

Original sponsor: Rules/Governor

Offered: 5/21/81
Referred: Health, Educa-
tion & Social Services

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 91 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence, sexual assault,
7 and crisis intervention and prevention programs."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 66. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

11 Sec. 18.66.010. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT;
12 PURPOSE. There is established in the Department of Public Safety the
13 Council on Domestic Violence and Sexual Assault. The purpose of the
14 council is to provide for planning and coordination of services to
15 victims of domestic violence or sexual assault or to their families and
16 to perpetrators of domestic violence and sexual assault and to provide
17 for crisis intervention and prevention programs.

18 Sec. 18.66.020. MEMBERSHIP, TERMS, VACANCIES, AND DISQUALIFICA-
19 TION. (a) The council consists of

20 (1) three persons appointed by the governor after consulta-
21 tion with the Network on Domestic Violence and Sexual Assault, a non-
22 profit corporation; the Network on Domestic Violence and Sexual Assault
23 shall submit a list to the governor of persons recommended for appoint-
24 ment;

25 (2) the commissioner of public safety or the designee of the
26 commissioner of public safety; and

27 (3) the commissioner of health and social services or the
28 designee of the commissioner of health and social services

29 (4) the commissioner of education or the designee of the

1 commissioner of education;

2 (5) the attorney general or the designee of the attorney
3 general.

4 (b) The term of office of a member appointed under (a)(1) of this
5 section is two years. A member appointed under (a)(1) of this section
6 serves at the pleasure of the governor and may not serve more than two
7 consecutive terms. A vacancy on the council shall be filled for the
8 unexpired term by appointment by the governor after consultation with
9 the Network on Domestic Violence.

10 (c) A person who receives compensation from or is an employee of
11 a domestic violence, sexual assault, or crisis intervention or preven-
12 tion program may not be appointed to the council.

13 Sec. 18.66.030. COMPENSATION AND EXPENSES. The members of the
14 council receive no salary but are entitled to transportation expenses
15 and per diem in accordance with AS 39.20.180.

16 Sec. 18.66.040. MEETINGS AND QUORUM. The council shall meet at
17 least four times a year. At least one meeting each year shall include
18 a statewide public teleconference hearing. The time and place of a
19 meeting shall be set by the presiding officer or by three members who
20 submit a written request for a meeting to the presiding officer. Four
21 members of the council constitute a quorum.

22 Sec. 18.66.050. DUTIES OF THE COUNCIL. (a) The council shall
23 (1) hire an executive director and necessary staff;
24 (2) elect one of its members as presiding officer;
25 (3) in consultation with authorities in the field, develop,
26 implement, maintain, and monitor domestic violence, sexual assault, and
27 crisis intervention and prevention programs, including educationa¹
28 programs, films, and school curricula on the cause, prevention, and
29 treatment of domestic violence and sexual assault;

1 (4) coordinate services provided by the Department of Law,
2 the Department of Education, the Department of Public Safety, the
3 Department of Health and Social Services, and other state agencies and
4 community groups dealing with domestic violence, sexual assault, and
5 crisis intervention and prevention, and provide technical assistance as
6 requested by those state agencies and community groups;

7 (5) develop and implement a standardized data collection
8 system on domestic violence, sexual assault, and crisis intervention
9 and prevention;

10 (6) conduct public hearings and studies on issues relating
11 to violence, including domestic violence and sexual assault, and on
12 issues relating to the role of crisis intervention and prevention;

13 (7) receive and dispense state and federal money and award
14 grants and contracts from appropriations for the purpose to qualified
15 local community entities for domestic violence, sexual assault, and
16 crisis intervention and prevention programs;

17 (8) oversee and audit domestic violence, sexual assault, and
18 crisis intervention and prevention programs which receive money under
19 this chapter;

20 (9) provide fiscal and technical assistance to plan, organ-
21 ize, implement and administer domestic violence, sexual assault, and
22 crisis intervention and prevention programs;

23 (10) make an annual report to the governor and the legisla-
24 ture on the activities of the council, plans of the council for new
25 services and programs, and concerns of the council, including recommen-
26 dations for legislation necessary to carry out the purposes of this
27 chapter;

28 (11) adopt regulations in accordance with the Administrative
29 Procedure Act (AS 44.62) to carry out the purposes of this chapter and

1 to protect the health, safety, well-being, and privacy of persons
2 receiving services financed with grants or contracts under this chapter.

3 Sec. 18.66.060. QUALIFICATIONS. A local community entity is
4 qualified to receive a grant or contract under this chapter if it
5 agrees to provide services approved by the council to victims of domes-
6 tic violence or sexual assault or their families or to perpetrators of
7 domestic violence or sexual assault without regard to ability to pay.

8 Sec. 18.66.900. DEFINITIONS. In this chapter:

9 (1) "council" means the Council on Domestic Violence and
10 Sexual Assault;

11 (2) "crisis intervention and prevention program" means a
12 community program that provides information, education, counseling, and
13 referral services to individuals experiencing personal crisis related
14 to domestic violence or sexual assault and to individuals in personal
15 or professional transition, excluding correctional half-way houses,
16 outpatient mental health programs, and drug or alcohol rehabilitation
17 programs;

18 (3) "domestic violence" means a crime specified in AS 11.41
19 when the victim is a spouse or a former spouse of the defendant, a
20 member of the social unit comprised of those living together in the
21 same dwelling as the defendant, or a person related within the second
22 degree by blood or marriage to the defendant;

23 (4) "domestic violence program" means a program that pro-
24 vides services to the victims of domestic violence, their families, or
25 perpetrators of domestic violence;

26 (5) "local community entity" means a city or borough or
27 other political subdivision of the state, a nonprofit organization, or
28 a combination of these;

29 (6) "sexual assault" means a crime specified in AS 11.41.-

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410 - 11.41.450 or AS 11.51.130(a)(4);

(7) "sexual assault program" means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault.

* Sec. 2. AS 39.50.200(b) is amended by adding a new paragraph to read:
(44) Council on Domestic Violence and Sexual Assault (18.66.010).

* Sec. 3. AS 44.66.010(a) is amended by adding a new paragraph to read:
(10) Council on Domestic Violence and Sexual Assault --
June 30, 1985.

* Sec. 4. Of the first members appointed to the Council on Domestic Violence and Sexual Assault under AS 18.66.020(a) added in sec. 1 of this Act

- (1) one member shall be appointed to serve a term of one year;
- (2) two members shall be appointed to serve a term of two years.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SCSCSHE 91 (State Affairs)
Title An Act Relating to Domestic Violence, Sexual Assault, and Crisis Intervention
Requested by State Affairs Committee Date 5/22/81

II. FISCAL DETAIL

Agency Affected Department of Public Safety
Program Category Affected Administration of Justice
BRU, Program, or Subprogram(s) Affected Council on Domestic Violence (Commissioner's Office)
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.) and Administration & Support

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		96.0	105.6	116.2	127.8	140.1
200 TRAVEL		14.0	15.4	16.9	18.6	20.5
300 CONTRACTUAL		24.0	26.4	29.0	31.9	35.1
400 COMMODITIES		2.5	2.8	3.1	3.4	3.7
500 EQUIPMENT		6.5	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		143.0	150.2	165.2	181.7	199.4

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		143.0	150.2	165.2	181.7	199.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY		1	1	1	1	1

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The bill will establish "Council on Domestic Violence and Sexual Assault" within the Department of Public Safety.

The Council will provide programs and services for victims of domestic violence or sexual assault, their families, and perpetrators of domestic violence and sexual assault, and provide crisis intervention and prevention programs.

