

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008

SSTA

12745

SB

75



SENATOR KIM ELTON

**SB 75 – Sunset Extension for
The Council on Domestic Violence and Sexual Assault**

Sponsor Statement

SB 75 extends the Council on Domestic Violence and Sexual Assault (CDVSA), which is due to expire June 2007. Housed within The Department of Public Safety, CDVSA plays a vital role in communities across the state, providing “planning and coordination of services to victims of domestic violence and sexual assault, and crisis intervention and prevention programs”.

CDVSA is focused upon addressing the high rate of domestic violence and sexual assault in the state. Alaska has the highest rate of domestic violence and sexual abuse in the nation, with over 32,000 separate incidents of domestic violence and sexual assault reported in communities across Alaska between 2000 and 2004. During FY 2005, Alaska shelters provided services to 8,793 clients, with 381,729 individual services provided in categories such as childcare, clothing and food, crisis intervention, counseling and personal support, legal advocacy, safety checks, shelter/safe house, and transportation.

SB 75 is a necessary step toward addressing the continued threat of domestic violence and sexual assault, and an important part of increasing the safety and well being of children and families across Alaska. Extending the Council on Domestic Violence and Sexual Assault will provide continued program planning and coordination of services for victims of domestic violence and sexual assault who could otherwise lose access to the services they desperately need.

ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907)-465-2108
SENATOR_KIM_ELTON@LEGIS.STATE.AK.US

November 23, 2005

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

DEPARTMENT OF PUBLIC SAFETY
COUNCIL ON DOMESTIC VIOLENCE
AND SEXUAL ASSAULT

November 23, 2005
Audit Control Number
12-20039-06

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 44.66.010(a)(5), the Council on Domestic Violence and Sexual Assault is scheduled to terminate on June 30, 2006. The Council would have one year from that date to conclude operations.

In our opinion, the termination date for the Council on Domestic Violence and Sexual Assault should be extended. The Council serves a public need and is operating in the public's interest. We recommend that the legislature extend the Council's termination date to June 30, 2014.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology.

Pat Davidson, CPA
Legislative Auditor

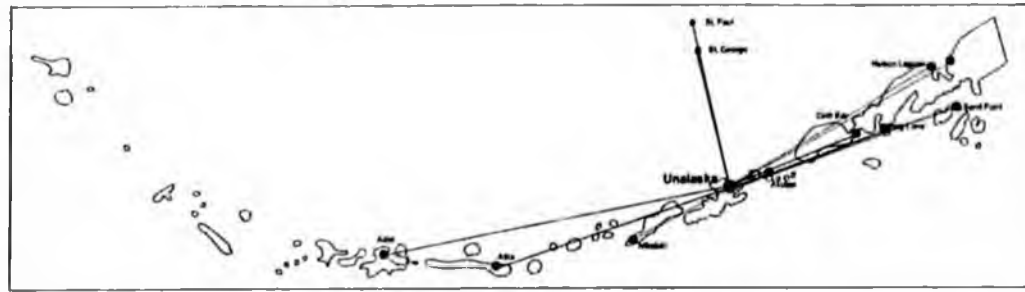
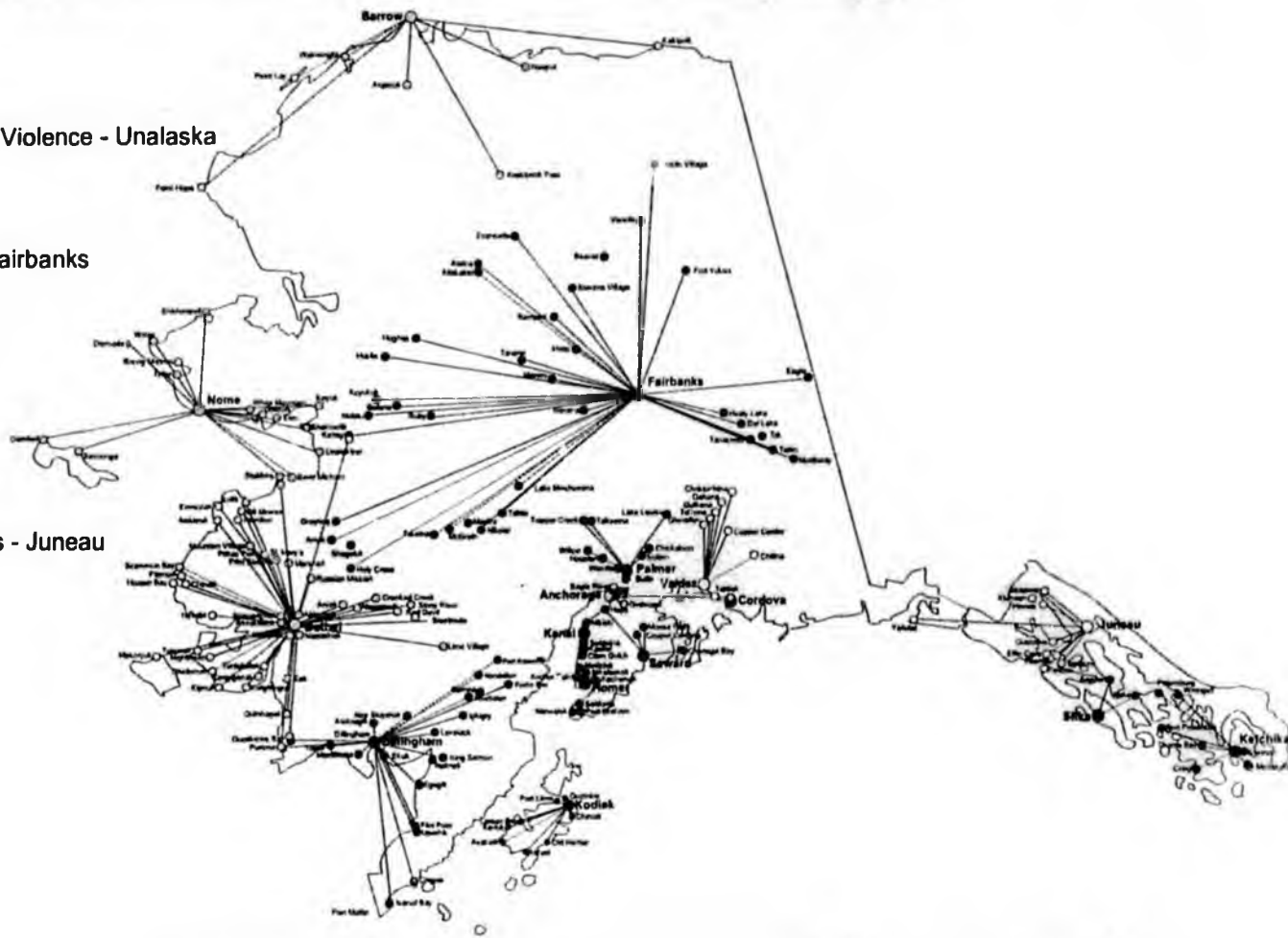
CDVSA Funded Service Provider Catchment Areas Fiscal Year 2006

