

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 8, 2022

3:07 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 387

"An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

- HEARD & HELD

CS FOR SENATE BILL NO. 71(FIN)

"An Act relating to special request registration plates celebrating the arts; relating to artwork in public buildings and facilities; relating to the management of artwork under the art in public places fund; relating to the powers and duties of the Alaska State Council on the Arts; establishing the Alaska arts and cultural investment fund; and providing for an effective date."

- MOVED HCS CSSB 71(STA) OUT OF COMMITTEE

HOUSE BILL NO. 291

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 387

SHORT TITLE: MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

02/22/22 (H) READ THE FIRST TIME - REFERRALS
02/22/22 (H) STA
03/03/22 (H) STA AT 3:00 PM GRUENBERG 120
03/03/22 (H) Heard & Held
03/03/22 (H) MINUTE(STA)
03/08/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 71

SHORT TITLE: COUNCIL ON ARTS: PLATES & MANAGE ART

SPONSOR(s): SENATOR(s) STEVENS

02/05/21 (S) READ THE FIRST TIME - REFERRALS
02/05/21 (S) STA, FIN
03/09/21 (S) STA AT 3:30 PM BUTROVICH 205
03/09/21 (S) Heard & Held
03/09/21 (S) MINUTE(STA)
03/23/21 (S) STA AT 3:30 PM BUTROVICH 205
03/23/21 (S) Moved SB 71 Out of Committee
03/23/21 (S) MINUTE(STA)
03/24/21 (S) STA RPT 1DP 4NR
03/24/21 (S) NR: SHOWER, COSTELLO, KAWASAKI,
REINBOLD
03/24/21 (S) DP: HOLLAND
04/06/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/06/21 (S) Heard & Held
04/06/21 (S) MINUTE(FIN)
04/19/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/19/21 (S) Heard & Held
04/19/21 (S) MINUTE(FIN)
04/21/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/21/21 (S) Moved CSSB 71(FIN) Out of Committee
04/21/21 (S) MINUTE(FIN)
04/23/21 (S) FIN RPT CS 5DP 2NR NEW TITLE
04/23/21 (S) DP: STEDMAN, BISHOP, HOFFMAN,
WIELECHOWSKI, VON IMHOF
04/23/21 (S) NR: WILSON, OLSON
05/05/21 (S) TRANSMITTED TO (H)
05/05/21 (S) VERSION: CSSB 71(FIN)
05/06/21 (H) READ THE FIRST TIME - REFERRALS
05/06/21 (H) STA, FIN
05/13/21 (H) STA AT 3:00 PM GRUENBERG 120

05/13/21 (H) <Bill Hearing Postponed to 5/15/21>
05/15/21 (H) STA AT 10:00 AM GRUENBERG 120
05/15/21 (H) -- Testimony <Invitation Only> --
05/17/21 (H) STA AT 9:00 AM GRUENBERG 120
05/17/21 (H) -- MEETING CANCELED --
05/18/21 (H) FIN AT 9:00 AM ADAMS 519
05/18/21 (H) <Bill Hearing Canceled>
03/01/22 (H) STA AT 3:00 PM GRUENBERG 120
03/01/22 (H) Heard & Held
03/01/22 (H) MINUTE(STA)
03/03/22 (H) STA AT 3:00 PM GRUENBERG 120
03/03/22 (H) Heard & Held
03/03/22 (H) MINUTE(STA)
03/08/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 291

SHORT TITLE: EXTENDING COUNCIL ON DOMESTIC VIOLENCE

SPONSOR(S): REPRESENTATIVE(S) TARR

01/27/22 (H) READ THE FIRST TIME - REFERRALS
01/27/22 (H) STA, FIN
02/17/22 (H) STA AT 3:00 PM GRUENBERG 120
02/17/22 (H) Heard & Held
02/17/22 (H) MINUTE(STA)
02/22/22 (H) STA AT 3:00 PM GRUENBERG 120
02/22/22 (H) Heard & Held
02/22/22 (H) MINUTE(STA)
03/08/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

CORI MILLS, Deputy Attorney General
Office of the Attorney General
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 71.

TIM LAMKIN, Staff
Senator Gary Stevens
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 71, on behalf of Senator Stevens, prime sponsor.

