was not intended to be

predominately law enforcement focused, but has morphed into that because of the large volume of service calls in some areas. He said that is where there is a high turnover rate. He said he does not disagree that a high turnover rate is expensive for the department; however, he said that percentage has been in the program for several decades. He said the department has studied the turnover and believes the cause is not pay or retirement, because each nonprofit provides a 401-K base - one of them in the Public Employee Retirement System (PERS) - and the current pay for VPSOs is "fair and reasonable" and matches that of many law enforcement entities in the state. He related that there are some VPSOs who make \$70,000 to \$80,000 a year and a few, with longevity, who are making six figures. He said he thinks the attrition is due to burnout and a region in the state that is experiencing a high volume of law enforcement work. He said half of the turnover rate is a result of VPSOs making poor choices on and off the job; they are being dismissed for failure to perform their duties.

[8:43:56 AM](#)

CAPTAIN ARLOW stated that he does not disagree with Mr. Metcalfe's characterization of the fiscal note as inaccurate, but suggested Mr. Metcalfe might not understand the fiscal note is a representation of what the department would like to do if HB 199 passes. He explained that DPS is interested in starting a pilot program where a few VPSOs in a particular region would be put through a gamut of training and evaluation, introducing the VPSOs into a community, and measuring the community reaction. He said DPS anticipates that such a pilot program would entail "less of a funding need right now." He said once the department can verify that the program is well-received by a community and that the VPSOs are using the firearms in the manner in which they are trained, then it will feel more comfortable in opening up the program.

[8:45:21 AM](#)

CAPTAIN ARLOW said firearm training is as much about when not to use one as when to use one. During field training, a "seasoned person" would be paired with a training VPSO to determine the judgment of the VPSO. In regard to VPSOs not being members of DPS, but rather being affiliated with non-profit entities, he said continuity is paramount. He said the department's insurance policy can be amended with language that would "help in the relationship."

[8:47:56 AM](#)

REPRESENTATIVE ISAACSON asked if, under the pilot program, VPSO time would count toward recertification of a municipal or police officer whose certification had lapsed.

[8:48:37 AM](#)

CAPTAIN ARLOW responded that he would like to see that happen, but said there will be "a considerable amount of structuring of the Alaska Police Standards Council to get there."

[8:49:35 AM](#)

REPRESENTATIVE HUGHES thanked Captain Arlow for addressing her concerns regarding training. She recalled testimony indicating a high turnover of VPSOs in regions of the state where the large portion of the duties of the VPSOs is in law enforcement, and she asked Captain Arlow if he thinks the training program and subsequent arming of those VPSOs would likely lower the turnover rate.

CAPTAIN ARLOW said 30 percent is a high turnover rate. He expressed his hope that training VPSOs to be equipped with firearms would lower that rate, but he said time will tell. In response to a follow-up question, he said he thinks that someone in a uniform carrying a firearm increases people's perception of authority. He related that right now the mere presence of a VPSO makes people willing to report crime and over a period of time, "we see that crime stabilizes and we have less reports of paused service." He stated, "I think introduction to the fire[arms] would certainly ... mirror that, as well."

[8:52:42 AM](#)

CHAIR LYNN opined that someone in uniform carrying a firearm gives more perception of authority than does an unarmed officer.

[8:53:05 AM](#)

REPRESENTATIVE EDGMON expressed appreciation of all comments, including those critical of bill. He talked about the longstanding cooperative relationship between VPSOs, the nonprofit agencies that hire them, and DPS. He said VPSO coordinators meet quarterly and, in addition to that, meet with the department. He said there have been numerous attempts over the years to focus on the strengths and weaknesses of the VPSO

Program, most recently, in 2008, there was a Senate task force addressing the VPSO Program, the result of which was the commitment by former Commissioner Masters to increase the number of VPSOs around the state. He offered his personal impression that allowing VPSOs to carry arms will act as a deterrent [to crime], decrease the number of VPSOs dropping out, and give VPSOs the means to be law enforcement officers, which he said is their charge. He thanked the committee for its work on the proposed legislation.

[8:55:18 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 199.