Shelter Service Providers

- Arctic Women In Crisis - Barrow
- Bering Sea Women's Group - Nome
- Unalaskans Against Sexual Assault and Family Violence - Unalaska
- Tundra Women's Coalition - Bethel
- Seaview Community Services - Seward
- Interior Alaska Center for Non-Violent Living - Fairbanks
- Alaska Family Services - Palmer
- Advocates for Victims of Violence - Valdez
- Safe and Fear-Free Environment - Dillingham
- The LeeShore Center - Kenai
- Women In Safe Homes - Ketchikan
- Abused Women's Aid In Crisis - Anchorage
- Aiding Women in Abuse and Rape Emergencies - Juneau
- Sitkans Against Family Violence - Sitka
- South Peninsula Women's Services - Homer

Other Victim Services Providers

- ★ Standing Together Against Rape - Anchorage
- Cordova Family Resource Center - Cordova
- Victims For Justice - Anchorage



Council on Domestic Violence and Sexual Assault**FY07 FUNDED VICTIM SERVICE PROGRAMS****AFS 746-4080**

Donn Bennice, Executive Director
Alaska Family Services, Inc.
1825 S Chugach Street
Palmer, AK 99645
Fax: 746-1177
donn@akafs.org

CFRC 424-5674

Nicole Songer, Executive Director
Cordova Family Resource Center
P O Box 863
Cordova, AK 99574
Fax: 424-5673
cfr@ctcak.net

SPHH 235-7713

Peg Coleman, Executive Director
South Peninsula Haven House
3776 Lake Street, Suite 10u
Homer, AK 99603
800-478-7712
Fax: 235-2733
spws@acsalaska.net

AVV 835-2980

Octavia Thompson, Executive Director
Advocates for Victims of Violence
P O Box 524
Valdez, AK 99686
800-835-4044
Fax: 835-2981
Avv-executive@gci.net

IAC 452-2293

Brenda Stanfill, Executive Director
Interior Alaska Center
for Non-Violent Living
717 9th Avenue
Fairbanks, AK 99701
800-478-7273
Fax: 452-2613
brendakay@rocketmail.com

STAR 276-7279

Nancy Haag, Executive Director
Standing Together Against Rape
1057 W. Fireweed, Suite 230
Anchorage, AK 99503
800-478-8999
Fax: 278-9983
nhaag@staralaska.org

AWAIC 279-9581

Judy Cordell, Executive Director
Abused Women's Aid In Crisis
100 West 13th Avenue
Anchorage, AK 99501
Fax: 279-7244
ruawaic@awaic.org

KWRCC 486-6171

Letitia Raub, Executive Director
Kodiak Women's Resource and Crisis
Center
P O Box 2122
Kodiak, AK 99615
Fax: 486-4264
Kwrcc@ptialaska.net

TWC 543-3455

Michelle DeWitt, Executive Director
Tundra Women's Coalition
P O Box 2029
Bethel, AK 99559
800-478-7799
Fax: 543-3752
michelle_dewitt@twcpeace.org

AWARE 586-6623

Saralyn Tabachnick, Executive Director
Aiding Women in Abuse and Rape
Emergencies
P O Box 20809
Juneau, AK 99802-0809
800-478-1090
Fax : 586-2479
stabachnick@aware.alaska.com

LSC 283-9479

Cheri Smith, Executive Director
The LeeShore Center
325 Spruce Street
Kenai, AK 99611
Fax: 283-5844
leeshoreed@alaska.net

USAFV 581-1500

Lynn Crane, Executive Director
Unalaskans Against Sexual Assault and Family
Violence
PO Box 36
Unalaska, AK 99685
800-478-7238
Fax: 581-4568
usafved@arctic.net

AWIC 852-0261

Linda Stanford, Program Coordinator
Arctic Women In Crisis
P O Box 69
Barrow, AK 99723
800-478-0267
Fax: 852-2474
Linda.Stanford@north-slope.org

SAFE 842-2320

Ginger Baim, Executive Director
Safe and Fear-Free Environment
PO Box 94
Dillingham, AK 99576
800-478-2316
Fax: 842-2198
VRaimB@bewareandfree.org

WISH 225-9474

Dragon London, Executive Director
Women In Safe Homes
PO Box 6552
Ketchikan, AK 99901
800-478-9474
Fax: 225-2472
dragonlondon@kcpunet.net

AWRC 276-0528

Rosalie Nadeau, Acting Executive Director
Alaska Women's Resource Center
610 C Street, Suite 2A
Anchorage, AK 99501
Fax: 279-6754
276-0528 Program Info

SAFV 747-3370

Chris Bauman, Executive Director
Sitkans Against Family Violence
PO Box 6136
Sitka, AK 99835
800-478-8511
Fax: 747-3450

MFCC 442-7879

Michelle Dakai, Family Resource Director
Manilaq Family Crisis Center
P.O. Box 256
Kotzebue, AK 99752
Fax: 442-3190
michelledakai@manilaq.org

Fax: 278-8944
madeau@akeela.org

cbauman@gci.net

BSWG 443-5491
Samaria Ross, Executive Director
Bering Sea Women's Group
PO Box 1596
Nome, AK 99762
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SCS 224-5257
Melissa Stone, Executive Director
Seaview Community Services
PO Box 1045
Seward, AK 99684
888-224-5257
Fax: 224-7081
mstone@seaviewseward.org

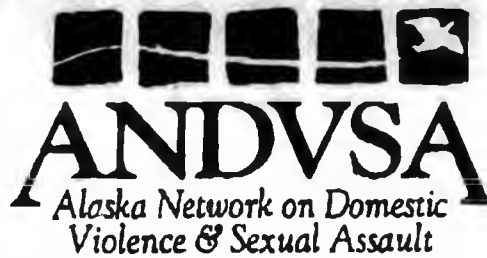
ANDVSA 586-3650
Peggy Brown, Executive Director
Alaska Network on Domestic Violence
And Sexual Assault
130 Seward St., Suite 209
Juneau, AK 99801
Fax: 463-4493 www.andvsa.org
pbrown.andvsa@alaska.com