JEFFREY SCHMITZ, Director
Division of Motor Vehicles
Department of Administration

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 71.

BENJAMIN BROWN, Chair

Alaska State Council on the Arts

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 71.

DIANE CASTRO, Executive Director

Alaska Network on Domestic Violence and Sexual Assault

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 291.

ACTION NARRATIVE

[3:07:32 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:07 p.m. Representatives Vance, Kaufman, Eastman, Story, Claman, and Kreiss-Tomkins were present at the call to order. Representative Tarr arrived as the meeting was in progress.

HB 387-MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT

[3:10:26 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 387, "An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

CHAIR KREISS-TOMKINS opened public testimony; after ascertaining that no one wished to testify, he closed public testimony. He announced that HB 387 was held over.

SB 71-COUNCIL ON ARTS: PLATES & MANAGE ART

[3:11:41 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be CS FOR SENATE BILL NO. 71(FIN), "An Act relating to special request registration plates celebrating the arts;

relating to artwork in public buildings and facilities; relating to the management of artwork under the art in public places fund; relating to the powers and duties of the Alaska State Council on the Arts; establishing the Alaska arts and cultural investment fund; and providing for an effective date."

3:12:50 PM

CHAIR KREISS-TOMKINS invited questions from committee members.

3:13:08 PM

REPRESENTATIVE CLAMAN expressed concern that Section 5 would give discretion to the attorney general (AG) to deny the Alaska State Council on the Arts (ASCA) new counsel if there was a conflict of interest.

3:14:15 PM

CORI MILLS, Deputy Attorney General, Office of the Attorney General, Department of Law, assured the committee that dealing with conflicts of interest was nothing new to the Office of the Attorney General, adding that the main manual had a policy on it, titled the Rules of Professional Conduct. She explained that under AS 44.23.020, the AG was to provide legal advice and representation for all state agencies unless there was a carveout. Even without the language in Section 5, she said, the AG would be the legal representative for the council, which was true for all state agencies. She concluded that the language in Section 5 was "outside the norm" but acceptable, nonetheless.

REPRESENTATIVE CLAMAN sought to confirm that that the AG was not thought of as a single law firm, consistent with the ethics exception, as described by Ms. Mills.

MS. MILLS believed that was an accurate statement.

REPRESENTATIVE CLAMAN asked whether the Office of the Attorney General would follow the language in Section 5 or the ethics rules when determining whether ASCA should seek outside counsel.

MS. MILLS said the statute would weigh into it; however, there was already an existing process by which the AG evaluated these types of issues. She reiterated that the existing process was an internal policy that reflected the Rules of Professional Conduct, as well as consultation with client agencies.

REPRESENTATIVE CLAMAN asked whether the statutory language [in Section 5] would change the normal process for identifying and addressing a conflict of interest.

MS. MILLS said the AG's office would follow the existing process, adding that the language in Section 5 would not be viewed as being contrary to that.

REPRESENTATIVE CLAMAN considered a scenario in which the governor intended to line-item veto ASCA's funding and subsequently, the council wanted to seek legal counsel. He asked whether there would ever be a situation in which the AG would choose to keep the state entity as a client and instruct the governor to seek outside council.

MS. MILLS said she had never seen that situation occur and declined to speculate on the potential of it occurring in the future.

REPRESENTATIVE CLAMAN indicated that he had asked the question to emphasize that "when push comes to shove" in a conflicts analysis, the governor would always be the AG's client.

[3:21:39 PM](#)

REPRESENTATIVE EASTMAN inquired about the legal implications of Section 5 and how the language would impact DOL.

MS. MILLS replied that it wouldn't have a strong impact on DOL, as there is already an existing process for ethics screening in place. She noted that even if council had a quasi-independent existence, it was still part of the state and acting on behalf of the public. She reiterated that the language in Section 5, subsection (b), was "out of the norm" in terms of other statutes; nonetheless, it would not impact the AG's operation.

CHAIR KREISS-TOMKINS asked whether language in other sections of statute was "boilerplate" in regard to the bill's intent.

MS. MILLS highlighted language in AS 44.23.020 that broadly stated that the AG represented all state agencies. Additionally, regarding public corporations, she said statutory language typically indicated that the AG was the legal counsel. She suggested that the second section of subsection (b) was generally worded differently while subsection (a) was "boilerplate."