[8:55:29 AM](#)

REPRESENTATIVE KELLER moved to report HB 199 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 199 was reported out of the House State Affairs Standing Committee.

[8:55:45 AM](#)

The committee took an at-ease from 8:56 a.m. to 9:01 a.m.

HB 212-DRIVER'S LICENSING EXEMPTION: MILITARY

[9:00:56 AM](#)

CHAIR LYNN announced the next order of business was HOUSE BILL NO. 212, "An Act relating to an exemption from driver licensing requirements for spouses of members of the armed forces of the United States."

[9:01:38 AM](#)

REPRESENTATIVE ISAACSON, as joint prime sponsor, introduced HB 212. He said the proposed legislation would provide benefit for service members. Every year hundreds of [military] service members come to Alaska and are allowed to use their driver's licenses from other states, while their spouses are not, and that is not the case in many other states. He said the proposed legislation does not give anybody a free driver's license; the benefit would be extended only to spouses 18 years of age or older, who have a legitimate driver's license from another state. In response to the chair, he explained that 18 is the

age at which Alaska allows a person to possess a driver's license. He said HB 212 simply gives to the spouse that which is allowed the service member. He offered an example of a military spouse in Fairbanks who was "detained unnecessarily" and found to be driving with a license from another state beyond 90 days. He said the intent of the bill is to show that Alaska is military-friendly and to recognize the driver's license requirements of other states.

[9:06:00 AM](#)

CHAIR LYNN opined that HB 212 is a "pretty good bill." He related that when he served in the military, he and his wife had no problems using their California driver's licenses in the various places in which they lived. He said he had not been aware, before seeing HB 212, that the same is not true in Alaska.

[9:06:34 AM](#)

REPRESENTATIVE GATTIS asked if the bill differentiates between a military spouse who is working versus one who is not working.

[9:07:37 AM](#)

REPRESENTATIVE ISAACSON indicated that the issue is not whether the spouse of the military member is working, but that he/she has followed his/her spouse to Alaska.

[9:09:11 AM](#)

REPRESENTATIVE GATTIS clarified she wants to know if there currently is a law that someone who works in Alaska has to acquire an Alaska driver's license within a certain amount of time. She offered her understanding that there is, and that the amount of time is 30 days. She questioned whether that law would conflict with the proposed legislation.

[9:10:10 AM](#)

NATHAN SOLORIO, Intern, Representative Doug Isaacson, Alaska State Legislature, offered his understanding that irrespective of employment status, any driver who moves to Alaska must obtain an Alaska driver's license within 90 days; the only exception is for members of the military stationed in Alaska.

[9:10:58 AM](#)

REPRESENTATIVE HUGHES rephrased Mr. Solorio's statement.

[9:11:24 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1, which read as follows [original punctuation provided]:

Page 1, line 1, following "**spouses**":

Insert "**or same-sex partners**"

Page 2, line 1, following "spouse" in both places:

Insert "or same-sex partner"

Page 2, line 3:

Delete "or spouse"

Insert "or the member's spouse or same-sex partner"

Page 2, line 4, following "jurisdiction;":

Insert "to claim to an exemption under this paragraph, a member's same-sex partner shall submit an application for an exemption and, with the application for exemption, two affidavits, one from the same-sex partner and one from the member, stating that the member and the same-sex partner

(A) are at least 18 years of age and are each competent to enter into a contract;

(B) have been in an exclusive, committed, and intimate relationship with each other for the last 12 consecutive months and intend to continue that relationship indefinitely;

(C) have maintained a household together at a common primary residence for the last 12 consecutive months and intend to maintain a household together indefinitely;

(D) consider themselves to be members of each other's immediate family;

(E) are not related to each other to a degree of closeness that would preclude them from marrying each other in this state if they were of the opposite sex;

(F) are not legally married to another person;

(G) have not executed an affidavit affirming same-sex partner status with another person within the last 12 months;

(H) are each other's sole domestic partner and each is responsible for the welfare of the other; and

(I) share financial obligations, including joint responsibility for basic living expenses and health care costs;"

[9:11:34 AM](#)

REPRESENTATIVE KELLER objected.

[9:11:41 AM](#)

REPRESENTATIVE KREISS-TOMKINS said Amendment 1 is offered in the spirit of inclusivity.