ANDVSA 586-3650
Legal Advocacy Project
Kari Robinson, Project Attorney
800-614-STOP (7867)
Fax: 907-586-3152 www.andvsa.org
krobinson.andvsa@alaska.com

● [Back to CDVSA Homepage](#)

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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

February 7, 2007

The Honorable Senator Kim Elton
State Capitol Bldg. Room 506
Juneau AK 99801

Dear Senator Elton,

The Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) is a statewide coalition of 19 member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing Senate Bill 75, "An Act extending the Council on Domestic Violence and Sexual Assault (CDVSA)". ANDVSA strongly supports the extension of CDVSA in the Department of Public Safety. The "Council" and the "Network" have a long history of working together. Over the last twenty-seven years, we have seen tremendous change in the knowledge, attitudes, beliefs and behaviors of Alaskans around the issue of domestic and sexual violence. We have worked together to coordinate services to victims of domestic and sexual violence; to provide trainings, conference workshops and tribal forums to law enforcement, judicial and medical professionals, tribal organizations, public health professionals and community members. We've collaborated on grants, projects, policies, legislation and systems change. We have a tremendous amount of work ahead of us, and CDVSA is an invaluable partner.

Sincerely,

Peggy Brown
Executive Director

Cc: Chris Ashenbrenner
Executive Director, CDVSA
Janna Stewart
Chair, CDVSA

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 Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

JUNEAU POLICE DEPARTMENT

6255 ALAWAY AVE. • JUNEAU, ALASKA 99801

GREG BROWNING
CHIEF OF POLICE

Alaska's Capital City

BUSINESS (907) 586-0600
FAX (907) 463-4808

Senator Kim Elton
State Capital
Juneau, Alaska 99801-1182

Dear Senator Elton,

I am sure that you know that Domestic Violence and Sexual Assault continue to be two of the most difficult and prevalent problems Alaska's law enforcement officers deal with on a daily basis.

In Juneau, and towns across Alaska, we unfortunately have a much higher rate of reported sexual assault than do most communities in the rest of the United States. Meanwhile, domestic violence continues to take a tremendous toll on Alaska's families.

The Alaska Council on Domestic Violence and Sexual assault was created to combat these sometimes interrelated issues. It was a good idea. Here in Juneau, the AWARE shelter, partially funded by the council, has performed a critical service for our community's victims of domestic violence and sexual assault. The need for such programs and the council has not diminished. I urge you to support legislation to extend the existence of the CDVSA.

Thank you for your consideration.

Sincerely,



Greg Browning
Chief of Police



The Honorable Senator Kim Elton
State Capitol Bldg., Room 506
Juneau, Alaska 99801

Dear Senator Elton,

Standing Together Against Rape (STAR) is a community based agency which has provided sexual assault advocacy services to victims of sexual assault and their families in the greater Anchorage area for thirty years (30). STAR also provides individual legal advocacy services as well as community education and rural outreach programming. STAR is a member of the statewide coalition, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA). STAR relies on the Council on Domestic Violence and Sexual Assault (CDVSA) to maintain necessary funding levels to meet the growing needs in our community.

The CDVSA is an important and vital link to the voices of Alaskans regarding the impact that sexual assault and domestic violence has in our communities. Through our relationship with CDVSA, STAR has been able to strengthen services to victims of sexual assault, increase community awareness, and build stronger relationships with area providers.

On behalf of STAR and the community of Anchorage we thank you for introducing Senate Bill 75, an Act that would extend the Council on Domestic Violence and Sexual Assault, thus allowing the good work of the Council to continue to serve communities in Alaska.

Respectfully,

Nancy Haag
Executive Director

SITKANS AGAINST FAMILY VIOLENCE

P.O. Box 6136 • Sitka, Alaska 99835
 (907) 747-3370 • Fax 747-3450 • Crisis Line 1-800-478-6511



February 7, 2007

Senator Elton
 Alaska Senate
 State Capitol
 Juneau, AK 99801

Dear Senator Elton:

Please support the bill which extends the sunset of the Council on Domestic Violence and Sexual Assault. Sitkans Against Family Violence (SAFV) has been working with the Council for more than 20 years. The Council not only provides over half of our funding, they are also at the forefront of State issues around domestic violence and sexual assault. We have teamed up with them on training, federal grant applications, and strategic planning. SAFV also utilizes Council staff for technical assistance. I urge you to support their extension. Thank you.

Sincerely,

Chris Bauman
 Executive Director





To Whom It May Concern,

Please accept this letter of support on behalf of the Abused Women's Aid in Crisis, Inc. (AWAIC) for Senate Bill No. 75.

AWAIC has provided domestic violence services in Anchorage for the past thirty years and 65% of operations are currently financed via federal, state and local grants. AWAIC's main grant is awarded by the Council on Domestic Violence and Sexual Assault (CDVSA). We are therefore in full support of Senate Bill No. 75 as written.

If I can be of further assistance regarding consideration of this bill please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "J Cordell".

Judy Cordell, M.S., L.P.A.
Executive Director, AWAIC, Inc.

Cc: Senator Elton
ANDVSA



The LeeShore Center

*Services for Victims of Domestic Violence and Sexual Assault
Support for the Central Peninsula's Families*

Senator Kim Elton
State Capitol, Room 506
Juneau, AK 99801-1182

Dear Senator Elton,

Please support the bill which extends the sunset of the Council on Domestic Violence and Sexual Assault. The LeeShore Center has been providing emergency shelter, crisis intervention and supportive services for victims of domestic violence and sexual assault for over 20 years. The Council is our agency's main funding source; it's vital they continue to exist.

Sincerely,

Chen Smith
Executive Director
The LeeShore Center

TUNDRA WOMEN'S COALITION

WORKING TOGETHER TOWARD A BRIGHTER FUTURE



Michelle DeWitt
Executive Director
Tundra Women's Coalition
February 7, 2007

Senator Elton
State Capitol, Rm. 506
Juneau, AK 99801

Senator Elton:

Tundra Women's Coalition supports the bill which extends the sunset of the Council on Domestic Violence and Sexual Assault. TWC has received funding from the CDVSA for more than 20 years. Council funds are critical in providing victim safety for the Yukon-Kuskokwim Delta. TWC has also coordinated with CDVSA staff and contractors on a number of educational projects; most recently, a tribal-state forum to discuss violence held last year in our community.

Sincerely,

A handwritten signature in cursive script that reads "Michelle DeWitt".

Michelle DeWitt

FAX

TO: Senator Kim Eiton, State Capital, Juneau, Alaska
907-465-2108.