These functions, on a very limited scale, are now being performed by the Department of Health and Social Services through its Division of Adult and Aging. PCN 7055 within the Department of Health and Social Services and budgeted associated costs should be transferred to the Council and is in addition to the requested additional cost.

The powers and duties of the Council are outlined under Sec. 18.66.050.

IV. DATE 5/22/81 PREPARED BY Jos Mabravath
AGENCY PUBLIC SAFETY
PHONE 465-4349

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Among other duties, the Council will award grants and contracts to qualified local community entities, probably spread among 25 programs. The Council will have authority to receive and disburse Federal grants.

Section 18.66.050(a), subsections 1 through 11, outlines the range of duties of this "new" council. To accomplish these tasks and to provide for the administrative costs of the Council, composed of 8 members (5 appointed and 3 ex-officio), the following resources are requested. Sec. 18.66.050 empowers the Council to hire an Executive Director and staff.

i) Council Staff:

1 Executive Director, Range 23	\$56,699
1 Secretary I, Range 10	25,034
Subtotal	<u>\$81,763</u>

ii) Administration & Support BRU (DPS)

1 Admin. Support (Finance), Range 10 (non-permanent for 4 months)	7,592
Subtotal	\$88,355

Total is 3 permanent full-time and 1 non-permanent position.
(including 1 position, PCN 7055, appropriated to and
established within the Division of Adult and Aging Services,
Department of Health & Social Services)

Associate Costs:

200, Travel:

8 Council meetings (4 meetings @ 1750 each)	\$14,000
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Executive Director and staff travel will be accomplished using available funding that will be transferred from the Department of Health and Social Services (\$6800).

300, Contractual:

Phone, copying costs, postage, printing, rent	\$14,000
Data Processing equipment of Health & Social Services, Public Safety and Education will be used to develop data needed to the decision makers. A minimum amount of \$10,000 is included for Contractual Services help.	
Professional Service for the development of data	\$10,000
Subtotal	\$24,000

IV. DATE

5/22/81

PREPARED BY

Jos Mafra

AGENCY

PUBLIC SAFETY

PHONE

465-4349

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

400, Supplies:

Office and duplicating supplies \$2500

500, Equipment:

3 desks @ \$550 each	\$1650	
1 credenza & side table	750	
7 chairs @ \$225 each	1575	
3 file cabinets @ \$200 each	600	
1 typewriter	1250	
1 calculator	250	
3 book shelves	300	
1 typewriter table	100	\$6475

Summary of Costs (FY 82)

	<u>Council</u>	<u>Div. of Admin. Services</u>	<u>Transfer/Div. Adult & Aging*</u>
100	88.4	7.6	47.9
200	14.0	-0-	6.8
300	24.0	-0-	1.7
400	2.5	-0-	0.4
500	6.5	-0-	-0-
	<u>135.4</u>	<u>7.6</u>	<u>56.8</u>

TOTAL \$199.8

The amount of \$199.8 requested for FY 82 is strictly for the program operating costs of the Council and the Central accounting, budgeting and other administrative costs. The Fiscal Note, however, requests only \$143.0 in additional funds. (\$56.8 should be transferred from the Adult and Aging Services BRU within the Department of Health and Social Services - includes 1 PCN)

*In addition, grant funds appropriated to Division of Adult and Aging Services will also be transferred to the Council Budget, either through the budgetary process now or through RSA between Department of Health and Social Services and Public Safety in FY 82.

IV. DATE 5/22/81 PREPARED BY Joe Maffranelli
 AGENCY PUBLIC SAFETY
 PHONE 465-4349
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

POSITION PAPER

REC'D AFTER
bill WAS
reported out
of H.F.C.

SENATE CS FOR CS FOR HOUSE BILL NO. 91 (State Affairs)

"An Act relating to domestic violence, sexual assault and crisis intervention and prevention programs."

Senate CS for House Bill No. 91 (State Affairs) would transfer the Domestic Violence, Sexual Assault and Crisis Intervention and Prevention programs presently funded by the Department of Health and Social Services to a Council on Domestic Violence and Sexual Assault placed under the Department of Public Safety. The Council would act as an interdepartmental planning and coordinating agency of the Departments of Health and Social Services, Public Safety, Law and Education.

The Council would consist of seven voting members appointed by the Governor; three of those persons would be appointed in consultation with the Network on Domestic Violence and Sexual Assault, and representatives of the Departments of Health and Social Services, Public Safety, Law and Education.

The duties of the Council would be to: hire an executive director and staff, develop and implement a standardized data system, conduct studies on issues relating to domestic violence, develop a resource library of community education as well as a curriculum for use in public schools, award grants to programs, receive state and federal funds, and monitor programs.

The Department of Health and Social Services is pleased that the Bill specifically addresses the issue of coordination with major departments involved in issues of violence, particularly in the area of domestic violence and sexual assault. There is no doubt that more public awareness, even at the early educational years, is necessary in order to begin to eliminate some of the cycles of violence which have become established in some families.

The Council's role to coordinate services could have a noticeable impact on violence issues in the state. However if this council is burdened with the responsibility of grants and program management for only one segment of the programs which address the issue of domestic violence and sexual assault it will divert it from its major function of inter-departmental coordination and advisement.

The Department is also pleased that, if passed, legislative appropriations for support of the many programs presently being funded will be authorized by statute as requested by the legislature last session and submitted by the Department and Governor in the original version of House Bill No. 91.

The Department of Health and Social Services has some concerns about this Bill:

- 1) While we recognize the importance of coordination and involvement of the criminal justice systems as well as other systems and agencies in addressing the problem of domestic violence and sexual assault, this Department is concerned with moving domestic violence and women's resource program from

a human service treatment agency into a police model which has a primary focus on safety, and not treatment. We perceive a possible conflict of purpose to have the arresting agency and the treatment agency in the same organizational structure. There are differing philosophies in the domestic violence arena with regard to compulsory prosecution of the perpetrator and how that affects treatment of all members of the family unit.

- 2) We question the long range benefit of placing a social service function in a traditionally public safety oriented department. Research by the Center for Women Policy Studies in the summer of 1980 finds that of the 27 states that have services to violent families, 25 states place the lead responsibility in a human service agency. Of the remaining two, Minnesota places it in the Commission of the Department of Corrections; Ohio has a joint responsibility shared by the Attorney General's Office and the Department of Economic and Community Development, Division of Criminal Justice Services.

Recommendation: The Department of Health and Social Services recommends the establishment of a strong advisory council with review authority on state policy regarding domestic violence and sexual assault. We believe an advisory council, rather than an administrative one, is indeed the appropriate structure to facilitate the accomplishment of the major goal of the council, which is interdepartmental policy, advice and coordination. We believe the Council having the responsibility of handling traditional administrative duties, such as grants dispersion, may find itself without sufficient time, energy and attention to adequately address these all important policy direction coordination issues.

Recommended by: Elizabeth Muktarian
Elizabeth Muktarian, Director
Division of Adult and
Aging Services

Date: 5/25/81

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 5/25/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate CS For CS For House Bill No. 91 (State Affairs)
 Title "An Act relating to domestic violence, sexual assault and crisis intervention and
Requested by prevention programs." Date May 20, 1981

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected Council on Domestic Violence
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		47.9				
200 TRAVEL		6.8				
300 CONTRACTUAL		1.7				
400 COMMODITIES		.4				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		1988.8				
TOTAL	-0-	2045.6				

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	2045.6				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	1				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Department of Health and Social Services FY'82 requested funds would be transferred to the Department of Public Safety in a new BRU.