CHAIR KREISS-TOMKINS asked whether Ms. Mills was aware of any non-public corporation instances of this language.

MS. MILLS answered the Commercial Fisheries Entry Commission (CFEC) and potentially some commissions that were not public corporations. She understood that the AG's office represented essentially all boards, commissions, and public corporations except for the Alaska Railroad.

[3:25:07 PM](#)

REPRESENTATIVE EASTMAN inquired about the Alaska Railroad exception.

MS. MILLS said the Alaska Railroad had its own legal counsel. She noted that she did not promote that language, as she found that consistency from DOL ensured consistency of legal advice and opinion and cut down on inter-agency dispute. She opined that having the advice come from the AG - unless there was a conflict - was better for state government.

[3:26:09 PM](#)

REPRESENTATIVE CLAMAN inquired about the Rules of Professional Conduct that Ms. Mills had referenced.

MS. MILLS said at the beginning of the Rules of Professional Conduct, there was a section that addressed the scope.

REPRESENTATIVE CLAMAN asked whether she was referring to rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer.

MS. MILLS clarified that it was before that in the discussion of the scope of the rules themselves.

[3:28:51 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, [labeled 32-LS0310\W.1, Radford, 3/4/22], which read:

Page 2, line 7:

Delete "only on the first issuance and the"

Insert "on issuance and"

REPRESENTATIVE CLAMAN objected for the purpose of discussion.

[3:28:55 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 1 would replace "only on the first issuance and the" with "on issuance and" to remove any indication that there would be a second issuance, third issuance, etcetera.

[3:29:48 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, on behalf of Senator Stevens, prime sponsor of SB 71, opined that the proposed language would make no difference. He believed that if Amendment 1 were adopted, the bill would likely secure concurrence in the Senate.

CHAIR KREISS-TOMKINS inquired about the material effect of Amendment 1.

[3:30:55 PM](#)

JEFFREY SCHMITZ, Director, Division of Motor Vehicles, Department of Administration, expressed his concern about the word "and" [after "issuance"] in the proposed language, as it would suggest that the DMV would be collecting an additional fee for replacement plates.

REPRESENTATIVE EASTMAN pointed out that the "and" in question already existed in the current bill language.

MR. SCHMITZ maintained his concern about the word "and". Nonetheless, he said the DMV would follow the legislative intent, which he believed was to collect the fee one time upon first issuance.

[3:33:36 PM](#)

REPRESENTATIVE CLAMAN disagreed with Mr. Schmitz's analysis. He opined that the intent of the bill and the intent of Amendment 1 were aligned, which was for a fee to be collected one time upon first issuance of a license plate. He argued that Amendment 1 wasn't necessary, as the existing bill language adequately captured the intent.

CHAIR KREISS-TOMKINS agreed.

[3:35:07 PM](#)

MR. SCHMITZ clarified that the fee in question was specific to the Alaska State Council on the Arts (ASCA). He acknowledged that a replacement fee of \$5 was charged for all replacement plates; however, he reiterated that the replacement fee was separate from the fee [collected on first issuance.]

[3:35:45 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which an individual wanted to buy 3 commemorative plates for three different vehicles. He asked how the current language would impact that situation.

MR. SCHMITZ stated that the individual would pay the ASCA fee for each vehicle.

REPRESENTATIVE CLAMAN shared his understanding that Section 1, paragraph (3), was only referring to the ASCA fee of up to \$50. He suggested that "additional" should be inserted on page 2, line 6, thereby reading "the additional fee shall be collected only on the first issuance".

[3:37:52 PM](#)

REPRESENTATIVE CLAMAN moved Conceptual Amendment 1 to Amendment 1, which would delete all the language on lines 2-3 of the proposed amendment and insert "additional" before "fee" on page 2, line 6 of SB 71, and delete "and the replacement" on page 2, line 7, so the bill would read "the additional fee shall be collected only on the first issuance of the special request plates;".

REPRESENTATIVE EASTMAN was supportive of Conceptual Amendment 1.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[3:38:43 PM](#)

REPRESENTATIVE KAUFMAN inquired about the interpretation of paragraph (3) when the fiscal note was being drafted.