FROM: Rosie Glorso, Board Member, Unalaskans Against Sexual Assault
and Family Violence
907-581-4181

RE: Please support the bill which extends the sunset of the CDVSA

Dear Senator:

Please support the bill extending the sunset of the Council on Domestic Violence and Sexual Assault. I am a board member for USAFV, Unalaskans Against Sexual Assault and Family Violence. CDVSA has made a huge and positive difference here in Unalaska. CDVSA is very much needed throughout all of Alaska, and I ask that you please support its continued existence.

Thank you very much for your time and consideration on this important matter.

Sincerely,



Rosie Glorso
PO BOX 674
Unalaska AK 99685

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB75-DPS-BIP-2-14-07
 Bill Version: SB 75
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An act extending the Council on Domestic Violence.. RDU Council on Domestic Violence and Sexual Assault
 Component Batterers Intervention Program
 Sponsor Senator Elton
 Requester Senate State Affairs Component No. 2241

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	200.0	200.0	200.0	200.0	200.0	200.0
Miscellaneous						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0

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	200.0	200.0	200.0	200.0	200.0	200.0
1007 I/A Receipts						
1171 PFD Crim						
Other (Specify Type--Do not abbreviate)						
TOTAL	200.0	200.0	200.0	200.0	200.0	200.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the termination date of the Council on Domestic Violence and Sexual Assault to June 30, 2011.

Prepared by: Chris Ashenbrenner, Interim Program Administrator Phone 465-5504
 Division: Council on Domestic Violence and Sexual Assault Date/Time 2/14/2007 4:00PM
 Approved by: Commissioner Walt Monegan Date 2/14/2007
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: SB75-DPS-CDVSA-2-14-07
 Bill Version: SB75
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title *An act extending the Council on Domestic Violence.. RDU Council on Domestic Violence and Sexual Assault
 Component CDVSA
 Sponsor Senator Elton
 Requester Senate State Affairs Component No. 521

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	698.2	698.2	698.2	698.2	698.2	698.2
Travel	83.5	83.5	83.5	83.5	83.5	83.5
Contractual	939.2	939.2	939.2	939.2	939.2	939.2
Supplies	12.3	12.3	12.3	12.3	12.3	12.3
Equipment	16.2	16.2	16.2	16.2	16.2	16.2
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	8,877.6	8,877.6	8,877.6	8,877.6	8,877.6	8,877.6
Miscellaneous						
TOTAL OPERATING	10,627.0	10,627.0	10,627.0	10,627.0	10,627.0	10,627.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	3,467.9	3,467.9	3,467.9	3,467.9	3,467.9	3,467.9
1003 GF Match						
1004 GF	2,544.8	2,544.8	2,544.8	2,544.8	2,544.8	2,544.8
1007 I/A Receipts	824.7	824.7	824.7	824.7	824.7	824.7
1171 PFD Crim	3,789.6	3,789.6	3,789.6	3,789.6	3,789.6	3,789.6
Other (Specify Type—Do not abbreviate)						
TOTAL	10,627.0	10,627.0	10,627.0	10,627.0	10,627.0	10,627.0

Estimate of any current year (FY2007) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	8	8	8	8	8	8
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill extends the termination date of the Council on Domestic Violence and Sexual Assault to June 30, 2011.

Prepared by: Chris Ashenbrenner, Interim Program Administrator Phone 465-5504
 Division: Council on Domestic Violence and Sexual Assault Date/Time 2/14/07 4:00PM
 Approved by: Commissioner Walt Monegan Date 2/14/2007
 Agency: Department of Public Safety

SB

77

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/9/07

FURTHER: Labor and Commerce

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 77

SB 77 USING UNION DUES FOR POLITICAL PURPOSES

"An Act prohibiting use of agency shop fees for political contributions or expenditures."

and recommends:

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

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

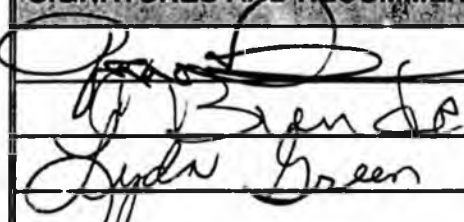
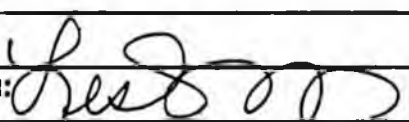
NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	02/04/08			✓	

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	STURM	X			
Brenda Green	Bundt	✓			
Lyn Green	Green	✓			
CHAIR: 	McBire	✓			

Alaska State Legislature

DURING SESSION
STATE CAPITOL
JUNEAU, AK 99801-1182
(907) 465-4841 (800) 892-4843
FAX: (907) 465-3871



DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 269-0181
FAX: (907) 269-0184

SENATOR CON BUNDE
District P

E-MAIL:
Senator.Con.Bunde@legis.state.ak.us

Senate Bill 77 Sponsor Statement Using Union Dues for Political Purposes

Senate Bill 77 prohibits the unauthorized use of agency (shop) fees for political reasons, whether it be a political campaign or committee or other political activity by a union. An agency fee is a fee (or dues) paid to an organization by a non-union member. This bill would require that the employee would have to "opt in", or choose affirmatively, to have his/her dues used for these specific purposes.

Typically, a union is given authority to negotiate pay, contracts for their groups, etc, therefore having implied authority to use the agency fees for activities they deem suitable. However, it is fair to say that most non-union members may not be fully aware that the agency fees could possibly be used for activities they may not support. If SB 77 were implemented, the non-union member would be able to opt in, or choose, whether or not to support monetarily to the political activity(ies) proposed by the union.

In Alaska, private sector union issues are governed by the National Labor Relations Act, therefore, this legislation would not apply to them. Changes transpired by SB 77 would only apply to public employee union matters.

Recently, the United States Supreme Court overturned a Washington Supreme Court ruling (*Washington v. Washington Education Association and Davenport v. Washington Association*) decision, thereby barring unions from using non-member union dues for political activities without their approval.

I bring this legislation forward after hearing from constituents who said they did not know, until after the fact, that their agency fees were being used for political activities that, had they known, they would not have specifically supported. Giving the member a choice to "opt in" would protect their individual free speech rights and still allow the unions to represent the voices of the members who ask them to act on their behalf.

from the January 10, 2007 edition - <http://www.csmonitor.com/2007/0110/p03s02-usju.html>

Free-speech dispute over union fees

US Supreme Court to look at how much permission unions need to put nonmembers' dues toward political causes.

By **Warren Richey** | Staff writer of The Christian Science Monitor

WASHINGTON

The US Constitution forbids unions from using fees collected from nonunion workers to finance political activities unless the nonmembers grant permission.

