

SENATE FINANCE COMMITTEE

April 3, 2024

9:07 a.m.

[9:07:32 AM](#)

CALL TO ORDER

Co-Chair Olson called the Senate Finance Committee meeting to order at 9:07 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Donny Olson, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Click Bishop
Senator Jesse Kiehl
Senator Kelly Merrick
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Senator Matt Claman, Sponsor; Claire Lubke, Staff, Senator Matt Claman; Nancy Meade, General Counsel, Alaska Court System; Senator Jesse Bjorkman, Sponsor; Laura Achee, Staff, Senator Jesse Bjorkman; Konrad Jackson, Staff, Senator Jesse Bjorkman; Kris Curtis, Auditor, Legislative Audit.

PRESENT VIA TELECONFERENCE

Brenda Stanfill, Executive Director, Alaska Network on Domestic Violence and Sexual Assault; Jared Kosin, President and CEO, Alaska Hospital and Healthcare Association; James Stinson, Director, Division of Public Advocacy, Department of Administration; Terrence Haas, Southcentral Foundation, Anchorage; Charles Zeanah, Professor of Psychiatry and Pediatrics, Tulane University School of Medicine, Louisiana; Bobbi Outten, Southcentral Foundation, Anchorage; Kendall Seal, Vice President of Policy, Center for the Rights of Abused Children, Arizona;

Kim Guay, Director, Director, Office of Children's Services, Department of Family and Community Services.

SUMMARY

SB 28 WORKPLACE VIOLENCE PROTECTIVE ORDERS

SB 28 was HEARD and HELD in committee for further consideration.

SB 181 CHILD PLACEMENT; DILIGENT SEARCH

SB 181 was HEARD and HELD in committee for further consideration.

SB 228 EXTEND BOARD OF MASSAGE THERAPISTS

SB 228 was HEARD and HELD in committee for further consideration.

SB 234 EXTEND MARIJUANA CONTROL BOARD

SB 234 was HEARD and HELD in committee for further consideration.

#sb28

SENATE BILL NO. 28

"An Act relating to workplace violence protective orders; relating to the crime of violating a protective order; relating to the powers of district judges and magistrates; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

9:08:37 AM

SENATOR MATT CLAMAN, SPONSOR, introduced the legislation. He spoke to the Sponsor Statement (copy on file):

When individuals make credible threats of violence against an employer's worksite or an employee, the attorney representing the employer may need to file a civil lawsuit and ask for a temporary restraining order to protect the business. It can take several days to complete and obtain the order. In contrast,

people seeking a domestic violence restraining order can usually get the court order within one day.

Senate Bill 28, modeled after Alaska's domestic violence protective order process, allows an employer to file a petition for a protective order against an individual who the employer reasonably believes committed an act of violence against the employer or an employee, or made a threat of violence against the employer or an employee that can reasonably be construed as a threat that may be carried out at the employer's workplace.

Senate Bill 28 will provide employers with a more effective way to protect their workplace and their employees from violence carried out by individuals who pose a known threat. A 2019 report from the US Bureau of Justice found that 13 percent of all nonfatal workplace violence was carried out by someone well-known to the victim. This rate was up to 20 percent of nonfatal workplace violence incidents that involved a female victim. Additionally, the victim and offender had a current or prior professional relationship in 25 percent of all nonfatal workplace violence incidents.

Eleven states have laws providing for the issuance of protective or restraining orders that are specific to workplace violence. Utah is the most recent addition to this list, which passed a workplace violence protective order law in 2023.

[9:11:11 AM](#)

Senator Wilson queried the process to be granted a protective order.

Senator Claman replied that currently, anyone could file a civil lawsuit against another person, and then seek a temporary restraining order. He remarked that there was a much longer process to receive a restraining order in business than there would be for a domestic violence protective order.

Senator Wilson felt that the bill would not create a new class of petitioners, rather it would create a new class of protective orders.

Senator Claman responded that there would be a new class of petitioners, but the bill allows for employers to file a workforce violence protective order.

Senator Bishop wondered how many of these types of cases occurred annually in Alaska.