IV. DATE 5-20-81 PREPARED BY Dorothy Walt
 AGENCY Division of Adult and Aging Services
 PHONE 465-3250

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval Marshall Hubbard Date 5/23/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate CS For CS For House Bill No. 91 (State Affairs)
 Title "An Act relating to domestic violence, sexual assault and crisis intervention and
Requested by prevention programs." Date May 20, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Division of Adult and Aging Services
 BRU, Program, or Subprogram(s) Affected Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		(47.9)				
200 TRAVEL		(6.8)				
300 CONTRACTUAL		(1.7)				
400 COMMODITIES		(.4)				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		(1988.8)				
TOTAL	-0-	(2045.6)	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	(2045.6)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	(1)				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Department of Health and Social Services FY'82 requested funds would be transferred to the Department of Public Safety.

IV. DATE

5-20-81

PREPARED BY Dorothy Walt

AGENCY Division of Adult and Aging Services

PHONE 465-3250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval _____

Date _____

Original sponsor: Rules/Governor

Offered: 5/8/81
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 91 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence, sexual assault,
7 and crisis intervention and prevention programs."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 66. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

11 Sec. 18.66.010. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

12 There is established the Council on Domestic Violence and Sexual
13 Assault. The council is located within the Department of Public Safety
14 for budgetary purposes, but serves as the interdepartmental planning
15 and coordinating agency of the Department of Health and Social Services,
16 the Department of Public Safety, the Department of Law, and other
17 departments which provide services to victims of domestic violence or
18 sexual assault or their families or to perpetrators of domestic violence
19 and sexual assault.

20 Sec. 18.66.020. MEMBERSHIP, TERMS, VACANCIES, AND DISQUALIFICA-
21 TION. (a) The council consists of

22 (1) three persons appointed by the governor from a list
23 provided by the Network on Domestic Violence and Sexual Assault, a
24 nonprofit corporation; the governor may request additional names from
25 the network;

26 (2) two public members appointed by the governor;

27 (3) the commissioner of public safety or the designee of the
28 commissioner of public safety; and

29 (4) the commissioner of health and social services or the

1 designee of the commissioner of health and social services.

2 (b) In addition to the members listed in (a) of this section, the
3 attorney general or a designee of the attorney general is a nonvoting
4 ex officio member of the council.

5 (c) The term of office of a member appointed under (a)(1) or
6 (a)(2) of this section is two years. A member appointed under (a)(1)
7 or (a)(2) of this section serves at the pleasure of the governor and
8 may not serve more than two consecutive terms. A vacancy on the
9 council shall be filled for the unexpired term by appointment by the
10 governor of a person qualified to serve under (a) of this section.

11 (d) A person who has a direct financial involvement with a domes-
12 tic violence, sexual assault, or crisis intervention or prevention
13 program may not be appointed to the council.

14 Sec. 18.66.030. COMPENSATION AND EXPENSES. The members of the
15 council receive no salary but are entitled to transportation expenses
16 and per diem in accordance with AS 39.20.180.

17 Sec. 18.66.040. MEETINGS AND QUORUM. The council shall meet at
18 least four times a year. At least one meeting each year shall include
19 a statewide public teleconference hearing. The time and place of a
20 meeting shall be set by the presiding officer or by three members who
21 submit a written request for a meeting to the presiding officer. Four
22 voting members of the council constitute a quorum.

23 Sec. 18.66.050. POWERS AND DUTIES. (a) The council may

24 (1) hire an executive director and staff;

25 (2) establish minimum standards for operation of domestic
26 violence, sexual assault, and crisis intervention and prevention pro-
27 grams which receive money under this chapter;

28 (3) develop and implement a standardized data collection
29 system on domestic violence, sexual assault, and crisis intervention

1 and prevention;

2 (4) conduct studies on issues relating to violence, includ-
3 ing domestic violence and sexual assault, and on issues relating to the
4 role of crisis intervention and prevention;

5 (5) develop resource materials to provide for education of
6 the public about domestic violence, sexual assault, and crisis inter-
7 vention and prevention, including films and school curriculum;

8 (6) conduct public hearings;

9 (7) award grants and contracts to qualified local community
10 entities for domestic violence, sexual assault, and crisis intervention
11 and prevention programs;

12 (8) receive and dispense state and federal money to carry
13 out the purposes of this chapter;

14 (9) oversee and audit domestic violence, sexual assault, and
15 crisis intervention and prevention programs which receive money under
16 this chapter.

17 (b) The council shall

18 (1) elect one of its members as presiding officer;

19 (2) in consultation with authorities in the field, develop,
20 implement, maintain, and monitor domestic violence, sexual assault, and
21 crisis intervention and prevention programs, including educational
22 programs on the cause, prevention, and treatment of domestic violence
23 and sexual assault;

24 (3) coordinate services provided by other state agencies and
25 community groups dealing with domestic violence, sexual assault, and
26 crisis intervention and prevention, and provide technical assistance as
27 requested by those state agencies and community groups;

28 (4) through the award of grants and contracts assist local
29 community groups that provide domestic violence, sexual assault, and

1 crisis intervention and prevention services;

2 (5) extend domestic violence, sexual assault, and crisis
3 intervention and prevention programs into urban and rural areas not
4 receiving these services;

5 (6) provide fiscal and technical assistance to plan, organ-
6 ize, implement and administer domestic violence, sexual assault, and
7 crisis intervention and prevention programs;

8 (7) adopt regulations in accordance with the Administrative
9 Procedure Act (AS 44.62) to carry out the purposes of this chapter and
10 to protect the health, safety, well-being, and privacy of persons
11 receiving services financed with grants or contracts under this
12 chapter;

13 (8) make an annual report to the governor and the legisla-
14 ture on the activities of the council, plans of the council for new
15 services and programs, and concerns of the council, including recommen-
16 dations for legislation necessary to carry out the purposes of this
17 chapter.

18 Sec. 18.66.060. QUALIFICATIONS. A local community entity is
19 qualified to receive a grant or contract under this chapter if it
20 agrees to provide services approved by the council to victims of domes-
21 tic violence or sexual assault or their families or to perpetrators of
22 domestic violence or sexual assault without regard to ability to pay.

23 Sec. 18.66.900. DEFINITIONS. In this chapter:

24 (1) "council" means the Council on Domestic Violence and
25 Sexual Assault;

26 (2) "crisis intervention and prevention program" means a
27 community program that provides information, education, counseling, and
28 referral services to individuals experiencing personal crisis related
29 to domestic violence or sexual assault and to individuals in personal

1 or professional transition, excluding correctional half-way houses,
2 outpatient mental health programs, and drug or alcohol rehabilitation
3 programs;

4 (3) "domestic violence" means a crime specified in AS 11.41
5 when the victim is a spouse or a former spouse of the defendant, a
6 member of the social unit comprised of those living together in the
7 same dwelling as the defendant, or a person related within the second
8 degree by blood or marriage to the defendant;

9 (4) "domestic violence program" means a program that pro-
10 vides services to the victims of domestic violence, their families, or
11 perpetrators of domestic violence;

12 (5) "local community entity" means a city or borough or
13 other political subdivision of the state, a nonprofit organization, or
14 a combination of these;

15 (6) "sexual assault" means a crime specified in AS 11.41.-
16 410 - 11.41.450 or AS 11.51.130(a)(4);

17 (7) "sexual assault program" means a program that provides
18 services to the victims of sexual assault, their families, or perpe-
19 trators of sexual assault.

20 * Sec. 2. Of the first members appointed to the Council on Domestic
21 Violence and Sexual Assault under AS 18.66.020(a) added in sec. 1 of this
22 Act

23 (1) two members shall be appointed to serve a term of one year;

24 (2) three members shall be appointed to serve a term of two
25 years.