MR. LAMKIN declined to speak to the drafting of a fiscal note; nonetheless, he understood that the intent was for the fee to be paid once and only once.

REPRESENTATIVE EASTMAN shared his understanding that if an individual had purchased the special plate, which was then

stolen, the individual could return to the DMV and obtain a replacement plate for \$5.

CHAIR KREISS-TOMKINS concurred with Representative Eastman's analysis. He removed his objection to Conceptual Amendment 1 to Amendment 1. There being no further objection, Conceptual Amendment 1 to Amendment 1 was adopted.

REPRESENTATIVE CLAMAN removed his objection to Amendment 1, as conceptually amended. There being no further objection, Amendment 1 was adopted.

[3:41:13 PM](#)

REPRESENTATIVE EASTMAN moved to adopt [Amendment 2], [labeled 32-LS0310\W.2, Radford, 3/4/22], which read:

Page 1, lines 1 - 2:

Delete "**relating to artwork in public buildings and facilities;**"

Page 2, lines 14 - 17:

Delete all material.

Renumber the following bill sections accordingly.

Page 3, lines 8 - 10:

Delete all material.

Renumber the following paragraph accordingly.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[3:41:19 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 2 included a title change, as well as the deletion of Section 2, subsection (h), and Section 4, paragraph (7). He said the intent was to maintain "the status quo" in terms of ASCA's responsibilities regarding the relocation, disposition, and exchange of art.

[3:42:38 PM](#)

REPRESENTATIVE STORY asked for the rationale behind this proposal.

REPRESENTATIVE EASTMAN opined that the council's expanded scope of practice [Section 4, paragraph (7)] was unnecessary.

REPRESENTATIVE TARR stated her opposition to the proposed amendment, explaining that the responsibilities in question were in response to the chaotic situation in 2019. She believed that ASCA was well-suited to carry out the responsibility of managing works of art in different facilities.

[3:44:54 PM](#)

REPRESENTATIVE VANCE asked why ASCA was given the responsibility of managing works of art.

[3:45:42 PM](#)

MR. LAMKIN opined that Amendment 2 would gut an important component of the bill, which was to codify a mechanism for managing artwork. He explained that ASCA was responsible for acquisitioning art and shepherding it into public buildings and new facilities. Further, in unforeseen events, he emphasized the importance of clarifying a purview for the management of the artwork itself at the end of a building's life. He conveyed that the bill sponsor was not supportive of the proposed amendment.

REPRESENTATIVE VANCE asked who was responsible for the artwork in 2019.

MR. LAMKIN answered the Alaska Contemporary Art Bank.

REPRESENTATIVE VANCE asked whether the art was in limbo in 2019.

[3:48:24 PM](#)

BENJAMIN BROWN, Chair, Alaska State Council on the Arts, explained the purpose of the Alaska Contemporary Art Bank in further detail. He explained that currently, ASCA lacked the ability to decide what to do with art from the Percent for Art Program when a building was at the end of its useful life. He indicated that SB 71 would grant ASCA that ability, but Amendment 2 would remove it.

[3:51:30 PM](#)

REPRESENTATIVE KAUFMAN inquired about the value [of art] being protected.

MR. BROWN shared his understanding that the Percent for Art program investment was "hundreds of thousands of dollars;" Additionally, he estimated that the Alaska Contemporary Art Bank investment was just as much. He pointed out that as the state was self-insured, the council had never been called upon to provide that evaluation.

[3:53:22 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 2.

[3:53:46 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3, [labeled 32-LS0310\W.3, Radford, 3/4/22], which read:

Page 2, line 16, following "chapter":

Insert "that are located in a building or facility scheduled for demolition"

Page 3, line 9, following "AS 35.27":

Insert "that are located in a building or facility scheduled for demolition"

REPRESENTATIVE CLAMAN objected.

[3:53:54 PM](#)

REPRESENTATIVE EASTMAN suggested that Amendment 3 was intended to narrow ASCA's scope of practice to artwork located in buildings or facilities that were scheduled for demolition.

MR. BROWN expressed his opposition to Amendment 3 and maintained his support for the current bill language.

MR. LAMKIN relayed the bill sponsor's objection to the proposed amendment. He shared his belief that it would overly limit the the scope of the council and negatively impact partnerships with other state agencies.