Senator Claman replied that the total number of cases in Alaska involving domestic violence protective orders in 2023 was approximately 3800. He furthered that, with regards to the legislation, there was an anticipation that it would not lead to hundreds of new cases. He felt that there would be around 50 to 100 cases.

Co-Chair Olson remarked that there would be protective orders, and not cases.

Senator Claman agreed.

Senator Bishop surmised that it was a benchmark of around fifty.

Senator Claman agreed.

[9:15:39 AM](#)

Senator Kiehl remarked that the orders could extend beyond the boundaries of the workplace itself, and asked for that reasoning.

Senator Claman replied that sometimes violent relationships appeared at work, and not only at home. He stressed that the interest was to provide those protections.

Senator Kiehl felt that it was an important strength of the legislation. He wondered whether the language allowed for the employee who was protected sought a modification of the order.

Senator Claman replied that he would need to talk to Legislative Legal, but stressed that there was an intent to strengthen the standing of the employer.

[9:18:56 AM](#)

CLAIRE LUBKE, STAFF, SENATOR MATT CLAMAN, wondered whether the committee would like a Sectional Analysis.

Co-Chair Olson replied that the committee would wait until after invited testimony.

9:19:10 AM

BRENDA STANFILL, EXECUTIVE DIRECTOR, ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT (via teleconference), (ANDVSA) spoke in support of the bill.

Co-Chair Olson wondered whether Ms. Stanfill referred to the village of Emmonak.

Ms. Stanfill replied in the affirmative.

Co-Chair Olson wanted to ensure that the bill extended to the rural communities in the state.

9:23:08 AM

JARED KOSIN, PRESIDENT AND CEO, ALASKA HOSPITAL AND HEALTHCARE ASSOCIATION (via teleconference), spoke in support of the legislation.

Senator Wilson wondered how the bill would work for a person, when the employer was a hospital, and the person needed to have emergency services at that facility with the legislation.

Mr. Kosin replied that the hospital dealt with people who were sometimes part of the corrections system. He remarked that there were protocols when dealing with identity. He would consider the question further. He was confident that there were tools already in place.

Senator Wilson remarked that there was an issue about right of refusal.

Mr. Kosin agreed, and deferred to Senator Claman.

Senator Claman agreed with Mr. Kosin.

Senator Wilson was worried that the person might be in violation of the protective order.

Senator Claman agreed to follow-up on that issue.

[9:28:34 AM](#)

Senator Bishop felt that there were some protective individuals that could go with the patient to receive care.

Senator Claman felt that there could be challenging situations who did not have regular medical providers and received care from a known person aside from an emergency provider.

[9:31:01 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, shared that she was available for questions about protective orders.

Senator Wilson wondered how many protective orders were violated resulting in a trial.

Ms. Meade replied that there were three types of protective orders: domestic violence, stalking, and sexual assault. She shared that there were about 150 charges filed for violating domestic violence protective orders that were exclusive of other criminal charges.

Senator Wilson wondered how many were filed in that same period of the 150 cases.

Ms. Meade replied that the sponsor's office had the exact percentage.

Ms. Lubke replied that it was less than 4 percent.

Co-Chair Hoffman wondered how protective orders would be enforced in communities with and without a Village Public Safety Officer (VPSO).

Ms. Meade replied that when a court issued a protective order, the court gave it to law enforcement.

[9:35:37 AM](#)

Co-Chair Hoffman remarked that the key point was about protecting an individual from a violent person in the community. He stressed that there were over 100 communities that had a VPSO or no law enforcement. He wondered whether, aside from removing the threatening individual, the

department had any recommendations about how the situations could be better addressed through law.

Ms. Meade responded that the court was responsive to a petition.

Co-Chair Hoffman remarked that the jurisdiction of the court system was not a concern for the threatened individual.

Ms. Meade replied that the court system was equipped to help people who are in danger.

Co-Chair Hoffman stressed that the committee could give the court authority, and hoped to find out the language required for the authority.

[9:40:17 AM](#)

Senator Bishop queried the way to execute the court order without law enforcement.