[9:12:06 AM](#)

The committee took a brief at-ease at 9:12 a.m.

[9:12:50 AM](#)

REPRESENTATIVE KREISS-TOMKINS said Amendment 1 would extend the benefits that are offered under HB 212 to same-sex partners. He said the amendment was offered in the previous committee of referral, and he noted that Representative Gruenberg was present in the room and could speak to the proposed amendment.

[9:13:25 AM](#)

REPRESENTATIVE KELLER spoke to his objection. He said the proposed amendment would necessitate a change in the bill title. Further, he opined there is no question that anyone who considers Amendment 1 would say it changes the focus of the bill. He explained he objects to Amendment 1 because there are only 90 days in the legislative session and because the proposed amendment is "not really germane to the bill." He said he thinks the word "spouse" is used hundreds of times in statute, and he remarked upon the possibility of "almost countless discussion."

[9:14:26 AM](#)

REPRESENTATIVE ISAACSON stated his objection to Amendment 1. He said during the last committee of referral, the Department of Law (DOL) testified. He offered his understanding that DOL said "spouse" is defined in statute, and if that definition is

changed in statute, it would apply to the use of the word spouse in HB 212. He opined that Amendment 1 is trying to change the scope of HB 212, almost to the point where it would need to be a constitutional amendment. He said he would not want to see those who could benefit from the proposed legislation to be deprived of that benefit while the legislature waits for "legal wrangling" or "a vote, if that ... comes to it." He said DOL could come before the House State Affairs Standing Committee to weigh in on the issue, if the committee wishes.

[9:16:26 AM](#)

REPRESENTATIVE MAX GRUENBERG, Alaska State Legislature, said the issue of same-sex partners is of concern to a considerable number of people in Alaska and across the country. He said under current law in Alaska, "spouse" excludes same-sex couple. He mentioned an Alaska Civil Liberties Union (ACLU) case that was before the Alaska Supreme Court and another case named, Schmidt, and he indicated that the Alaska Supreme Court decided in both cases that to deny same-sex couples equal protection of the law is a denial of the Alaska right of equal protection. Both those decisions were based on the Constitution of the State of Alaska. He said there are a number of federal cases "holding similarly for federal benefits and things that involve federal rights." He noted that a recent 9th Circuit Court of Appeals case held that the exclusion of homosexuals on jury panels is a denial of equal protection of the law. He offered his understanding that that decision was made in Nevada, and both the governor and the attorney general refuse to defend that law.

REPRESENTATIVE GRUENBERG said, "This is something that society is rapidly changing its views on." He said Amendment 1 is carefully crafted so that it does not reach the issue of whether it is unconstitutional to deny same-sex couples the right to marry. He said the proposed amendment uses language from state regulations that were adopted after the ACLU case, which does not "say they are married," but says "they are entitled to the benefit of the law" He stated, "This amendment does not go beyond the scope of the term, as used in AS 28.15.021; it would not make any other changes." He indicated Amendment 1 does not seek to open the door to change other laws. He expressed appreciation to Representative Kreiss-Tomkins for proposing Amendment 1, and he surmised that the entire [Democratic] Caucus feels the same on the issue. He noted that HB 212 was not scheduled to be heard by the House Judiciary Standing Committee; therefore, he suggested that if this issue is addressed by adopting Amendment 1, the proposed bill would not need another

committee of referral to hear it before being heard on the House floor. Representative Gruenberg stated he supports HB 212, but "cannot support the affect, if not the intent, that's discriminatory." He warned that any acceptance of discrimination opens the door to further discrimination.

[9:21:39 AM](#)

CHAIR LYNN opined, "This subject certainly is ... a surprising issue overall, but issue or not, I don't think it's germane, really, to who gets a driver's license and who doesn't, which is the main part of this bill."

[9:21:59 AM](#)

REPRESENTATIVE KELLER maintained his objection to Amendment 1.

[9:22:03 AM](#)

CHAIR LYNN requested a vote, but upon determining there was further committee comment, voided the roll.