[3:58:15 PM](#)

REPRESENTATIVE EASTMAN inquired about the bill sponsor's intent.

MR. LAMKIN said the intent was to designate the council as a resource and partner to all state agencies and facilities that house percent for art pieces.

[3:59:06 PM](#)

REPRESENTATIVE EASTMAN agreed with that sentiment; however, he opined that "shall manage" had broader implications than providing advice.

MR. LAMKIN contended that the language "shall manage" was accurate, as in practice, the council worked in partnership with agencies and facilities to manage the artwork commissioned under the Percent for Art Program.

[3:59:42 PM](#)

REPRESENTATIVE CLAMAN maintained his objection.

[3:59:47 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 3.

[3:59:56 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4, [labeled 32-LS0310\W.4, Radford, 3/4/22], which read:

Page 3, lines 13 - 14:

Delete "The attorney general is the legal counsel for the council."

Page 3, line 14:

Delete "shall"

Insert "may"

Page 3, line 17:

Delete "and with"

Insert ", without"

Page 3, lines 18 - 19:

Delete "The attorney general may not unreasonably withhold approval."

REPRESENTATIVE CLAMAN objected.

[4:00:00 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 4 would remove the designation of the AG as the legal counsel for ASCA. Further, it would replace "shall" with "may", such that "the attorney general may advise the council on legal matters." Additionally, the proposed amendment would change the language in Section 5, subsection (b) to read "The council may employ temporary legal counsel for good cause without the approval of the attorney general."

CHAIR KREISS-TOMKINS asked Ms. Mills to comment on Amendment 4.

[4:01:42 PM](#)

MS. MILLS said much of Amendment 4 would be a policy call. Nonetheless, she opined that keeping Section 5, subsection (a) in its current form would remain in-line with the statutory language for other commissions and corporations. Regarding the "may" versus "shall", she suggested that replacing "shall" with "may" would be unclear.

MR. BROWN believed that the bill should remain unamended in its current form.

[4:03:48 PM](#)

REPRESENTATIVE CLAMAN expressed his opposition to Amendment 4, as it would give the council the ability to acquire its own legal counsel without approval from the AG.

[4:04:32 PM](#)

REPRESENTATIVE VANCE directed attention to Section 5, lines 18-19, and asked who would determine whether approval was unreasonably withheld.

MS. MILLS shared her understanding that it would be decided between the AG and the council.

REPRESENTATIVE VANCE inquired about legal impact of removing the language "The attorney general may not unreasonably withhold approval."

MS. MILLS understood the language to suggest that the AG should act with good cause and account for the council's wishes.

REPRESENTATIVE VANCE concluded that the language in question was intent language.

[4:07:27 PM](#)

REPRESENTATIVE CLAMAN opined that ultimately, the arbiter of whether approval was unreasonably withheld would be the courts. He pointed out that the language in question was common contract language, which was often utilized in commercial contracts between two parties with an ongoing relationship.

REPRESENTATIVE EASTMAN asked Representative Claman whether Section 5, subsection (b) was necessary.

REPRESENTATIVE CLAMAN believed that ASCA should be required to request approval from the AG's office to seek outside counsel, as utilizing outside counsel would cost the state more money. He believed that the AG would provide more effective legal counsel and save the state money in the long run.

[4:12:19 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 4.

[4:12:27 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 5, [labeled 32-LS0310\W.5, Radford, 3/4/22], which read:

Page 1, line 4, following "**Arts;**":
Insert "**and**"

Page 1, lines 4 - 5:
Delete "**; and providing for an effective date**"

Page 4, line 12:
Delete all material.

CHAIR KREISS-TOMKINS objected.

[4:12:32 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 5 would change the effective date.

CHAIR KREISS-TOMKINS asked the bill sponsor which effective date he would prefer.

MR. LAMKIN suggested July 1, 2022, adding that the sponsor was not supportive of Amendment 5.

[4:14:09 PM](#)

REPRESENTATIVE TARR asked whether [the effective date] needed to be retroactive.

MR. LAMKIN said the bill sponsor did not intend to pursue retroactivity.

The committee took a brief at-ease.

[4:15:29 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 5.

