

HB

63



Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: March 4, 2009

To: Senator Menard
Chair

From: Representative Anna Fairclough

Anna Fairclough Crystal Konevna

Re: CSHB 63 – “An Act relating to the Council on Domestic Violence and Sexual Assault.”

I am requesting a hearing for CSHB 63, “An Act relating to the Council on Domestic Violence and Sexual Assault.”

I have attached relevant materials and back-up for your committee.

Thank you in advance for your consideration.

Attachments:

- I. CSHB 63
- II. Sponsor Statement
- III. Sectional Analysis
- IV. Explanation of Changes
- V. Fiscal Notes
- VI. Letters of Support
- VII. Backup Documentation

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819

Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945

Representative_Anna_Fairclough@legis.state.ak.us

AMENDMENT

OFFERED IN THE SENATE
TO: CSHB 63(FIN)

1 Page 1, line 1, following "Assault":

2 Insert "; and providing for an effective date"

3

4 Page 4, following line 23:

5 Insert new bill sections to read:

6 **** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION: ASSIGNMENT OF EXISTING STAFF MEMBERS OF THE
9 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. Employees employed
10 as staff members of the Council on Domestic Violence and Sexual Assault as of the effective
11 date of this Act are assigned to the classified service in accordance with AS 18.66.050, as
12 amended by sec. 4 of this Act. Notwithstanding any other provision of law, staff members of
13 the Council on Domestic Violence and Sexual Assault employed as of the effective date of
14 this Act

15 (1) shall immediately be appointed to the classified service;

16 (2) may not have a reduction in pay

17 (A) solely because of the assignment described in this section; or

18 (B) if the employee is assigned to a position in the classified service
19 that is classified at a lower rate of pay than that received when the position was
20 assigned to the exempt service.

21 *** Sec. 8.** This Act takes effect July 1, 2009."



Alaska State Legislature

Representative Anna Fairclough – House District 17

Committee Substitute for House Bill 63

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

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

CS for House Bill 63 provides corrections in law in direct response to the work assigned the Task Force by the Legislature. It is one of a number of actions that are now underway in response to the findings and recommendations of the Legislative Task Force.

It also expands the Council to include representation from the Department of Corrections and Alaska’s rural communities. The Department of Corrections plays a large role in dealing with the perpetrators of domestic violence and sexual assault, but they currently are not a member of the Council. Alaska Natives are disproportionately represented compared to population in reported cases of Domestic Violence and Sexual Assault, but the area isn’t always well represented on the Council.

CS for House Bill 63 also makes staff positions in the Council non-exempt, other than the Executive Director. The Executive Director remains exempt or partially exempt. This change is being recommended by the Task Force because we concur with the Executive Director that the current exempt status creates challenges in the recruitment and retention of quality employees.

The Task Force agreed that it is critical that “public” members not be state employees to ensure that there remain voices on the Council who are independent of state agencies and their influences. HB 63 ensures that “public” positions on the council are not employees of the state.

CS for House Bill 63 changes language in the statute from “shall” to “may” in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council. In 2001, the auditor reported that the Council allowed changes in reporting requirements for the grantees of the Network in violation of federal grant guidelines.

Currently, Council members serve two-year terms, only allowing them to serve through one grant cycle. This limits their ability to understand the issues and process that the council goes through in its grant cycle. By extending the term to three years this allows members of the Council to be far more effective.

Implementation of these legislative changes, along with the Council’s new Strategic Plan and other reforms will significantly improve the Council as it attempts to wrestle with the ongoing issues of domestic violence and sexual assault across Alaska.

I urge your support on this important piece of legislation.

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Alaska State Legislature

Representative Anna Fairclough – House District 17

CS for House Bill 63

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

Sectional Analysis

Section 1. Amends AS 18.66.020(1)

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

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

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

Amends AS 18.66.020(b)

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

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

Amends AS 18.66.020(c)

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

Section 2. Amends AS 18.66.020(d)

Adds new subsection that defines the term “rural area”

Section 3. Amends AS 18.66.040

Changes the quorum requirement from four members to five members

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Section 4. Amends AS 18.66.050

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

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

Section 5. Amends AS 39.25.110(38)

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

Section 6. Amends Uncodified law of the State of Alaska

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

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



Alaska State Legislature

Representative Anna Fairclough – House District 17

CS for House Bill 63 (HFin)

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

Explanation of Changes

Page 1, line 8, 10

Page 2, line 11

Inserted the word ALASKA in front of Network on Domestic Violence and Sexual Assault

Page 2, line 17

Changes the definition of Rural from 5,500 to 7,500 or less that is not connected by road or rail to Anchorage or Fairbanks and from 1,500 to 3,500 or less that is connected by road or rail to Anchorage or Fairbanks.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 63(STA)
(H) Publish Date: 2/13/09

Identifier (file name): HB63-DOC-OC-02-09-09 Dept. Affected: DOC
Title: An Act relating to the Council on Domestic Violence and Sexual RDU: Administration & Support
Sponsor: Fairclough, Holmes, Coghill, Wilson, Herron Component: Office of the Commissioner
Requester: Governor Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should not have a fiscal impact on the Department of Corrections.