[9:22:44 AM](#)

REPRESENTATIVE KELLER offered his understanding that the intent [of Amendment 1] - implied, if not said - was to "continue the effort to pull it into Judiciary and continue this discussion by the minority." He opined that "that makes it clearly a political move." He restated his objection to Amendment 1.

[9:23:10 AM](#)

REPRESENTATIVE HUGHES said that "in the midst of the court wrangling" she does not think it is wise to "take this on." She referred to Representative Keller's previous mention of the word spouse in statute and of the need to change the bill title that would be brought about under Amendment 1. She said this would be problematic, and she stated her intent to vote "no" on Amendment 1.

[9:23:47 AM](#)

A roll call vote was taken. Representative Kreiss-Tomkins voted in favor of Amendment 1. Representatives Gattis, Hughes, Isaacson, Keller, and Lynn voted against it. Therefore, Amendment 1 failed by a vote of 1-5.

[9:24:25 AM](#)

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated that the division would have no problem implementing [the proposed changes under] HB 212. Regarding Representative Gattis' question about acquiring a license if a person is employed or not employed, she ventured the discussion pertains to vehicle registration. She said a person who is from out of state must register his/her vehicle within 60 days, unless the person is employed, in which case he/she would have to register the vehicle within 10 days.

REPRESENTATIVE GATTIS asked if, under HB 212, a military spouse who gets pulled over by the police would have something on his/her license showing that military spousal status.

CHAIR LYNN remarked that military spouses have dependent identification (ID) cards that can be shown with a driver's license.

MS. ERICKSON offered her understanding that "you would provide a military ID just to show the law enforcement officer that you have reason to not have an Alaska license."

[9:26:13 AM](#)

JOMO STEWART, Project Manager, Fairbanks Economic Development Corporation (FEDC), testified in support of HB 212. He said Fairbanks is a military town and Alaska is a fairly military-dependent state, and FEDC supports any easing of burden on military staff and their spouses.

[9:27:12 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 212.

[9:27:39 AM](#)

REPRESENTATIVE KELLER moved to report HB 212 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 212 was reported out of the House State Affairs Standing Committee.

HB 273-EXTENDING COUNCIL ON DOMESTIC VIOLENCE

[9:27:55 AM](#)

CHAIR LYNN announced the final order of business was HOUSE BILL NO. 273, "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

9:28:10 AM

REPRESENTATIVE LINDSEY HOLMES, Alaska State Legislature, as prime sponsor, presented HB 273. She said the proposed legislation would extend the Council on Domestic Violence and Sexual Assault (CDVSA) for the eight years that were recommended in the legislative audit. She reviewed that Alaska leads the nation in sexual abuse and domestic violence and that CDVSA is the entity that is charged with addressing this problem. She said the council was created in 1981, and since then has served Alaskans by funding and monitoring domestic violence and assault programs and prevention activities. She related that the council not only provides training, outreach, and statewide public information programs, but it also acts as the state's grant-making arm and coordinator for statewide efforts.

REPRESENTATIVE HOLMES said the statutory mandate is:

To provide for planning and coordination of services to victims of domestic violence and sexual assault or to their families and to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs.

9:29:44 AM

REPRESENTATIVE HOLMES listed the following primary functions of CDVSA: to develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, in coordination with authorities in the field of domestic violence and sexual assault; to break down "silos in this area" and coordinate services between the Department of Public Safety (DPS), the Department of Law (DOL), the Department of Education & Early Development (DEED), Department of Health and Social Services (DHSS), the Department of Corrections (DOC), and other agencies; to oversee, monitor, coordinate and dispense funds for existing and expanding services and programs to meet domestic violence and sexual assault victims; to provide technical assistance to programs around the state; to consult with public employers and other agencies that are required to

provide continuing education programs; and to consult with other agencies.

REPRESENTATIVE HOLMES said there has been much discussion over the years regarding the role of the council. In 2006, the legislature established a task force, on which she served, which came up with 26 recommendations. Some of the recommendations were made into statute. All but two of the rest, she reported, were fully addressed by the council. The final two recommendations relate to batterers intervention, and she said the council has been working diligently to address those. She said the Division of Legislative Audit had three recommendations for the council. The council has completely complied with two of them, which were to implement written procedures to ensure that public notices are posted in a timely manner and to improve grant reward and monitoring policies and procedures. The council has taken steps to comply with the third recommendation, which was to work with DHSS to ensure that people providing services are "fully up to speed" on how to address the needs of victims of domestic violence and sexual assault. She said it is actually the department's responsibility to create those procedures; the council has made efforts over the last few months to fulfill their role in working with the department.