Without consent, such action would raise the specter of nonmembers being dragooned into subsidizing political efforts they may not support. And that would violate the free speech and association clauses of the First Amendment.

But how much permission is necessary?

That's the question at the center of two consolidated cases set for oral argument Wednesday at the US Supreme Court.

The cases examine a Washington State campaign-finance law that pits a union's constitutional right to engage in politics on behalf of its like-minded members against a nonmember's right to disassociate from those activities.

The case arises amid a nationwide effort by a number of conservative groups to undercut the ability of union leaders to use compulsory union dues and fees to influence political campaigns without first obtaining the clear permission of those who contributed the money.

Union fees

The Supreme Court case revolves around fees collected by Washington State's teachers union. If you want to be a teacher in the state, you have to pay a fee to the union, even if you aren't a member. That's because the state Legislature assigned exclusive authority to the union to negotiate pay and other employment issues for all teachers. Nonunion teachers must agree to a payroll deduction equal to the union dues.

The provision requires nonunion members to help pay for benefits that accrue to all the state's teachers through the collective bargaining efforts of the Washington Education Association (WEA).

But this also provides a ready pool of cash to the union for political activities. And that has triggered allegations that the union's use of a portion of the fees for politics is forcing nonmembers to subsidize political speech that they do not support.

A 1992 state campaign-finance law mandates that the 80,000-member union obtain the consent of some 3,000 nonmember teachers before using a portion of their dues for politics. Union officials say they already obtain that consent by offering nonmembers the option of objecting to the political use of their fees.

But a group of current and former teachers say that's not enough. They say the state law requires prior authorization. If no such prior consent is given, the money is off limits for political purposes and must be refunded, they say.

In contrast, the union's current system relies on implied consent. Twice a year, the WEA mails a packet of information to nonmembers telling them they have a right to object to the use of their fees for politics. If they object, the money is refunded. If they do nothing, forget, or otherwise fail to return a form within the 30-day deadline, the union interprets it as permission to use the money for political purposes.

The state campaign-finance law requires the union to determine consent through an opt-in system, while the union insists that its current opt-out system provides nonmembers with enough protection against political coercion.

The Washington Supreme Court agreed with the union. It declared by a 6-to-3 vote that the state's tougher affirmative consent law violated WEA's right to use union funds for political advocacy without facing government-imposed restraints.

"The union's [opt-out] procedures amount to a constitutionally permissible alternative that adequately protects both the union and dissenters," the Washington Supreme Court declared.

Lawyers for the nonmember teachers argue in their brief to the US Supreme Court that the state high court "repeatedly misapplied and misinterpreted the First Amendment."

The case is about the free-speech rights of nonunion members, not the union itself, says Milton Chappell, a lawyer with the National Right to Work Legal Defense Foundation, which is representing a group of nonmember teachers in the case.

He says the union favors the opt-out system because it maximizes political dollars collected by the union. But, he says, it does little to ascertain whether nonmembers truly intend that their fees be used to support the political preferences of a labor organization they refuse to join.

"We are not against unions or anyone wanting to join them," Mr. Chappell says. "But for those people who have decided for whatever reason that they do not or cannot join or support a union, we believe that their rights should be protected."

Response from the teachers union

Debra Carnes, a spokeswoman for the WEA, says the legal battle is aimed at undercutting the power of unions. "This is much bigger than WEA and opt-in or opt-out," she says. "The goal is to dry up the money so unions have no collective voice."

Lawyers for the WEA say in their brief that the campaign-finance law hinders the union's ability to engage in political speech by imposing restrictions on the use of funds lawfully held in the union's treasury. The state law requires burdensome record-keeping and accounting procedures that undercut its ability to engage in political action, they say.

Overall, nonmember fees make up 4 percent of the union's total revenue, according to briefs in the case.

"Far from abridging unions' freedom of speech, Washington's opt-in requirement leaves unions free to speak on any topic of their choosing, at any time or place, and in any manner," writes Solicitor General Paul Clement, in a friend-of-the-court brief filed in support of the state.

He says federal campaign-finance laws bar unions from spending any union treasury funds to influence federal elections - even funds obtained by member dues. The courts have upheld the constitutionality of such restrictions in federal elections, so it follows that Washington State's more modest opt-in requirement is also constitutional, Mr. Clement says.

One potential key to the case may be how the high court interprets a clause contained in a 1961 Supreme Court decision. "Dissent is not to be presumed - it must affirmatively be made known to the union by the dissenting employee," the high court declared in a case called *Machinists v. Street*.

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Supreme Court Limits Unions' Spending of Dues on Politics

Author: Ryan Bedford

Published by: The Heartland Institute

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Publication date: August 2007

Labor unions must get permission from non-members before using mandatory dues for political purposes, according to a United States Supreme Court ruling that overturned the Washington Supreme Court's ruling in *Washington v. Washington Education Association* and *Davenport v. Washington Education Association* (WEA).

The June 14 ruling culminates a decade of work by concerned teachers and the Evergreen Freedom Foundation (EFF), a Washington state think tank. The Court's ruling could affect millions of union-represented workers nationwide.

Bars Unauthorized Use

The unanimous ruling, issued by Justice Antonin Scalia, says states may bar a labor union representing government employees from using non-union workers' dues for political causes if those workers have not explicitly consented to the expenditures.

"We are elated that the U.S. Supreme Court has honored the First Amendment rights of teachers by overturning the state Supreme Court's decision," said Bob Williams, president of the Evergreen Freedom Foundation. "The Court understood that the constitutional rights of teachers should be protected and are not superseded by the union's statutory rights. This ruling will help protect non-member teachers from having their agency fees used on union politics against their will."

At issue was a state law that required labor organizations to get permission from non-member workers before using mandatory dues for political purposes. "Non-members" are workers who are not members of the union but are forced to pay collective bargaining fees as a condition of employment.

Maneuvering to the End

Even while the U.S. Supreme Court was considering the case, the WEA and state government were trying to maneuver around the law. On May 11 Washington State Gov. Christine Gregoire (D) signed the union-backed House Bill 2079, which permits unions to spend non-member fees on politics as long as they have enough member dues to cover the expenditure.

That arrangement would virtually guarantee that, as one union official put it, "only in very extraordinary circumstances would the statute be violated" and unions have to ask non-members before spending their fees on politics.

That charade was ruled unconstitutional by the U.S. Supreme Court nearly 50 years ago. In *International Association of Machinists v. Street* (1961) and *Abood v. Detroit Board of Education* (1977), the High Court said designating member dues for politics and non-member fees for administrative costs unconstitutionally shifts a disproportionate share of collective bargaining costs to

non-members.