Ms. Meade responded that once a protective order was issued, the statute must provide them to the Department of Public Safety (DPS).

Ms. Lubke provided a Sectional Analysis (copy on file):

AS 11.56.740. Violating a protective order.

Amends AS 11.56.740(a) by adding a new subsection (4) to specify that a person commits the crime of violating a protective order if the person knowingly commits or attempts to commit an act that violates the provisions listed under the workplace violence protective order statutes.

Section 2

AS 11.56.740. Violating a protective order.

Amends AS 11.56.740(c) by adding the workplace violence protective order statutes to the meaning of "protective order."

Section 3

AS 18.65.530. Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release.

Amends AS 18.65.530(a) by clarifying that the mandatory arrest statute for crimes involving domestic violence, violation of protective orders, and violation of conditions of release is subject to the requirements of section 1 of this bill.

Section 4

AS 18.65.540. Central registry of protective orders.
Amends AS 18.65.540(a) to add the workplace violence protective order statutes to the central registry of protective orders maintained by the Department of Public Safety.

Section 5

AS 18.65.540. Central registry of protective orders.
Amends AS 18.65.540(b) to add the workplace violence protective order statutes to the list of protective orders a peace officer enters into the central registry within 24 hours of receiving.

Section 6

Amends AS 18.65 to add new section: "Article 12A. Workplace Violence Protective Orders." Sec. 18.65.875. Protective orders; eligible petitioners; relief.

Section (a) gives employers the ability to file a petition for a protective order against an individual who the employer reasonably believes:
(1) committed an act of violence against the employer; (2) committed an act of violence against an employee at the employer's workplace;
(3) made a threat of violence against the employer; or (4) made a threat of violence against an employee that can reasonably be construed as a threat that may be carried out at the employer's workplace.

Section (b) specifies that the court shall schedule a hearing and provide at least 10 days' notice to the respondent.

Section (c) details prohibited behavior of the respondent after the protective order is issued.

Section (d) describes the court's responsibilities related to issuing a protective order.

Section (e) clarifies a court may not deny a petition for a protective order solely because of a lapse of time between an act of violence or a threat of violence and the filing of the petition.

Sec. 18.65.877. Ex parte protective orders for workplace violence. Gives employers the ability to file a petition for an ex parte protective order—a temporary order that would grant immediate protection.

Sec. 18.65.880. Modification of workplace violence protective order. Creates a process for either the petitioner or the respondent to request modification of a protective order.

Sec. 18.65.885. Specific protective orders. Specifies that an invitation by the petitioner or a named designated employee of the petitioner to have the prohibited contact or to be present at or enter the workplace, residence, vehicle, or other place does not in any way invalidate or nullify the protective order.

Sec. 18.65.890. Forms for petitions and orders; fees. Clarifies that the court system will prepare forms for petitions, protective orders, and instructions for their use by an employer seeking a protective order.

Sec. 18.65.895. Service of process. Clarifies that protective orders should be promptly served and executed.

Sec. 18.65.897. Civil liability Creates civil liability provisions.

Sec. 18.65.899. Definitions Makes the definitions of "course of conduct," "employee," "employer," "threat of violence," "violence," and "workplace" apply to the workplace violence protective statutes.

Section 7

AS 22.15.100. Functions and powers of district judge and magistrate.

Amends AS 22.15.100(9) by adding a new section (C) to give district judges and magistrates the power to issue a protective order in cases involving workplace violence.

Section 8

Uncodified law - Indirect court rule amendments
Specifies amendments to: Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration, relating to fees and service of process for a workplace violence protective order; and Rule 65, Alaska Rules of Civil Procedure, by changing the method for obtaining and the timing of temporary restraining orders.
Distributed by the Office of Senator Matt Claman
2.21.2023

Section 9

Uncodified law - applicability
Makes section 8 conditional on approval by the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

Section 10

Effective Date
If section 9 takes effect, it takes effect on January 1, 2025.

Senator Wilson wondered how much workload was required for three additional positions.