REPRESENTATIVE HOLMES stated that in light of the "mighty task" in front of CDVSA and the fact that the council has been very responsive over the years, she would urge the committee to approve the eight-year sunset extension proposed under HB 273.

[9:32:45 AM](#)

REPRESENTATIVE KELLER asked if the council's membership includes someone from DOC, so that that department has input regarding the transition of people coming out of prison and the training and counseling involved.

[9:33:07 AM](#)

REPRESENTATIVE HOLMES answered yes, in response to one of the aforementioned 26 recommendations, one of the council's seats is now filled by either the commissioner or commissioner designee of DOC.

[9:33:25 AM](#)

REPRESENTATIVE ISAACSON thanked Representative Holmes for bringing HB 273 forward. He said he does not think anyone would

doubt the need for the council, but he questioned what steps are being taken to ensure that the money allotted to CDVSA is being used for the purposes intended.

[9:33:59 AM](#)

REPRESENTATIVE HOLMES responded that there are standards in place. For example, she said forms have been standardized, and there is a method by which the content in forms submitted by grantees is checked for accuracy. She deferred to Lauree Morton, the executive director of CDVSA for further information.

[9:35:52 AM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislative Affairs Agency, presented a sunset review of CDVSA, dated May 21, 2013. She said the purpose of any sunset audit is to determine if a council, or any other entity, is serving the public's interest, and whether its termination date should be extended. She said the division's audit report also provides a summary of the council's organization and function, and a description of its funding sources. She said the audit concluded that the council is serving the public's interest by funding and monitoring Alaskan domestic violence and sexual assault programs and prevention response activities. The audit also found that the council effectively served as the central coordinator for related services throughout the state. She reported that the Legislative Audit Division recommended the maximum extension allowed in statute, which is eight years.

[9:36:56 AM](#)

REPRESENTATIVE ISAACSON asked Ms. Curtis if she foresees any problems related to a misuse of funds.

MS. CURTIS responded that the audit found that the council has controls in place, such as the aforementioned forms; however, the problem was that the forms were not being used consistently, which she said is a much easier problem to address. She said the cause of the recommendation was staff turnover and a lack of procedures. She said she cannot say what the current state is, since the audit was done in the spring of 2013; however, she reiterated that the division does consider "that type of recommendation much easier to address."

[9:38:33 AM](#)

REPRESENTATIVE HUGHES asked if the council takes steps to ensure the effective use of the funds given to nonprofit groups. Further, she asked what amount "is being spent on these programs on an annual basis."

[9:39:22 AM](#)

MS. CURTIS directed attention to a schedule on page 16 of the audit, [included in the committee packet], which shows a schedule of funding sources and expenditures. She said it shows that in fiscal year 2012 (FY 12), the council granted \$12.7 million in awards. There is an appendix to the report, which shows who received the money in the account and how much they received. In general, she reported, the council funded the following: 20 community-based victim service programs, 6 community-based batterers' intervention programs, 3 prison-based batterers' intervention programs, and 13 other related programs. She said the audit found that there was some inconsistency in the council's monitoring files - they did not always have evidence of follow-up on some of their findings - and that contributed to the recommendation.

[9:40:48 AM](#)

REPRESENTATIVE HUGHES indicated that her question stems from feedback she has received from her constituents regarding their concern about the accountability of non-profit organizations that receive state funds.

[9:41:09 AM](#)

LAUREE MORTON, Executive Director, Council on Domestic Violence and Sexual Assault (CDVSA), reported that over the past year, there were over 9,330 people who sought assistance from the funded programs. She continued as follows:

 About 75 percent of them was related to domestic violence, about 20 percent related to sexual assault, 3 percent to stalking, and about 30 percent to other violent crime victims.