[4:15:51 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 6, [labeled 32-LS0310\W.6, Radford, 3/4/22], which read:

Page 2, line 16, following the first occurrence of "of":

Insert "portable"

Page 3, line 9, following the first occurrence of "of":

Insert "portable"

CHAIR KREISS-TOMKINS objected.

[4:15:55 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 6 would limit ASCA's scope of practice to "portable" works of art.

MR. BROWN reiterated that the existing language was intended to give the council the ability to address a statutory void, thereby allowing ASCA to shepherd the creation of artwork under the Percent for Art Program. He expressed his opposition to Amendment 6.

[4:19:04 PM](#)

REPRESENTATIVE KAUFMAN asked how "portable" would be defined.

REPRESENTATIVE EASTMAN replied that any art from the Alaska Contemporary Art Bank would suffice.

CHAIR KREISS-TOMKINS maintained his objection.

[4:19:53 PM](#)

REPRESENTATIVE EASTMAN maintained his belief that SB 71 would give ASCA too much authority in regard to the management of artwork in facilities and state agencies.

[4:20:12 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of the adoption of Amendment 6. Representatives Tarr, Story, Claman, Vance, Kaufman, and Kreiss-Tomkins voted against it. Therefore, Amendment 6 failed by a vote of 1-6.

[4:20:55 PM](#)

CHAIR KREISS-TOMKINS moved to adopt [Conceptual Amendment 1] to SB 71, such that "2021" would be deleted and replaced with "2022" on page 4, line 12. There being no objection, [Conceptual Amendment 1 to SB 71] was adopted. He invited final comments on the bill, as amended.

[4:21:50 PM](#)

REPRESENTATIVE STORY expressed her appreciation for the bill.

REPRESENTATIVE VANCE expressed her concern about creating an additional "sub-fund" of the general fund (GF). Nonetheless, she expressed her overall support for the bill.

REPRESENTATIVE CLAMAN expressed his support for the bill.

[4:24:33 PM](#)

REPRESENTATIVE CLAMAN moved to report CSSB 71, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 71(STA) was moved from the House State Affairs Standing Committee.

HB 291-EXTENDING COUNCIL ON DOMESTIC VIOLENCE

[4:25:04 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 291, "An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

[4:25:36 PM](#)

REPRESENTATIVE TARR, prime sponsor of HB 291, provided an explanation of changes [hard copy included in the committee packet] in the proposed committee substitute (CS), Version G, which read as follows [original punctuation provided]:

Following feedback from our partners, we have included several changes to HB 291:

- **Section 1:** This section amends AS 18.66.020 to expand the public membership of the Council on Domestic Violence and Sexual Assault (CDVSA) to include a representative from an Alaska Native Organization. This section also allows for the governor to consult specifically with the Alaska Native Women's Resource Center during the appointment process. The Alaska Native Women's Resource Center (AKNWRC) and the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) also will submit a list of recommended appointees to the governor.

- o This section also creates a new subsection (7) under AS 18.66.020(a) to include another new member to the CDVSA, the CEO of the Alaska Mental Health Trust Authority (or their designee). This ensures that there is a balance between the governmental and public members of this council.

- **Section 2:** This section amends AS 18.66.020(d) in order to add a definition for "Alaska Native organization," which is based on federal statute (43 USC 1601 et seq and 25 USC 5304). There are also numbering changes to reflect the newly-added definition.

- **Section 3:** This section extends the length of the CDVSA to June 30, 2028.

- **Section 4:** This section states that this Act takes effect immediately.

[4:30:11 PM](#)

REPRESENTATIVE VANCE asked, "How can we fill this specific need in a way that does not specifically identify a race or ethnicity in this policy?" She said she understood the need to have Alaska Native representation on the council; nonetheless, she believed that the proposed language was problematic.

[4:31:36 PM](#)

DIANE CASTRO, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, sought to confirm that Representative Vance was suggesting to replace the term "Alaska Native" with a broader term.

REPRESENTATIVE VANCE requested insight into the deliberation process for choosing the term "Alaska Native." She said she was struggling with the idea of prescribing a specific race for the eligibility criteria.

[4:33:12 PM](#)

MS. CASTRO reported that Alaska Native women experience the highest rates of domestic violence in Alaska; therefore, she believed it was unequitable to create a council to address these issues with white urban people. She acknowledged that the intent of the original language, which designated a "rural" position, was meant to capture Alaska Native representation; however, the position was currently filled with someone from Kenai, which didn't meet that intent. She opined that working with Alaska Native partners was critical to ensure that their voices were being heard.