Prepared by: Leslie Houston, Director
Division: Administrative Services Division
Approved by: Dwayne Peebles, Deputy Commissioner
Office of the Commissioner

Phone 465-3339
Date/Time 02/09/2009 1630
Date 2/9/2009

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 63(STA)
(H) Publish Date: 2/13/09

HB063-DPS-CDVSA-02-10-09

Title	"An Act relating to the Council on Domestic Violence and Sexual Assault."	Dept. Affected:	Public Safety
Sponsor	Representative Fairclough	RDU	CDVSA
Requester	House State Affairs Committee	Component	CDVSA
		Component Number	521

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel	7.9		7.9	7.9	7.9	7.9	7.9	7.9
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	7.9	0.0	7.9	7.9	7.9	7.9	7.9	7.9

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
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FUND SOURCE

(Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF	7.9		7.9	7.9	7.9	7.9	7.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	7.9	0.0	7.9	7.9	7.9	7.9	7.9

Estimate of any current year (FY2009) cost:

0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: *(Attach a separate page if necessary)*

This bill adds two members to the Council on Domestic Violence and Sexual Assault: a public member from rural Alaska and the commissioner of the Department of Corrections or his or her designee. The increased travel costs for the new members to attend four meetings per year is estimated at \$7.9.

Prepared by: Chris Ashenbrenner, Executive Director
Division: Council on Domestic Violence and Sexual Assault
Approved by: Commissioner Joseph Masters
Department of Public Safety

Phone (907) 465-5504
Date/Time 2/10/09 9:01 AM
Date _____

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 63(FIN)
(H) Publish Date: 2/27/09

Identifier (file name): HB063-DHSS-BHA-02-23-09 Dept. Affected: Health & Social Services
Title: Council Domestic Violence: Members, Staff RDU: Behavioral Health
Sponsor: Fairclough, Holmes, Coghill, Wilson Component: Behavioral Health Administration
Requester: House FIN Component Number: 2665

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES (
-----------------------------	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

The proposed changes to the Council on Domestic Violence and Sexual Assault will not have a fiscal impact on DHSS.

Prepared by: Melissa Stone Phone 269-3410
Division: Behavioral Health Date/Time 2/20/09 5:12PM

Approved by: Alison Elgee, Assistant Commissioner Date 2/23/2009
DHSS Finance & Management Services

Issues with CDVSA personnel transfer from exempt to classified:

Classification will determine what job classification they belong in by reviewing a current position description. There is no guarantee that it will remain the same – could remain the same, could go up or down.

Once the appropriate job classification is determined, CDVSA must recruit on Workplace Alaska for the job. DOP says it can be a DPS departmental recruitment.

The current employee must apply, be interviewed and in order to hire, CDVSA must determine that they meet the minimum requirements and are the best applicant for the job.

If hired, the employee enters a probationary period (6 or 12 months, depending on the range) and their merit anniversary date changes in accordance with the “new” hire.

The **change of health insurance** coverage brings quite a few questions/issues:

- It is unknown whether or not employees will have a waiting period in between policy coverage.
- They will need to satisfy a new deductible.
- What about pre-existing conditions?

If hired, the employee's range and step are determined by “credible state service” which is basically the amount of time they've been a state employee.

If the employee is brought in to the **classified service at the same rate and step, their pay will decrease because of the difference between the GGU and Exempt pay schedules**. We estimate that this will be between \$100 to \$200 a month.

Benefits to employees are:

- Legal services benefit through the union
- Lay off protection (after they've been in the job awhile – this may not be a benefit if layoffs are eminent as they will be at the top of the list)
- “Just cause” protection – support of an employee association

Possible actions to mitigate loss to current employees:

- Waive the requirement to apply for their jobs.
- Once their job classification is determined, bring them in without having to apply (all employees at CDVSA are currently high acceptable to outstanding in their job performance).
- If the pay in the GGU is less than current salary, allow a one step increase. Or, if that is impossible, freeze their pay until they “catch up through the merit system”.
- Make an agreement with ASEA that the Health Trust plan will cover pre-existing conditions and there will be no waiting period.