Having been signed into law, however, H.B. 2079 is now in effect, but it will probably be challenged when the WEA cases are remanded back to state court. The Supreme Court ruled the new law does not moot the *Davenport* case and that its decision stands.

"It still matters whether the Supreme Court of Washington was correct to hold that [the earlier law] was inconsistent with the First Amendment. Our analysis of whether §760's affirmative-authorization requirement violates the constitutional rights of respondent is not affected by the amendment."

Desperate Ploy

Why change a law the U.S. Supreme Court was considering at the time? Union officials claimed the existing law, which was just 42 words long, was murky and they couldn't understand how to comply with it.

But the WEA had admitted to the Public Disclosure Commission that it had intentionally spent non-member dues on politics in violation of the law. The Public Disclosure Commissioners said the violations were "the largest campaign finance violation" in state history, and in 2001 a court fined the union \$590,000.

Also, a trial court had given the union detailed instructions on how to comply with the law.

Experts almost unanimously agreed the U.S. Supreme Court would rule against the union. The June 14 ruling proved them correct.

Ryan Bedford (rbedford@effwa.org) is a labor analyst with the Evergreen Freedom Foundation in Olympia, Washington.

For more information ...

The U.S. Supreme Court ruling in the combined cases *Washington v. Washington Education Association* and *Davenport v. Washington Education Association* is available through *PolicyBot*™, The Heartland Institute's free online research database. Point your Web browser to <http://www.policybot.org> and search for document #21565.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 77
 () Publish Date: _____

Identifier (file name): SB077-DOA-APOC-2-4-08 Dept. Affected: Administration
 Title: "An Act prohibiting use of agency shop fees for political ..." RDU: AK Public Offices Commission
 Component: AK Public Offices Commission
 Sponsor: Senator Bunde
 Requester: Labor and Commerce Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill provides that a labor organization or employee association may not use shop fees collected from a public employer to make a campaign contribution or expenditure as defined in AS 15.13.400. Nothing in this bill requires that APOC enforce its provisions, and no new provisions are added to the campaign disclosure law, thus, it will not fiscally impact APOC.

Prepared by: Brooke Miles
 Division: Alaska Public Offices Commission
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-1726
 Date/Time 2/4/08 12:00 AM
 Date 2/4/2008

SB

92

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/21/07

FURTHER: Judiciary
 Finance

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 92

SB 92 LIMITED LICENSE IGNITION INTERLOCK

"An Act relating to ignition interlock requirements; relating to limited driver's license privileges for persons convicted of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and requiring certain persons to utilize ignition interlock devices to qualify for a limited driver's license; relating to probation for driving while under the influence of an alcoholic beverage, inhalant, or controlled substance, and refusal to submit to a chemical test; and providing for an effective date."

and recommends:

- be replaced with SCS or CS SB 92 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

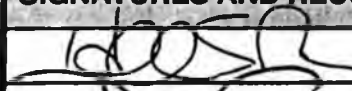

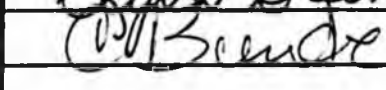
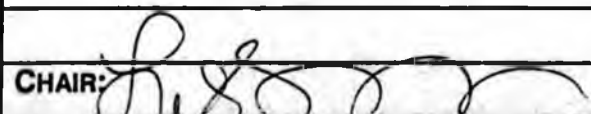
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOC	03/07			✓	
DPS	03/12			✓	
ADM	03/12			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Fench	✓			
	Green			✓	
	Bunde			✓	
CHAIR: 	McBure	✓			

Alaska State Legislature

Session:
State Capitol, Rm. 125
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592



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Anchorage, AK 99501-2133
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Fax: (907) 269-0249

Senator Lesil McGuire
Chair, Senate State Committee

Fax

To: Leg Legal **From:** Shalon Szymanski, SSTA Committee Aide

Fax: 2029 **Pages:**

Phone: **Date:** March 22, 2007

Re: Final CS Request - SB 92 **CC:**

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

ALASKA STATE LEGISLATURE

Sen. Lesil McGuire, Chair
Sen. Gary Stevens, Vice-Chair
Sen. Lyda Green
Sen. Hollis French
Sen. Con Bunde



State Capitol, Room 125
Juneau, AK 99801-1182
(907) 465-2995
Fax (907) 465-6592

SENATOR LESIL McGUIRE
CHAIR, STATE AFFAIRS

Memorandum

To: Leg. Legal
From: Shalon Szymanski, Committee Aide
Senate State Affairs Committee
Date: March 22, 2007
Re: Final CS Request

Please create a Final Committee Substitute (STA) for work order # 25-LS0439\M.

* SB 92 did pass out of committee today.

Thank you!

TRANSACTION REPORT

MAR-22-2007 THU 12:53 PM

FOR: SEN. MCGUIRE

907 465 6592

SEND (M)

DATE	START	RECEIVER	PAGES	TIME	NOTE	M#
MAR-22	12:52 PM	2029	2	39"	OK	26

25-LS0439M

Luckhaupt

3/21/07

CS FOR SENATE BILL NO. 92()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): SENATORS FRENCH, McGuire

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to ignition interlock requirements; relating to limited driver's license
2 privileges for persons convicted of driving while under the influence of an alcoholic
3 beverage, inhalant, or controlled substance and requiring certain persons to utilize
4 ignition interlock devices to qualify for a limited driver's license; relating to probation
5 for driving while under the influence of an alcoholic beverage, inhalant, or controlled
6 substance, and refusal to submit to a chemical test; and providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 28.01.010 is amended by adding a new subsection to read:

9 (j) A court may not enforce a municipal ordinance prescribing a penalty for
10 driving while under the influence of an alcoholic beverage, inhalant, or controlled
11 substance or refusal to submit to a chemical test unless that ordinance imposes ignition
12 interlock device requirements under this title.