[9:44:51 AM](#)

JAMES STINSON, DIRECTOR, DIVISION OF PUBLIC ADVOCACY, DEPARTMENT OF ADMINISTRATION (via teleconference), (DOA) responded that the work was in investigative services, and remarked that there was no way to understand how many cases were to require investigation.

Senator Wilson felt that every new criminal law bill resulted in new positions. He wondered why the positions were not requested within the budget.

Mr. Stinson replied that he understood the concern, but felt that there were unexpected acknowledgements in

legislation. He stressed that if there was an increase in workload, it must be included in the fiscal note.

Senator Bishop queried the benchmark caseload for a public defender.

Ms. Stinson responded that it was a difficult question to answer, because some were dedicated and some were mixed caseloads.

[9:50:13 AM](#)

Senator Claman noted that he did not agree with the fiscal notes.

[9:51:02 AM](#)

TERRENCE HAAS, SOUTHCENTRAL FOUNDATION, ANCHORAGE (via teleconference), stated that he was available for questions.

[9:51:16 AM](#)

AT EASE

[9:52:37 AM](#)

RECONVENED

SB 28 was HEARD and HELD in committee for further consideration.

#sb181

SENATE BILL NO. 181

"An Act relating to placement of a child in need of aid; relating to adoption; and providing for an effective date."

[9:53:12 AM](#)

SENATOR JESSE BJORKMAN, SPONSOR, introduced the legislation.

Senator Wilson wondered whether the bill would change current requirements.

Senator Bjorkman replied that the diligent family search requirements would improve searches for all children. He

noted that the applicable pieces in the legislation that did not affect children, would be any changes to the placement provisions.

Senator Kiehl queried which changes would be more or less than the current actions of the department.

9:59:48 AM

LAURA ACHEE, STAFF, SENATOR JESSE BJORKMAN, replied that she was familiar with the broad statutory direction, which stated that the department should conduct family searches. She was not familiar with the internal policies or procedures.

Senator Kiehl surmised that it would also include an outside check on the department's efficacy.

Ms. Achee replied that the department must report every time there was a hearing on their progress.

Co-Chair Olson queried how one year was determined in the legislation.

Ms. Achee responded that the impetus was broad by constituents who had worked with experts.

Co-Chair Olson recalled that there was a reference of "under the age of six" and asked about that number determination.

Senator Bjorkman responded that there was similar research about the impact of adverse childhood experiences was exceeding negative under the age of six.

Co-Chair Olson wondered whether the "placement" allowed for foster parents to adopt the children.

Senator Bjorkman replied that placement can be either temporary or permanent.

Senator Kiehl wondered whether there was a risk to set up a three tier structure for different children.

Senator Bjorkman responded that the department and judge would need to consider all factors when determining care

for the child. He stressed that there was not a policy that would work for every situation.

[10:06:22 AM](#)

Senator Kiehl remarked that there were not child welfare experts present, and felt that the children were best off when kept with families. He asked about the strength of the research.

Co-Chair Olson agreed with that concern.

Senator Bjorkman responded that, generally, there were some testifiers that could speak to the research and data available. He agreed that there should be a goal to keep families together.

Ms. Achee furthered that the bill only dealt with people who were not the parents.

Senator Kiehl remarked that foster parents played a very crucial role, and asked about the power of the foster parents. He wondered if they were set up with an impossible task.

Senator Bjorkman responded that the change clarified current practice.

[10:11:35 AM](#)

CHARLES ZEANAH, PROFESSOR OF PSYCHIATRY AND PEDIATRICS, TULANE UNIVERSITY SCHOOL OF MEDICINE, LOUISIANA (via teleconference), spoke in support of the bill, and shared his research and experience.

[10:16:04 AM](#)

Co-Chair Olson wondered how there was justification when a parent was in a dire situation, but receiving treatment for their crisis.

Ms. Zeanah replied that the issue was about the movement from one foster placement to another.

Senator Kiehl surmised that the bill was about moving out of foster care, and asked about the applicability of Mr.

Zeanah's research and how it related to the move out of foster care.

Mr. Zeanah responded that "relatives" were also referred to foster care.