26 * Sec. 3. AS 44.66.010 (a) is amended by adding a new paragraph to read:

27 (10) Council on Domestic Violence and Sexual Assault-June 30,
28 1985.

29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CSHE 91 (Fin) (Page 1 of 2)
 Title Domestic violence, sexual assault, crisis intervention
 Requested by Finance committee Date 5/7/81

II. FISCAL DETAIL
 Agency Affected Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Council on Domestic Violence (Commissioner's office)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		106.4				
200 TRAVEL		20.0				
300 CONTRACTUAL		115.0				
400 COMMODITIES		10.0				
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		257.4				

FUNDING (Thousands of Dollars)

GENERAL FUND		257.4				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		3				
PART TIME						
TEMPORARY		1				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

100 PERSONAL SERVICES: 1 Project Coordinator, Range 18 41,020
 1 Research Analyst, Range 16 35,835
 1 Clerk-Typist, Range 7 21,915
 98,770

Administration & Support BRU (DPS)
 1 Admin Support, Range 10 (4 mos) 7,592
 106,362

200 TRAVEL:
 Council members 10,000
 Staff 10,000
 20,000

300 CONTRACTUAL
 Phone, copying, postage, printing, rent 15,000
 Media communication 100,000

IV. DATE 5/7/81 PREPARED BY [Signature]
 AGENCY _____
 PHONE _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

400 SUPPLIES	Books, film library	7,500
	Office & duplication	<u>2,500</u>
		10,000
500 EQUIPMENT	New position equip	6,000

January 19, 1981

Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to domestic violence, sexual assault, and adult crisis intervention programs. Though \$1.8 million dollars were appropriated from the general fund by the legislature last session for these programs, legislation establishing responsibilities in the area has yet to be enacted. This bill authorizes the Department of Health and Social Services to monitor domestic violence, sexual assault, and adult crisis intervention programs, to adopt regulations to protect persons using those services, and to award grants to local community programs.

Sincerely,

S/SSH

Jay S. Hammond
Governor

A M E N D M E N T

OFFERED IN THE SENATE:
SCS CSHB 91(SA)

By: Senate HESS

To: _____ SENATE BILL No. _____

HOUSE BILL No. _____

PAGE: 4

LINE: 21 & 22

page 4, line 21: after the word "defendant" delete ", or a person related within the second degree by blood or marriage to the defendant"

LETTER OF INTENT

It is the intent of the legislature that the Department of Health and Social Services and the Department of Public Safety should cooperate and coordinate to the fullest extent to implement the provisions of HB 91 in order to insure the ongoing functions of programs to be funded in fiscal year 1982. It is the intent of the legislature that funding for services to clients for domestic violence and sexual assault shall not be interrupted during the transfer of program responsibility from the Department of Health and Social Services to the Department of Public Safety.

file in orig.
file only.

Old fiscal notes

POSITION PAPER
ON
CS FOR HOUSE BILL NO. 91 (Finance) am

Rec'd 5/18/81
After bill was
reported out
of HFC

"An Act relating to domestic violence, sexual assault and
vention and prevention programs."

CS for House Bill No. 91 (Finance) am would transfer the Domestic Violence programs presently funded by the Department of Health and Social Services to a Council on Domestic Violence and Sexual Assault placed, for budgetary purposes, under the Department of Public Safety. The Council would act as an interdepartmental planning and coordinating agency of the Departments of Health and Social Services, Public Safety and Law.

The Council would consist of five voting members appointed by the Governor; three of those persons would be appointed from a list provided by the Network on Domestic Violence and Sexual Assault, two persons from the general public and representatives of the Departments of Health and Social Services and Public Safety; the Department of Law would be a non-voting member.

The Council would be empowered to: hire an executive director and staff, establish program standards, develop and implement a standardized data system, conduct studies on issues relating to domestic violence, develop a resource library of community education as well as a curriculum for use in public schools, award grants to programs, receive state and federal funds, and monitor programs.

The Department of Health and Social Services has some concerns about this Bill:

- 1) The Attorney General's Office has noted concerns regarding certain provisions of this proposed legislation and has prepared the attached memorandum on this topic.
- 2) While we recognize the importance of coordination and involvement of the criminal justice systems as well as other systems and agencies in addressing the problem of domestic violence and sexual assault, this Department is concerned with moving domestic violence programs from a human service treatment agency into a police model which has a primary focus on safety, and not treatment. We perceive a possible conflict of purpose to have the arresting agency and the treatment agency in the same organizational structure. There are differing philosophies in the domestic violence arena with regard to compulsory prosecution of the perpetrator and how that affects treatment of all members of the family unit.
- 3) We question the long range benefit of placing a social service function in a traditionally public safety oriented department. Research by the Center for Women Policy Studies in the summer of 1980 finds that of the 27 states that have services to violent families, 25 states place the lead responsibility in a human service agency. Of the remaining two, Minnesota places it in the Commission of the Department of Corrections; Ohio has joint responsibility shared by the Attorney General's Office and the Department of Economic and Community Development, Division of Criminal Justice Services.

- 4) The Council of State Governments in its publication 1980 Suggested State Legislation places the council on domestic violence problems in a department of health and social services.
- 5) Since the intention of the Bill is to authorize the support of programs which are presently receiving state funding, there appear to be several inconsistencies in some of the language: the title of the Act relates to domestic violence, sexual assault and crisis intervention and prevention programs. The following changes should be made in order to be consistent:
 - a) Page 1, Line 10 Chapter 66. COUNCIL ON DOMESTIC VIOLENCE, [AND] SEXUAL ASSAULT, CRISIS INTERVENTION AND PREVENTION.
 - b) Page 1, Line 11 and Line 12: The same changes as above.
 - c) Page 4, Lines 20-22 provide services approved by the council to victims of domestic violence or sexual assault, their families, or perpetrators of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay[.] and provide services approved by the council to individuals experiencing personal or professional transition; and

6) In order to make consistent the granting, standard setting and auditing provisions of this bill, we would recommend that AS 18.66.050 (a) (7) be modified to insure that the Council establishes standards and awards grants only for programs funded by the Council under this Chapter. This would eliminate confusion at the local level when a program might receive a grant from one agency, but yet be liable to meet standards established by both the granting agency and the Council. For example, a sexual assault program such as the Center for Children and Parents board might receive a grant from our Department. As a condition of receiving these monies, our Department would require the Center's board to meet certain standards. If this legislation were passed as written, the Center's board could be required also to meet the standards set by the Council. We do not believe that this is the intent, but rather the Council was indeed planned to be directly responsible only for those programs that receive funds from it. We would therefore recommend that the following change be made:

Page 3, Lines 9-11, Amend AS 18.66.050 (7) to read:

(7) award grants and contracts to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs[;] with monies appropriated under this chapter;

7) Since the Bill as written would not be effective, if passed, until 90 days after the Governor's response, rather than July 1, 1981, the interim period will be a crucial time, possibly involving recommendations on the funding level of grants, new program acceptability, and the establishment of new systems, such a transition may place programs and their clients at risk. If this Bill becomes law, the Department of Health and Social Services will work cooperatively with the Department of Public Safety so that in the interest of clients and the state, services will not be interrupted.

The Department of Health and Social Services is pleased with the emphasis in the proposed legislation on the coordination aspects; certainly it is increasingly apparent that domestic violence issues involve several departments. The Department is also pleased that, if passed, legislative appropriations for support of the many programs presently being funded will be in authorized by statute as requested by the legislature last session.

The Department does prefer that the programs remain as the responsibility of our Division of Adult and Aging Services, since both prevention and treatment are provided through programs in our Department.