13 * **Sec. 2.** AS 28.15.201(d) is amended to read:

1 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
2 a license under AS 28.15.181(c), or the department when revoking a driver's license,
3 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
4 limited license privileges if

5 (1) the revocation was for a misdemeanor conviction under
6 AS 28.35.030(a) and not for a violation of AS 28.35.032;

7 (2) the person has

8 (A) not been previously convicted, [AND] the limited license is
9 not granted during the first 30 days of the period of revocation, **and the person**
10 **is not required to use an ignition interlock device under AS 28.35.030(r);**

11 (B) been previously convicted, the limited license is not
12 granted during the first 90 days of the period of revocation, and

13 [(i) THE PERSON HAS SUCCESSFULLY
14 COMPLETED A COURT-ORDERED TREATMENT PROGRAM
15 UNDER AS 28.35.028 OR FORMER AS 28.35.030(p); OR

16 (ii)] the court or department requires the person to use
17 an ignition interlock device during the period of the limited license
18 **whenever the person operates a motor vehicle in a community not**
19 **included in the list published by the department under**
20 **AS 28.22.011(b);**

21 (3) the court or the department determines that

22 (A) the person's ability to earn a livelihood would be severely
23 impaired without a limited license; or

24 (B) the person has successfully completed a court-ordered
25 treatment program described under AS 28.35.028 or former AS 28.35.030(p)
26 and the person's ability to earn a livelihood, attend school, or provide for
27 family health would be severely impaired without a limited license;

28 (4) the court or the department determines that a limitation under (a) of
29 this section can be placed on the license that will enable the person to earn a livelihood
30 without excessive danger to the public;

31 (5) the court or the department determines that the person is enrolled in

1 and is in compliance with or has successfully completed the alcoholism screening,
2 evaluation, referral, and program requirements of the Department of Health and Social
3 Services under AS 28.35.030(h); and

4 (6) the person has not been previously convicted under
5 AS 28.15.291(a)(2), AS 28.35.030, or 28.35.032 while driving or operating a vehicle,
6 aircraft, or watercraft under a limited license issued under this section.

7 * Sec. 3. AS 28.35.030(b) is amended to read:

8 (b) Except as provided under (n) of this section, driving while under the
9 influence of an alcoholic beverage, inhalant, or controlled substance is a class A
10 misdemeanor. Upon conviction,

11 (1) the court shall impose a minimum sentence of imprisonment of

12 (A) not less than 72 consecutive hours and a fine of not less
13 than \$1,500 if the person has not been previously convicted;

14 (B) not less than 20 days, require the person to use an
15 ignition interlock device after the person regains the privilege, including
16 any limited privilege, to operate a motor vehicle throughout the period of
17 probation, and impose a fine of not less than \$3,000 if the person has been
18 previously convicted once;

19 (C) not less than 60 days, require the person to use an
20 ignition interlock device after the person regains the privilege, including
21 any limited privilege, to operate a motor vehicle throughout the period of
22 probation, and impose a fine of not less than \$4,000 if the person has been
23 previously convicted twice and is not subject to punishment under (n) of this
24 section;

25 (D) not less than 120 days, require the person to use an
26 ignition interlock device after the person regains the privilege, including
27 any limited privilege, to operate a motor vehicle throughout the period of
28 probation, and impose a fine of not less than \$5,000 if the person has been
29 previously convicted three times and is not subject to punishment under (n) of
30 this section;

31 (E) not less than 240 days, require the person to use an

1 ignition interlock device after the person regains the privilege, including
2 any limited privilege, to operate a motor vehicle throughout the period of
3 probation, and impose a fine of not less than \$6,000 if the person has been
4 previously convicted four times and is not subject to punishment under (n) of
5 this section;

6 (F) not less than 360 days, require the person to use an
7 ignition interlock device after the person regains the privilege, including
8 any limited privilege, to operate a motor vehicle throughout the period of
9 probation, and impose a fine of not less than \$7,000 if the person has been
10 previously convicted more than four times and is not subject to punishment
11 under (n) of this section;

12 (2) the court may not

13 (A) suspend execution of sentence or grant probation except on
14 condition that the person

15 (i) serve the minimum imprisonment under (1) of this
16 subsection; and

17 (ii) pay the minimum fine required under (1) of this
18 subsection;

19 (B) suspend imposition of sentence;

20 (3) the court shall revoke the person's driver's license, privilege to
21 drive, or privilege to obtain a license under AS 28.15.181, and may order that the
22 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
23 forfeited under AS 28.35.036; and

24 (4) the court may order that the person, while incarcerated or as a
25 condition of probation or parole, take a drug or combination of drugs intended to
26 prevent the consumption of an alcoholic beverage; a condition of probation or parole
27 imposed under this paragraph is in addition to any other condition authorized under
28 another provision of law.

29 * **Sec. 4.** AS 28.35.030(n) is amended to read:

30 (n) A person is guilty of a class C felony if the person is convicted under (a) of
31 this section and either has been previously convicted two or more times since

1 January 1, 1996, and within the 10 years preceding the date of the present offense, or
2 punishment under this subsection or under AS 28.35.032(p) was previously imposed
3 within the last 10 years. For purposes of determining minimum sentences based on
4 previous convictions, the provisions of (t)(4) of this section apply. Upon conviction,
5 the court

6 (1) shall impose a fine of not less than \$10,000, require the person to
7 use an ignition interlock device after the person regains the privilege to operate a
8 motor vehicle throughout the period of probation, and impose a minimum sentence
9 of imprisonment of not less than

10 (A) 120 days if the person has been previously convicted twice;

11 (B) 240 days if the person has been previously convicted three
12 times;

13 (C) 360 days if the person has been previously convicted four
14 or more times;

15 (2) may not

16 (A) suspend execution of sentence or grant probation except on
17 condition that the person

18 (i) serve the minimum imprisonment under (1) of this
19 subsection; and

20 (ii) pay the minimum fine required under (1) of this
21 subsection; or

22 (B) suspend imposition of sentence;

23 (3) shall permanently revoke the person's driver's license, privilege to
24 drive, or privilege to obtain a license subject to restoration of the license under (o) of
25 this section;

26 (4) may order that the person, while incarcerated or as a condition of
27 probation or parole, take a drug or combination of drugs, intended to prevent the
28 consumption of an alcoholic beverage; a condition of probation or parole imposed
29 under this paragraph is in addition to any other condition authorized under another
30 provision of law;

31 (5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft,

1 or aircraft used in the commission of the offense, subject to remission under
2 AS 28.35.037; and

3 (6) shall order the department to revoke the registration for any vehicle
4 registered by the department in the name of the person convicted under this
5 subsection; if a person convicted under this subsection is a registered co-owner of a
6 vehicle or is registered as a co-owner under a business name, the department shall
7 reissue the vehicle registration and omit the name of the person convicted under this
8 subsection.