MS. MORTON said the council receives a federal grant through the Victims of Crime Act (VOCA), which allows the council to fund services for victims of other violent crimes. She said about 68 percent of the people who sought services were adults - of whom 79 percent were women and 17 percent were men - and about 28 percent were children. She indicated that 4 percent of those

who applied did not note age or sex. Ms. Morton said the programs are generally supported in the respective communities; in the past year there were over 3,000 volunteers who donated over 78,000 hours of service.

MS. MORTON reported that there were 262 intakes into the council-funded batterers' programs last year and 84 people who completed the programs. She said the task force recommendation still outstanding has to do with the programs. She said since assuming her executive director role two years ago, the council has been diligently working on its batterer's intervention programs. She said current regulations narrowly define what a program can look like. Back when the regulations were first instituted in the mid '90s, there was only one program available, which was crafted from "the Duluth model" from Minnesota. Over the years, she said, programs have been made more effective by being customized through consideration of factors including a person's age, lethality, and cultural affiliation. She explained that the council is in a year-long process of revising the regulations and has entered into a memorandum of agreement (MOA) with DOC to take that task on, and the council will be reviewing the first draft of regulations at its meeting the end of this month.

[9:44:18 AM](#)

MS. MORTON said the council also has a research component funded through the governor's initiative, which looks at the statewide population. She said the Alaska victimization survey was conducted in 2010, and she reported that unfortunately, 58 percent of adult women in Alaska have been sexually assaulted, suffered domestic violence, or both. She said the council plans to repeat that survey in 2015 and, while it does not expect to see the "lifetime number" to change in five years, it does hope to see the start of "down-trending" in the past year.

MS. MORTON said the council has also put together a composite of almost every statistic in the state regarding domestic violence and sexual assault, which is called "the dashboard." She said it shows about 36 different items on the dashboard, including child abuse, elder abuse, how crimes are reported, the rates of reports, how many incidents are accepted for prosecution, and how many of those are successfully prosecuted.

MS. MORTON said the council also has an evaluation of one of the state's significant primary prevention activities, which is conducted through the school system and called, "The Fourth R."

She explained that added to the first three "Rs," [Reading, wRiting, and aRithmetic], the fourth "R" is Relationships. She indicated that the program has been in place for grades seven, eight, and nine, and has existed for three years. She said the program has gone through an institutional review board at a college level and there are intervention schools where the program is being actively used, as well as a control group of schools, where it is not being implemented. The intent is to have the final result at the end of this summer, and the council hopes that The Fourth R will show an effect on young people's ability to enter into respectful and nonviolent relationships.

[9:46:34 AM](#)

MS. MORTON relayed that the council coordinates several activities around state, including: sexual assault response team training for communities and the justice system to help people protect themselves from re-victimization. She said it brings together advocates, health care, and law enforcement to create a seamless system for the victim who comes forward to report an assault. She said the council also has a federal program called, "Services Training Officers and Prosecutors" (STOP), which uses federal funding to train first responders to domestic violence and sexual assault. She said the council has implemented several prevention activities, particularly through the governor's initiative. One of them is called, Coaching Boys Into Men, where coaches talk to boys about how to treat their dating partners and the adult women in their lives with respect. The theory is that coaches are natural leaders in schools and can be roles models.

[9:48:26 AM](#)

MS. MORTON, in response to Representative Isaacson's previously stated concern about ineligible groups possibly getting funded, said the council has a request for proposal (RFP) process, which is open every two years in a grant cycle. She said any eligible entity can apply, and there are standards and regulations, by which the council judges those applications to determine whether the applicants qualify. The council makes the awards and then it is "up to the staff to ensure that they are implemented correctly and that the funds are being properly used." She surmised Representative Isaacson may have read in the audit something that was "not a failure in the practical day-to-day matter of making sure that it was happening," but "a failure in correctly ensuring all the paperwork was done." She said the council has instituted ways to ensure that this does not happen

anymore: program coordinators meet on a quarterly basis with a checklist of everything in the files. She said there is also a routine business practice for on-sight evaluation files, where they are checked for accuracy and completeness, and she signs off on them.

9:50:14 AM

REPRESENTATIVE ISAACSON concluded that the council is ensuring and approving eligibility and monitoring where funds are going to make certain they are being used properly.