Recommendations: The Department of Health and Social Services recommends the establishment of a strong advisory council instead of an administrative council. Such an advisory council would have the power to recommend employment of staff, review and recommend regulations, review grant applications and recommend funding, etc. The actual administration would be under the authority of the department. This would relieve the Council of day to day administrative responsibilities so their efforts could go into long range planning and recommended policy development.

Recommended by: Elizabeth Muktarian
Elizabeth Muktarian, Director
Division of Adult and
Aging Services

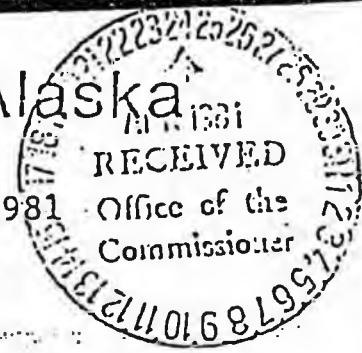
Date: 5/12/81

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 5/14/81

MEMORANDUM

State of Alaska



TO: Hon. Helen D. Beirne
Commissioner
Department of Health & Social
Services

DATE: April 23, 1981

FILE NO: J-66-698-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Proposed Council on
Domestic Violence
and Sexual Assault

By:

Rodger W. Pegus
Assistant Attorney General

You have asked whether establishment of a proposed Council on Domestic Violence and Sexual Assault poses any legal problems.

In the form proposed by the draft bill for an Act relating to domestic violence and sexual assault, the proposal violates the state constitution in two ways. */

The first constitutional infirmity in the proposed bill is that it unduly impairs the appointment authority of the chief executive, transferrin^g it, as it were, to a special interest group under proposed AS 18.66.030(3). The proposed council's job is to carry out the law, and that function is vested by the constitution in the governor. To perform that function, he appoints subordinates to assist him. While reasonable qualifications may unquestionably be prescribed by law for those appointments, the power of selection cannot be shared except as the constitution itself provides. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Accordingly, in order to conform with the dictates of the state constitution, the requirement in proposed AS 18.66.030(3) that appointments be from a list should be changed to a requirement for consultation with the Network of Domestic Violence and Sexual Assault. (We are concerned that the network may lack a formal, corporate status, thereby making even consultation haphazard.)

The second constitutional infirmity is that the bill gives the council tenure and also the authority to super-

*/ There are other existing and proposed councils on ad hoc subjects which share one or both of these constitutional defects, for example, CSHB 198 (Fin), establishing a seafood market council.

wise and direct a unit of state government in carrying out a significant part of the law which, under the constitution, is expressly a function and responsibility of the governor. We are not dealing here with a regulatory or quasi-judicial council, the members of which under the constitution, need not serve at the chief executive's pleasure. Humphrey's Executor v. United States 295 U.S. 602 (1935); Buckley v. Valeo, 424 U.S. 1, 140-141 (1976) (dicta). We are dealing rather with persons who are being placed in charge of carrying on the duties of an executive department of the government, and such officers must be responsible to the chief executive. Myers v. United States, 272 U.S. 52 (1926); cf., Alaska State Operated School System v. Mueller, 536 P.2d 99 (Alaska 1975), Walker v. Alaska State Mtg. Ass'n, 416 P.2d 245 (Alaska 1966).

Accordingly, in order further to conform the bill with the dictates of the state constitution, the last sentence of proposed AS 18.66.040 should be amended to delete after the word "members," the words "shall be limited to no" and insert "serve at the pleasure of the governor and may not serve" instead.

There are other, technical changes which should be made. For example, the Attorney General, rather than the Chief Prosecutor, should be named to retain the parallelism. The Attorney General would have the option of naming a designee. It makes no sense to appoint a subcabinet, non-statutory officer to a statutory council.

Finally, experience teaches that the establishment of a line division on domestic violence and sexual assault in whichever department should handle the subject (with an advisory council of concerned and involved citizens) will have much more effect than the establishment of a separate council which will not be part and parcel of either department's operations. That is a practical matter rather than a legal one, and we do not insist on a change, but we strongly recommend one.

RWP/pjg

cc: Hon. W.R. Nix, Commissioner
Department of Public Safety

Hon. Donald Clocksin
House of Representatives

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For House Bill No. 91 (Finance) (am)

Title "An Act relating to domestic violence, sexual assault, and crisis intervention and

Requested by prevention programs." Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Division of Adult and Aging Services

BRU, Program, or Subprogram(s) Affected Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		(47.9)				
200 TRAVEL		(6.8)				
300 CONTRACTUAL		(1.7)				
400 COMMODITIES		(.4)				
500 EQUIPMENT						
600 LAND & STRUCTURES		(1988.8)				
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	(2045.6)	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	(2045.6)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	(1)				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Department of Health and Social Services FY'82 requested funds would be transferred to the Department of Public Safety.

IV. DATE

5-12-81

PREPARED BY Dorothy Walt

AGENCY Division of Adult and Aging Services

PHONE 465-3250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval

7/11/81 (Proceed)

Date 5/13/81

Dorothy Walt

DOMESTIC VIOLENCE / SEXUAL ASSAULT / ADULT CRISIS INTERVENTION
 DEPARTMENT OF HEALTH & SOCIAL SERVICES
 DIVISION OF ADULT & AGING SERVICES

2/81
 BWHC

PROGRAM	FY 81 FCC BEFORE GOV'S ACTION	FY 81 CONTRACT	LEAA FY 81	TOTAL FY 81	FY 82 GOV. BUDGET	FY 82 LETTERS OF INTENT <small>Prelim. Requests</small>	FY 82 GRANT REQUESTS	FY 82 FCC	FY 82 GRANTS
WOMEN'S RESOURCE CENTERS (Adult Crisis Intervent:). (Displaced Homemaker)									
* ALASKA WOMEN'S RESOURCE (Anch.)	190,000	159,000	0	159,000		343,340	342,783		
* JUNEAU WOMEN'S RESOURCE	85,000	45,000	0	45,000		140,778	142,918		
WOMEN'S RESOURCE CENTER (Seldovia)	0	0	0	0		20,000	20,000		
Sub - Total	275,000	204,000	0	204,000	220,320	504,118	505,701		
MISCELLANEOUS									
COOK INLET NATIVE ASSOC.	0	0	0	0		189,000	189,000		
TANANA CHIEFS	0	0	0	0		110,000	97,800		
AL. INST./HUMAN DEVELOP.	0	0	0	0		150,000	0		
UNIV./ALASKA/FRBKS.	0	0	0	0		17,500	0		
ALASKA HOSPITAL	0	0	0	0		?	0		
NW EDUC. ARTS & THERAPY (Juneau) 9 mos.	41,800	35,530	0	35,530		75,000	74,827		
Sub - Total	41,800	35,530	0	35,530	38,372	541,500	361,627		
GRAND TOTALS	2,166,400	1,841,440	102,128	1,943,568	1,988,754	5,116,573	5,638,163		

FAMILY VIOLENCE / SEXUAL ASSAULT / ADULT CRISIS INTERVENTION
 DEPARTMENT OF HEALTH & SOCIAL SERVICES
 DIVISION OF ADULT & AGING SERVICES