State of Alaska
Department of Public Safety
Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Joseph A. Masters, Commissioner

February 8, 2009

Representative Anna Fairclough
Alaska State Capitol
Juneau, Alaska 99801

Subject: HB63 "An Act relating to the Council on Domestic Violence and Sexual Assault"

Dear Representative Fairclough:

The Council on Domestic Violence and Sexual Assault supports HB63, which proposes statutory changes based on the 2008 CDVSA Legislative Task Force recommendations. We have thoroughly reviewed these recommendations and agree that the proposed changes will strengthen the Council's ability to meet its statutory purpose: "to provide for planning and coordination of services to victims..." (AS16.66.101)

Adding the Commissioner of Corrections or his/her designee and including an additional seat for a rural designated public member will give the Council broader insights into policy decisions and funding recommendations. It will also further strengthen our board for public members to have three year terms. Many members have pointed out the limitations of two-year terms, saying they are leaving their service just as they have learned the work. Longer terms will allow members time to apply what they have learned in making decisions and setting direction. We also agree, in the interests of keeping balance, that public members should not be state employees.

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

The Council also agrees with the CDVSA Task Force that classifying the staff positions (other than the Executive Director) is an important tool for recruiting and retaining staff. It will also help to ensure continuity in the agency during periods of administration changes.

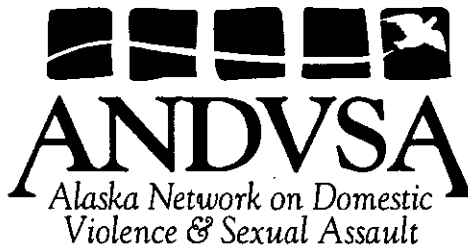
We appreciate the work you are doing to strengthen the state's response to the crimes of domestic violence, sexual assault, stalking and dating violence. Thank you.

Sincerely,

Ann House
Chair

Council on Domestic Violence & Sexual Assault
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

January 19, 2009

Representative Anna Fairclough
State Capitol, Room 421
Juneau, AK 99801-1182

Dear Representative Fairclough:

On behalf of the nineteen member domestic violence and sexual assault programs throughout the state that comprise the Alaska Network on Domestic Violence and Sexual Assault (the Network), thank you for introducing HB 63. ANDVSA works closely with the Council on Domestic Violence and Sexual Assault (the Council) on numerous issues.

I had the honor of serving on the CDVSA Task Force that you helped create with HB 215 in 2007. The CDVSA Task Force reviewed the Council's relationship to other state agencies; their statutory responsibilities and priorities; the appointment process for public members; the location of the Council within the administrative structure; compliance with grant management requirements; and their mission and focus.

We fully support the recommended changes in HB 63. Expanding the Council to include representation from the Department of Corrections (DOC) ensures that DOC has a much needed seat at the table for domestic and sexual violence issues, particularly as they relate to batterer and perpetrator programs. The bill also ensures that public members are indeed public and not governed by any state influences. We also wish to extend our service to the Governor whenever she/he would like our consultation and recommendation for public members. We have consistently put forth qualified individuals who do not have a history of perpetration of domestic or sexual violence; qualified individuals regardless of political party affiliation that balance both Alaska's geography and its urban and rural counterparts. Our services remain there for the asking as the experts in the domestic and sexual violence field for over 30 years.

Thank you for your time and commitment to improving the Council and sponsoring this progressive bill.

Regards,

Peggy Brown
Executive Director

cc: Lisa Mariotti, Policy Research Associate

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

SENATE COMMITTEE REPORT

DATE: 3/9/09

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 3/19/09

State Affairs Committee considered CS FOR HOUSE BILL NO. 63(FIN)

HB 63 COUNCIL DOMESTIC VIOLENCE: MEMBERS, STAFF

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

and recommends:

- be replaced with SCS or CS CSHB63 (STA)
- adopt previous SCS or CS _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

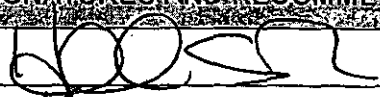
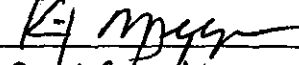
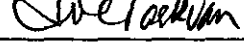
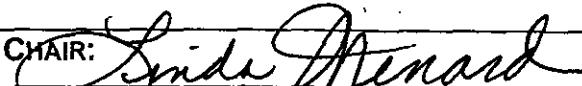
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Index	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Index	Zero	FN#
DHS	2/23/09			✓	3
Pub. Safety	2/10/09	✓			2
Doc	2/9/09			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LASTNAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	Meyer	X			
	HOSKVAN	X			
CHAIR: 	MENARD	X			