[MS. MORTON nodded.]

REPRESENTATIVE ISAACSON asked Ms. Morton to talk about the success that the council has seen.

9:51:19 AM

MS. MORTON said she thinks the council has moved away from looking at programs and their outputs to asking questions about the quality of services provided, such as ascertaining whether the people in the programs are safer, know about more resources, and are better able to enter into the justice system. She said there is a list of seven outcome measure questions in the short term that the council started asking last year to determine if there are ways to improve services to victims. She said the council is also looking for intervention programs for batterers as part of the regulation revision - "a way to think through outcome measures and performance measures." She said she thinks it is "a little more than recidivism." She mentioned "a high mark to get back into the justice system" and figuring out why patterns of behavior are actually changing. She ventured there is more of a willingness to acknowledge problems and talk about them, and, as communities, look for ways to stop violence and sexual assault. She said she started this work in 1984, moved to Alaska in 1989, where she worked in a crisis center in Bethel, Alaska, for five years before moving to Juneau. She said there is "a distinct difference in the air" where people are saying they do not want sexual assault or domestic violence to happen in Alaska any more.

9:53:24 AM

REPRESENTATIVE ISAACSON said he interpreted Ms. Morton's testimony as meaning that the very presence of the council and its perpetual focus on the issues is helping to bring awareness,

and that awareness is bringing people to a place where they want to put a stop to [sexual assault and domestic violence].

MS. MORTON confirmed that is correct.

9:53:55 AM

REPRESENTATIVE HUGHES thanked Ms. Morton for her work. She indicated that after hearing the statistics presented by Ms. Morton, she thinks Alaska has a long way to go; however, she said the headway that has been made is encouraging. She said she thinks drugs and alcohol are key issues, and she asked Ms. Morton to talk about how the council is making headway by addressing them.

MS. MORTON said there is a program called, "Sisters," which helps women who enter into programs who also have substance abuse issues to coordinate efforts with a local substance abuse program to give the women an opportunity to work toward their sobriety. It also helps with childcare. She said not every program in the state is able to provide that source, but it is a model in the state being looked at by the council. Another program just started this past year, she related, is a cooperative agreement with the Division of Behavioral Health, wherein victims who come to the council's programs and have an identified mental health need are able to access 10 sessions with behavioral health staff that have received a specific amount of "trauma-informed care training." In terms of prevention, she said one thing she has recently asked staff to do is to work with the various prevention coordinators throughout the administration that deal with sexual assault, domestic violence, substance abuse, and mental health, suicide prevention, to identify where there may be common concerns in order to work better together. She expressed her hope that in the next couple of months, the council will produce an agreement of overarching strategies in the state and a list of how individual programs feed into that.

REPRESENTATIVE HUGHES emphasized her belief that people are medicating mental health issues with substance abuse, which then leads to domestic violence and sexual abuse. She surmised that many assaults are happening when people are under the influence [of drugs and/or alcohol]. She expressed her hope that the council will consider mental health first aid as it moves forward.

9:58:06 AM

CHAIR LYNN asked Ms. Morton to restate the percentage of victims that are men.

MS. MORTON answered about 17 percent of those in the council's programs last year were men.

CHAIR LYNN, after ascertaining that no one else wished to testify, closed public testimony on HB 273.

[9:58:34 AM](#)

REPRESENTATIVE KELLER thanked Ms. Morton for her work.

CHAIR LYNN echoed Representative Keller's thanks.

REPRESENTATIVE KELLER indicated that as a result of Alaska becoming firm on the issue of sexual abuse and domestic violence, there are more people in correctional facilities. He said he has heard from constituents that even though the court orders counseling, training, and programs, "nothing's available, at least at one of the institutions." He indicated that letting perpetrators [who have served their sentences] out of prison [without having had counseling] would result in repeated offenses and an increased problem. He asked the council to pay attention to that. He noted that Deputy Commissioner Ron Taylor is interested in and has ideas related to this issue.

[10:00:02 AM](#)

REPRESENTATIVE KELLER moved to report HB 273 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 273 was reported out of the House State Affairs Standing Committee.

[10:00:12 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:00 a.m.