2/81
 BWMc
 Updated 3/17/81
 Updated 3/19/81

PROGRAM	FY 81 FCC BEFORE GOV.'S ACTION	FY 81 CONTRACT	LEAA FY 81	TOTAL FY 81	FY 82 GOV. BUDGET	FY 82 LETTERS OF INTENT (PRELIM. REQUESTS)	FY 82 GRANT REQUESTS	FY 82 FCC	FY 82 GRANTS
<u>SHELTERS</u>									
* AWAC (Anch.)	\$386,100	343,000	33,936	376,936		601,000	603,846 (incl. Men)		
* AWARE (Juneau)	250,500	225,500	7,300	232,800		405,819	436,154		
* WIC-CA (Frbks.)	350,000	300,580	8,711	309,291		354,446	384,483		
* TUNDRA WOMEN (Bethel)	199,300	167,000	7,459	174,459		340,695	340,697		
* BERING SEA (Nome)	154,900	138,000	4,865	142,865		377,100	377,100		
* WISH (Ketchikan)	112,500	110,000	17,347	127,347		357,346	393,080		
* KOTZEBUE WOMEN (9 mos.)	62,800	44,990	Ø	44,990		193,916	193,916		
* ARTIC WOMEN (Barrow)	Ø	Ø	Ø	Ø		14,328	141,377		
BRISTOL BAY (Dillingham) (Men's resid/ treatment)	Ø	Ø	Ø	Ø		250,000	749,897		
AL/PRIIBILOF ASSOC.	25,000	22,000	Ø	22,000		125,000	59,272		
Sub-Total	1,541,100	1,351,070	79,618	1,430,688	1,459,155	3,019,650	3,679,822		
<u>SAFE HOMES / WRC</u>									
* KENAI/ CRISIS/ WRC	79,100	66,000	14,718	80,718		161,715	161,735		
* KOD. K/CRISIS/WRC	60,000	50,000	7,792	57,792		173,357	180,694		
* SITKA/ CRISIS/ WRC	20,000	20,000	Ø	20,000		76,951	76,761		
ADV./ VIOL./VICTIMS (Valdez)	Ø	Ø	Ø	Ø		100,000	76,813		

POSITION PAPER
ON
CS FOR HOUSE BILL NO. 91 (Finance)

Rec'd 5/12/81
after Bill
R/O HFC

"An Act relating to domestic violence, sexual assault and cr. vention and prevention programs."

CS for House Bill No. 91 (HESS) would transfer the Domestic Violence programs presently funded by the Department of Health and Social Services to a Council on Domestic Violence and Sexual Assault placed, for budgetary purposes, under the Department of Public Safety. The Council would act as an interdepartmental planning and coordinating agency of the Departments of Health and Social Services, Public Safety and Law.

The Council would consist of five voting members appointed by the Governor; three of those persons would be appointed from a list provided by the Network on Domestic Violence and Sexual Assault and two persons who have been victims of domestic violence would be appointed and representatives of the Departments of Health and Social Services and Public Safety; the Department of Law would be a non-voting member.

The Council would be empowered to: hire an executive director and staff, establish program standards, develop and implement a standardized data system, conduct studies on issues relating to domestic violence, develop a resource library of community education as well as a curriculum for use in public schools, award grants to programs, receive state and federal funds, and monitor programs.

The Department of Health and Social Services has some concerns about this Bill:

- 1) The Attorney General's Office has noted concerns regarding certain provisions of this proposed legislation and has prepared the attached memorandum on this topic.
- 2) While we recognize the importance of coordination and involvement of the criminal justice systems as well as other systems and agencies in addressing the problem of domestic violence and sexual assault, this Department is concerned with moving domestic violence programs from a human service treatment agency into a police model which has a primary focus on safety, and not treatment. We perceive a possible conflict of purpose to have the arresting agency and the treatment agency in the same organizational structure. There are differing philosophies in the domestic violence arena with regard to compulsory prosecution of the perpetrator and how that affects treatment of all members of the family unit.
- 3) We question the long range benefit of placing a social service function in a traditionally public safety oriented department. Research by the Center for Women Policy Studies in the summer of 1980 finds that of the 27 states that have services to violent families, 25 states place the lead responsibility in a human service agency. Of the remaining two, Minnesota places it in the Commission of the Department of Corrections; Ohio has joint responsibility shared by the Attorney General's Office and the Department of Economic and Community Development, Division of Criminal Justice Services.

- 4) The Council of State Governments in its publication 1980 Suggested State Legislation places the council on domestic violence problems in a department of health and social services.
- 5) Since the intention of the Bill is to authorize the support of programs which are presently receiving state funding, there appear to be several inconsistencies in some of the language: the title of the Act relates to domestic violence, sexual assault and crisis interver and prevention programs. The following changes should be made in order to be consistent:
 - a) Page 1, Line 10 Chapter 66. COUNCIL ON DOMESTIC VIOLENCE, [AND] SEXUAL ASSAULT, CRISIS INTERVENTION AND PREVENTION.
 - b) Page 1, Line 11 and Line 12: The same changes as above.
 - c) Page 4, Lines 18-20 (1) provide services approved by the council to victims of domestic violence or sexual assault, their families, or perpetrators of domestic violence or sexual assault or their families or to perpetrators of domestic violence or sexual assault without regard to ability to pay[.] and provide services approved by the council to individuals experiencing personal or professional transition; and
- 6) In order to make consistent the granting, standard setting and auditing provisions of this bill, we would recommend that AS 18.66.050 (a) (2) and (7) be modified to insure that the Council establishes standards and awards grants only for programs funded by the Council under this Chapter. This would eliminate confusion at the local level when a program might receive a grant from one agency, but yet be liable to meet standards established by both the granting agency and the Council. For example, a sexual assault program such as the Center for Children and Parents board might receive a grant from our Department. As a condition of receiving these monies, our Department would require the Center's board to meet certain standards. If this legislation were passed as written, the Center's board could be required also to meet the standards set by the Council. We do not believe that this is the intent, but rather the Council was indeed planned to be directly responsible only for those programs that receive funds from it. We would therefore recommend that the following changes be made:
 - a) Page 2, Lines 24-26, Amend AS 18.66.050 (a) (2) to read:
 - (2) establish minimum standards for operation of domestic violence, sexual assault, and crisis intervention and prevention programs [;] for programs which receive money under this chapter;
 - b) Page 3, Lines 8-10, Amend AS 18.66.050 (7) to read:
 - (7) award grants and contracts to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs[;] with monies appropriated under this chapter;

- 7) Since the Bill as written would not be effective, if passed, until 90 days after the Governor's response, rather than July 1, 1981, the interim period will be a crucial time, possibly involving recommendations on the funding level of grants, new program acceptability, and the establishment of new systems, such a transition may place programs and their clients at risk. If this Bill becomes law, the Department of Health and Social Services will work cooperatively with the Department of Public Safety so that in the interest of clients and the state, services will not be interrupted.

The Department of Health and Social Services is pleased with the emphasis in the proposed legislation on the coordination aspects; certainly it is increasingly apparent that domestic violence issues involve several departments. The Department is also pleased that, if passed, legislative appropriations for support of the many programs presently being funded will be in authorized by statute as requested by the legislature last session.

The Department does prefer that the programs remain as the responsibility of our Division of Adult and Aging Services, since both prevention and treatment are provided through programs in our Department.

Recommendations: The Department of Health and Social Services recommends the establishment of a strong advisory council instead of an administrative council. Such an advisory council would have the power to recommend employment of staff, review and recommend regulations, review grant applications and recommend funding, etc. The actual administration would be under the authority of the department. This would relieve the Council of day to day administrative responsibilities so their efforts could go into long range planning and recommended policy development.