Senator Kiehl wondered whether the research showed that there was no protective affect with placement with family as compared to placement with unrelated fosters.

Mr. Zeanah replied that his research did not deal with that question directly. He remarked that it was important to acknowledge that there needed to be an intensive full service research of relatives for the placement of the child.

Senator Kiehl wanted clarity on the research.

Ms. Achee agreed with Mr. Zeanah.

[10:21:02 AM](#)

BOBBI OUTTEN, SOUTHCENTRAL FOUNDATION, ANCHORAGE (via teleconference), spoke in support of the legislation.

[10:27:57 AM](#)

KENDALL SEAL, VICE PRESIDENT OF POLICY, CENTER FOR THE RIGHTS OF ABUSED CHILDREN, ARIZONA (via teleconference), spoke in support of the bill.

[10:34:38 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, thanked the sponsor, and felt that the version adequately addressed earlier concerns.

Co-Chair Olson recalled that he had a foster child with his family, and wondered whether the policy change was necessary.

Ms. Meade replied that it was up to the legislature to make that determination.

Co-Chair Olson felt that there were many issues resulting from foster care issues.

Ms. Meade responded that children who were a child in need of aid, suffered greatly.

[10:38:31 AM](#)

KIM GUAY, DIRECTOR, DIRECTOR, OFFICE OF CHILDREN'S SERVICES, DEPARTMENT OF FAMILY AND COMMUNITY SERVICES (via teleconference), spoke to the fiscal notes.

Senator Kiehl wondered which elements of the family search were new or current practices.

Ms. Guay responded that there were policies in place to do an adequate family search within the first thirty days. She stated that there was another family search if adoption was occurring.

[10:41:01 AM](#)

Senator Kiehl wanted to know which items were new, and requested a written response from the department.

Ms. Guay agreed to provide that information.

Co-Chair Olson wondered whether the department was in favor of the legislation.

Ms. Guay replied that the department appreciated the efforts, but had concerns with the bill. She stated that some problems would be exasperated with the passage of the bill.

[10:44:09 AM](#)

Co-Chair Olson wondered why there was not correction on the existing issues.

Ms. Guay responded that the issues were very nuanced, because of several factors involved in those decisions.

Co-Chair Olson asked for a comment on the \$850,000 fiscal note.

Ms. Guay responded that there would be an increased cost to litigation.

Senator Merrick appreciated the bill, and stated that she was adopted at birth and felt that it was unthinkable to be taken away from family to be placed with a biological relative.

SB 181 was HEARD and HELD in committee for further consideration.

#sb228

SENATE BILL NO. 228

"An Act extending the termination date of the Board of Massage Therapists; and providing for an effective date."

[10:48:22 AM](#)

SENATOR JESSE BJORKMAN, SPONSOR, introduced the legislation.

[10:50:26 AM](#)

KONRAD JACKSON, STAFF, SENATOR JESSE BJORKMAN, stated that he was available for support.

[10:51:02 AM](#)

KRIS CURTIS, AUDITOR, LEGISLATIVE AUDIT, spoke to the audit.

Co-Chair Olson wondered whether a six-year extension was still recommended with the deficiencies.

Ms. Curtis replied that her recommendation for extension was very fluid, and considered all aspects of the audit.

Co-Chair Olson OPENED public testimony.

Co-Chair Olson CLOSED public testimony.

SB 228 was HEARD and HELD in committee for further consideration.

#sb234

SENATE BILL NO. 234

"An Act relating to the Marijuana Control Board; and providing for an effective date."

[10:55:41 AM](#)

SENATOR JESSE BJORKMAN, SPONSOR, introduced the legislation.

Senator Kiehl wondered whether the audit vote requirements were considered in the bill.

Senator Bjorkman replied that he considered that provision, and understood the recommendation. He felt that it should be a policy call in other legislation.

[10:58:47 AM](#)

KRIS CURTIS, AUDITOR, LEGISLATIVE AUDIT, shared findings within the audit of the board.

SB 234 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

[11:08:10 AM](#)

The meeting was adjourned at 11:08 a.m.