[4:36:33 PM](#)

MS. CASTRO, in response to a follow-up question from Representative Vance, opined that specifically designating a position for Alaska Native representation would show Alaska Native women that their voices were important. Additionally, she opined that without specifying "Alaska Native" in the appointment requirements, Alaska Native representation would be left to chance.

[4:39:53 PM](#)

REPRESENTATIVE EASTMAN recalled that Ms. Castro had stated that the rural position was being filled by someone from Kenai. He asked why the statute wasn't being followed in that regard.

MS. CASTRO believed it was an oversight

REPRESENTATIVE EASTMAN directed attention to page 1, lines 7-8 of the proposed CS, Version G, which identified that one of the public members shall be from a rural area, and another of whom shall be an Alaska Native representative. He pointed out that one person could fill both requirements.

MS. CASTRO said ideally, the board would have regional representation.

REPRESENTATIVE EASTMAN concluded that the intent was to secure representation from both rural and urban Alaska Native organizations. He asked if that was correct.

MS. CASTRO said not necessarily.

REPRESENTATIVE EASTMAN inquired about the definition of "Alaska Native organization" and asked whether a person of a different ethnicity could qualify as the Alaska Native representative.

MS. CASTRO explained that tribal organizations hired many different races, so technically, the Alaska Native member could be someone that may not be Alaska Native. Nonetheless, she said the intent was to fill that seat with an Alaska Native person.

[4:44:25 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed committee substitute (CS) for HB 291, labeled 32-LS1425\B, Radford, 2/16/22, Version G, as the working document.

REPRESENTATIVE EASTMAN objected.

[4:45:03 PM](#)

A roll call vote was taken. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted in favor of adopting the proposed CS for HB 291. Representatives Eastman, Kaufman, and Vance voted against it. Therefore, Version G was adopted as the working document by a vote of 4-3.

[4:45:52 PM](#)

REPRESENTATIVE VANCE clarified that she was in support of having Alaska Native representation on the council; however, she maintained her concern about prescribing a position based on race.

[4:48:21 PM](#)

REPRESENTATIVE CLAMAN directed attention to page 1, line 9, which provided that the governor may consult with the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) and the Alaska Native Women's Resource Center (ANWRC), as well as page 1, lines 12-13, which provided that the ANDVSA and ANWRC shall submit a list to the governor of recommendations. He suggested changing the "may" on line 9 to "shall", because if the organizations were required to submit a list of recommendations, the governor should be required to consult with them, he opined.

[4:49:12 PM](#)

REPRESENTATIVE TARR explained that the "shall" on line 13 would create the responsibility for the organizations to submit names for recommendation, whereas the "may" in question would allow the governor to hold a consulting roll whilst still making his/her own decision on the appointments.

MS. CASTRO agreed.

[4:51:38 PM](#)

REPRESENTATIVE KAUFMAN asked how the selection process accounted for competency, as opposed to being solely based on geography.

REPRESENTATIVE TARR noted that the topic came up when determining the prescriptiveness of the bill language. She acknowledged that there was not specific language that addressed the board members' competency or experience.

[4:54:32 PM](#)

CHAIR KREISS-TOMKINS opined that in this case, the members' competency was dependent on the governor and the legislature's ability to identify competent people.

REPRESENTATIVE KAUFMAN emphasized the importance of considering ideal skillsets.

[4:56:20 PM](#)

REPRESENTATIVE EASTMAN inquired about the addition of the Alaska Mental Health Trust Authority's CEO and asked whether it was included by request.

MS. CASTRO answered no. She pointed out that the beneficiaries of the Alaska Mental Health Trust Authority (AMHTA) were also many of the same people that ANDVSA worked with.

CHAIR KREISS-TOMKINS asked whether AMHTA supported this language.

MS. CASTRO shared her understanding that AMHTA Health Trust Authority was supportive.

REPRESENTATIVE EASTMAN requested documents that confirmed AMHTA's support.

[5:00:25 PM](#)

CHAIR KREISS-TOMKINS announced that HB 291 was held over.

[5:00:57 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:00 p.m.