Recommended by: Elizabeth Muktarian
Elizabeth Muktarian, Director
Division of Adult and
Aging Services

Date: 5/8/81

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 5/11/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For House Bill No. 91 (Finance)
 Title "An Act relating to domestic violence, sexual assault, and crisis intervention and
Requested by prevention programs." Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Division of Adult and Aging Services
 BRU, Program, or Subprogram(s) Affected Adult Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		(47.9)				
200 TRAVEL		(6.8)				
300 CONTRACTUAL		(1.7)				
400 COMMODITIES		(.4)				
500 EQUIPMENT						
600 LAND & STRUCTURES		(1988.8)				
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	(2045.6)	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	(2045.6)				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	-0-	(1)				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Department of Health and Social Services FY'82 requested funds would be transferred to the Department of Public Safety.

IV. DATE

5-5-81

Dorothy Walt
 PREPARED BY Dorothy Walt
 AGENCY Division of Adult and Aging Services
 PHONE 465-3250

Original: Legislative Finance
 cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval *W. H. ...* Date 5/8/81

MEMORANDUM

State of Alaska



TO: Hon. Helen D. Beirne
Commissioner
Department of Health & Social
Services


DATE: April 23, 1981

FILE NO: J-66-698-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Proposed Council on
Domestic Violence
and Sexual Assault

By: 
Rodger W. Pegues
Assistant Attorney General

You have asked whether establishment of a proposed Council on Domestic Violence and Sexual Assault poses any legal problems.

In the form proposed by the draft bill for an Act relating to domestic violence and sexual assault, the proposal violates the state constitution in two ways. */

The first constitutional infirmity in the proposed bill is that it unduly impairs the appointment authority of the chief executive, transferring it, as it were, to a special interest group under proposed AS 18.66.030(3). The proposed council's job is to carry out the law, and that function is vested by the constitution in the governor. To perform that function, he appoints subordinates to assist him. While reasonable qualifications may unquestionably be prescribed by law for those appointments, the power of selection cannot be shared except as the constitution itself provides. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Accordingly, in order to conform with the dictates of the state constitution, the requirement in proposed AS 18.66.030(3) that appointments be from a list should be changed to a requirement for consultation with the Network of Domestic Violence and Sexual Assault. (We are concerned that the network may lack a formal, corporate status, thereby making even consultation haphazard.)

The second constitutional infirmity is that the bill gives the council tenure and also the authority to super-

*/ There are other existing and proposed councils on ad hoc subjects which share one or both of these constitutional defects, for example, CSHB 198 (Fin), establishing a seafood market council.

wise and direct a unit of state government in carrying out a significant part of the law which, under the constitution, is expressly a function and responsibility of the governor. We are not dealing here with a regulatory or quasi-judicial council, the members of which under the constitution, need not serve at the chief executive's pleasure. Humphrey's Executor v. United States 295 U.S. 602 (1935); Buckley v. Valeo, 424 U.S. 1, 140-141 (1976) (dicta). We are dealing rather with persons who are being placed in charge of carrying on the duties of an executive department of the government, and such officers must be responsible to the chief executive. Myers v. United States, 272 U.S. 52 (1926); cf., Alaska State Operated School System v. Mueller, 536 P.2d 99 (Alaska 1975), Walker v. Alaska State Mtg. Ass'n, 416 P.2d 245 (Alaska 1966).

Accordingly, in order further to conform the bill with the dictates of the state constitution, the last sentence of proposed AS 18.66.040 should be amended to delete after the word "members," the words "shall be limited to no" and insert "serve at the pleasure of the governor and may not serve" instead.

There are other, technical changes which should be made. For example, the Attorney General, rather than the Chief Prosecutor, should be named to retain the parallelism. The Attorney General would have the option of naming a designee. It makes no sense to appoint a subcabinet, non-statutory officer to a statutory council.

Finally, experience teaches that the establishment of a line division on domestic violence and sexual assault in whichever department should handle the subject (with an advisory council of concerned and involved citizens) will have much more effect than the establishment of a separate council which will not be part and parcel of either department's operations. That is a practical matter rather than a legal one, and we do not insist on a change, but we strongly recommend one.

RWP/pjg

cc: Hon. W.R. Nix, Commissioner
Department of Public Safety

Hon. Donald Clocksin
House of Representatives

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 91
 Title An Act relating to Domestic Violence, Sexual Assault, and Crisis Intervention
 Requested by H.E.S.S. Committee Date 5/4/81

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Council on Domestic Violence (Commissioner's Office)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each and component in the analysis section.) Administration & Support
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		226.4	249.0	274.0	301.3	331.5
200 TRAVEL		30.0	33.0	36.3	39.9	43.9
300 CONTRACTUAL		215.0	126.5	139.2	153.1	168.4
400 COMMODITIES		10.0	11.0	12.1	13.3	14.7
500 EQUIPMENT		14.4	-0-	-0-	-0-	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		495.8	419.5	461.6	507.6	560.5

FUNDING (Thousands of Dollars)

GENERAL FUND		495.8	419.5	461.6	507.6	560.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		6	6	6	6	6
PART TIME						
TEMPORARY		1	1	1	1	1

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The bill will establish "Council on Domestic Violence and Sexual Assault" within the Department of Public Safety.

The Council will provide programs and services for victims of domestic violence or sexual assault, their families, and perpetrators of domestic violence and sexual assault, and provide crisis intervention and prevention programs.

These functions, on a very limited scale, are now being performed by the Department of Health and Social Services through its Division of Adult and Aging.

The powers and duties of the Council are outlined under Sec. 18.66.050.

Among other duties, the Council will award grants and contracts to qualified local community entities and the estimated cost for FY 82 is \$4.3 million (under grants), probably spread among 25 programs. The Council will have authority to receive and disperse Federal grants.

IV. DATE May 4, 1981 PREPARED BY Jos Mapranath
 AGENCY Department of Public Safety
 PHONE 465-4349

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Fiscal Note Analysis (cont)
CSHB 91

Sec. 18.66.050(a), subsections 1 through 9 and (b), 1 through 8, outlines the range of duties of this "new" council. To accomplish these tasks and to provide for the administrative costs of the Council [composed of 8 members (5 appointed and 3 ex-officio)], the following resources are requested. Sec. 18.66.050 empowers the Council to hire an Executive Director and staff.

i) Council Staff:

1 Executive Director, Range 23	\$56,699
1 Project Coordinator, Range 18	41,020
1 Grant Administrator, Range 17	38,272
1 Research Analyst, Range 16	35,835
1 Secretary I, Range 10	25,034
1 Clerk-Typist II, Range 7	21,915
Subtotal	<u>\$218,775</u>

ii) Administration & Support BRU (DPS)

1 Admin. Support (Finance), Range 10 (non-permanent for 4 months)	7,592
	<u>\$226,367</u>

Total is 6 permanent full-time and 1 non-permanent position.

Associate Costs: (Council only)

200, Travel:

8 Council members (4 meetings @ \$2500 each)	\$20,000
Office travel (Executive Director and staff)	<u>10,000</u>
Subtotal	\$30,000

300, Contractual:

Phone, copying costs, postage, printing, rent	\$15,000
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Professional Service Contracts

Media communication (awareness and education)

Radio	\$25,000	
Television	75,000	
Educational	100,000	
Curricula Development	<u>\$200,000</u>	
	Subtotal	\$215,000

Fiscal Note Analysis (cont)
 CSHB 91
 Page Three

400, Supplies:

Books, film library	\$7,500	
Office & duplicating supplies	<u>2,500</u>	
	Subtotal	\$10,000

500, Equipment:

6 desks @ \$500 each	\$3,300	
10 chairs 225 each	2,250	
2 file cabinets \$200 each	400	
Shelves, library, & film cabinets	5,000	
2 typewriters	2,500	
1 calculator	250	
5 book shelves	500	
2 typewriter tables	<u>200</u>	
	Subtotal	\$14,400

Summary of Costs (FY 82)

	<u>Council</u>	<u>Division of Administrative Services</u>
100	218.8	7.6
200	30.0	-0-
300	215.0	-0-
400	10.0	-0-
500	<u>14.4</u>	<u>-0-</u>
	488.2	7.6

TOTAL \$495.8

The amount of \$495.8 requested for FY 82 is strictly for the program operating costs of the Council and the Central accounting, budgeting and other administrative costs.

These costs will continue into the following years except for the equipment and curricula development costs. The curricula development cannot be accomplished in one year and therefore that portion (\$100,000) should be appropriated for two years.

A 10% inflation is computed into the subsequent years.

<u>Title</u>	<u>Duties</u>
Executive Director	Overall responsibility to Council
Grant Administrator	1) Write minimum standards 2) Award grants 3) Oversee and audit programs
Project Coordinator	1) Develop resource material 2) Contact for and monitor, development of school curriculum
Research Analyst	1) Data 2) Studies 3) Library
Secretary I (to Executive Director- Range 10	
Clerk-typist II	Typing support

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HOUSE BILL NO. 91
 Title An Act relating to domestic violence, sexual assault, and adult crisis intervention
 Requested by Governor Date _____

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected Adult and Aging Services
 BRU, Program, or Subprogram(s) Affected Adult Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 Contingent upon continued allocation of State General Funds, plus inflation factor, an increase in expenditures is not anticipated.

IV. DATE January 6, 1981 PREPARED BY Elizabeth Muktarian, Director
 AGENCY Adult and Aging Services / DHSS
 PHONE 465-3520
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Elizabeth Muktarian
M. M. Anderson
 1/8/81 Management and Budget

POSITION PAPER
HOUSE BILL NO. 91

An Act relating to domestic violence, sexual assault and adult crisis intervention program.

The Department of Health and Social Services supports HB 91 on domestic violence, sexual assault and adult crisis intervention programs.

The Department now awards contracts totaling \$1.8 million to 18 programs statewide, which are:

- a) 7 shelters in Anchorage, Juneau, Fairbanks, Bethel, Nome, Ketchikan and Kotzebue for victims of domestic violence and their children, totaling \$1,329,000;
- b) 3 safe home networks in Kenai, Kodiak and Sitka to coordinate a system of volunteer homes for safety for victims and their children, totaling \$136,000;
- c) 1 program in Juneau for the treatment of male batterers to reduce and help eliminate the cycle of domestic violence, totaling \$42,300 for 10 months; other programs are included in the budgets of the Anchorage, Nome, Fairbanks and Bethel shelter programs;
- d) 2 Women's Crisis and Resource Centers in Anchorage and Juneau for information and referral services, counseling, education, and other services to adults in transition, totaling \$204,000;
- e) 1 program in Anchorage which provides prevention training and treating and assisting victims of rape, totaling \$72,500;
- f) 1 program in the Aleutian Chain which provides information as well as limited travel to a shelter and education for victims of domestic violence, totaling \$22,000;
- g) 1 program in Juneau which provides counseling for families, with primary focus on families involved in domestic violence, totaling \$35,500.

In the FY 81 budget, legislative intent was included in the budget unit from which domestic violence and sexual assault programs were funded: "No further increases in domestic violence and sexual assault budgets until legislation establishing responsibilities is passed." House Bill No. 91 was introduced in response to this intent.

The program for victims of domestic violence and sexual assault have been in existence since 1976, with the shelter in Anchorage being the first. Th amount of State General Funds have now increased the services to 11 communities, with a total of \$1.8 million dollars of funds authorized in FY 81 (attached is a list of programs). The Governor's budget includes almost 2 million state dollars for such programs for FY 82.

The propcsed legislation will authorize the Department of Health and Social Services to award grants, administer these funds and monitor the programs. Regulations will be developed by the Division of Adult and Aging Services in order to provide safety (fire, security, minimal sanitary standards) for victims of domestic violence who voluntarily seek shelter for themselves and their children in a facility for 5 adults or more established for that purpose, but not in a safe home which is provided by a volunteer. Safe homes which can house up to 4 adults would not be included in proposed regulations.

In the Department's view, this proposed legislation would provide for better program and fiscal accountability. We support its passage.

Recommended by: *E. J. ...*
Elizabeth Muktarian
Director
Adult & Aging Services

Date: 2/12/81

Approved by: *Helen D. Beirne*
Helen D. Beirne
Commissioner
Department of Health
and Social Services

Date: 2/12/81

FAMILY VIOLENCE/SEXUAL ASSAULT PROGRAMS

AWAIC (SGF-LEAA)	Anchorage	Shelter, Crisis Line, Women's Advocacy, Men Batterers
AWARE (SGF-LEAA)	Juneau	Shelter, Crisis Line, Women's Advocacy
BERING SEA WOMEN'S GROUP (SGF-LEAA)	Nome	Shelter, Crisis Line, Women's Advocacy
TUNDRA WOMEN'S COALITION (SGF-LEAA)	Bethel	Shelter, Crisis Line, Women's Resource Center, Men Batterers
WISH (SGF-LEAA)	Ketchikan	New Shelter, Crisis Line, Women's Resource Center
WIC-CA (SGF-LEAA)	Fairbanks	Women's Resource Center, Crisis Line, Small Shelter
KENAI WOMEN'S RESOURCE CENTER (SGF-LEAA)	Kenai/Soldotna	Safe Homes, Crisis Line, Women's Resource Center
KODIAK WOMEN'S RESOURCE CENTER (SGF-LEAA)	Kodiak	Safe Homes, Crisis Line, Women's Resource Center
SITKANS AGAINST VIOLENCE (SGF)	Sitka	Safe Homes, Crisis Line, Women's Advocacy
KOTZEBUE WOMEN IN CRISIS PROJECT (SGF)	Kotzebue	Shelter, Crisis Line, Women's Advocacy
MEN EMERGING NOW (SGF)	Juneau	Crisis Line, Men's Counseling, Information/Referral
ALEUTIAN/PRIIBILOF ASSO- CIATION, INC. (SGF)	Chain (Anch. office)	Education, Information/Referral, Training
STAR (SGF)	Anchorage	Rape Education/Treatment, Prevention
ALASKA WOMEN'S RESOURCE CENTER (SGF)	Anchorage	Displaced Homemaker Counseling, Information/Referral
JUNEAU WOMEN'S RESOURCE CENTER (SGF)	JUNEAU	Advocacy, Education, Health, Displaced Homemaker

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 91

Title An Act relating to domestic violence, sexual assault, and adult crisis

Requested by Governor Date 2/4/81 intervention

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Adult and Aging Services

BRU, Program, or Subprogram(s) Affected Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Contingent upon continued allocation of State General Funds, plus inflation factor, an increase in expenditures is not anticipated.

IV. DATE February 9, 1981

PREPARED BY Elizabeth Muktarian, Director

AGENCY Adult and Aging Services / DHSS

Original: Legislative Finance

PHONE 465-3250

cc: Budget and Management

Prime Sponsor (First Legislator Named)

M&B Approval

[Signature]

Date 1/31

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 91
Title An Act relating to domestic violence, sexual assault, and adult crisis intervention
Requested by Governor Date _____

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Adult and Aging Services
BRU, Program, or Subprogram(s) Affected Adult Services
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Contingent upon continued allocation of State General Funds, plus inflation factor, an increase in expenditures is not anticipated.

IV. DATE January 6, 1981 PREPARED BY Elizabeth Muktarian, Director
AGENCY Adult and Aging Services / DHSS
PHONE 465-3520
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Elizabeth Muktarian
M. Anderson
1/8/81 Management and Budget