9 * Sec. 5. AS 28.35.030(r) is amended to read:

10 (r) If a person is convicted under (a) of this section, the person has not been
11 previously convicted, and it is determined by the trier of fact that, as determined by a
12 chemical test taken within four hours after the offense was committed,

13 (1) there was at least 0.16 percent by weight of alcohol in the person's
14 blood but less than 0.24 percent by weight of alcohol in the person's blood or at least
15 160 milligrams of alcohol per 100 milliliters of blood, but less than 240 milligrams of
16 alcohol per 100 milliliters of blood, or when there was at least 0.16 grams of alcohol
17 per 210 liters of the person's breath, but less than 0.24 grams of alcohol per 210 liters
18 of the person's breath, the court shall require the person to use an ignition interlock
19 device as provided in AS 12.55.102 for a minimum of six months after the person
20 regains the privilege, including any limited privilege, to operate a motor vehicle;

21 (2) there was 0.24 percent or more by weight of alcohol in the person's
22 blood or 240 milligrams or more of alcohol per 100 milliliters of blood, or when there
23 was 0.24 grams or more of alcohol per 210 liters of the person's breath, the court shall
24 require the person to use an ignition interlock device as provided in AS 12.55.102 for
25 a minimum of one year after the person regains the privilege, including any limited
26 privilege, to operate a motor vehicle.

27 * Sec. 6. AS 28.35.030 is amended by adding new subsections to read:

28 (u) In addition to penalties provided in (a) or (n) of this section, the court may
29 place a person convicted under those subsections on probation for a period of not more
30 than 10 years following a term of imprisonment, including any suspended term of
31 imprisonment. The court may place a limitation on the person's driver's license during

1 the term of the probation as provided in AS 28.15.201(d).

2 (v) Notwithstanding (b), (n), or (r) of this section, the court shall waive the
3 requirement of the use of an ignition interlock device when a person operates a motor
4 vehicle in a community included on the list published by the department under
5 AS 28.22.011(b).

6 * Sec. 7. AS 28.35.032(g) is amended to read:

7 (g) Upon conviction under this section,

8 (1) the court shall impose a minimum sentence of imprisonment of

9 (A) not less than 72 consecutive hours and a fine of not less
10 than \$1,500 if the person has not been previously convicted;

11 (B) not less than 20 days, require the person to use an
12 ignition interlock device after the person regains the privilege to operate a
13 motor vehicle throughout the period of probation, and impose a fine of not
14 less than \$3,000 if the person has been previously convicted once;

15 (C) not less than 60 days, require the person to use an
16 ignition interlock device after the person regains the privilege to operate a
17 motor vehicle throughout the period of probation, and impose a fine of not
18 less than \$4,000 if the person has been previously convicted twice and is not
19 subject to punishment under (p) of this section;

20 (D) not less than 120 days, require the person to use an
21 ignition interlock device after the person regains the privilege to operate a
22 motor vehicle throughout the period of probation, and impose a fine of not
23 less than \$5,000 if the person has been previously convicted three times and is
24 not subject to punishment under (p) of this section;

25 (E) not less than 240 days, require the person to use an
26 ignition interlock device after the person regains the privilege to operate a
27 motor vehicle throughout the period of probation, and impose a fine of not
28 less than \$6,000 if the person has been previously convicted four times and is
29 not subject to punishment under (p) of this section;

30 (F) not less than 360 days, require the person to use an
31 ignition interlock device after the person regains the privilege to operate a

1 **motor vehicle throughout the period of probation, and impose** a fine of not
2 less than \$7,000 if the person has been previously convicted more than four
3 times and is not subject to punishment under (p) of this section;

4 (2) the court may not

5 (A) suspend execution of the sentence required by (1) of this
6 subsection or grant probation, except on condition that the person

7 (i) serve the minimum imprisonment under (1) of this
8 subsection; and

9 (ii) pay the minimum fine required under (1) of this
10 subsection; or

11 (B) suspend imposition of sentence;

12 (3) the court shall revoke the person's driver's license, privilege to
13 drive, or privilege to obtain a license under AS 28.15.181, and may order that the
14 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
15 forfeited under AS 28.35.036;

16 (4) the court may order that the person, while incarcerated or as a
17 condition of probation or parole, take a drug or combination of drugs intended to
18 prevent the consumption of an alcoholic beverage; a condition of probation or parole
19 imposed under this paragraph is in addition to any other condition authorized under
20 another provision of law; and

21 (5) the sentence imposed by the court under this subsection shall run
22 consecutively with any other sentence of imprisonment imposed on the person.

23 * Sec. 8. AS 28.35.032(p) is amended to read:

24 (p) A person is guilty of a class C felony if the person is convicted under this
25 section and either has been previously convicted two or more times since January 1,
26 1996, and within the 10 years preceding the date of the present offense, or punishment
27 under this subsection or under AS 28.35.030(n) was previously imposed within the
28 last 10 years. For purposes of determining minimum sentences based on previous
29 convictions, the provisions of AS 28.35.030(t)(4) apply. Upon conviction,

30 (1) the court shall impose a fine of not less than \$10,000, **require the**
31 **person to use an ignition interlock device after the person regains the privilege to**

1 operate a motor vehicle throughout the period of probation. and impose a
2 minimum sentence of imprisonment of not less than

3 (A) 120 days if the person has been previously convicted twice;

4 (B) 240 days if the person has been previously convicted three
5 times;

6 (C) 360 days if the person has been previously convicted four
7 or more times;

8 (2) the court may not

9 (A) suspend execution of the sentence required by (1) of this
10 subsection or grant probation, except on condition that the person

11 (i) serve the minimum imprisonment under (1) of this
12 subsection; and

13 (ii) pay the minimum fine required under (1) of this
14 subsection; or

15 (B) suspend imposition of sentence;

16 (3) the court shall permanently revoke the person's driver's license,
17 privilege to drive, or privilege to obtain a license subject to restoration under (q) of
18 this section;

19 (4) the court may order that the person, while incarcerated or as a
20 condition of probation or parole, take a drug, or combination of drugs, intended to
21 prevent consumption of an alcoholic beverage; a condition of probation or parole
22 imposed under this paragraph is in addition to any other condition authorized under
23 another provision of law;

24 (5) the sentence imposed by the court under this subsection shall run
25 consecutively with any other sentence of imprisonment imposed on the person;

26 (6) the court shall order forfeiture under AS 28.35.036, of the motor
27 vehicle, aircraft, or watercraft used in the commission of the offense, subject to
28 remission under AS 28.35.037; and

29 (7) the court shall order the department to revoke the registration for
30 any vehicle registered by the department in the name of the person convicted under
31 this subsection; if a person convicted under this subsection is a registered co-owner of

1 a vehicle, the department shall reissue the vehicle registration and omit the name of
2 the person convicted under this subsection.

3 * **Sec. 9.** AS 28.35.032 is amended by adding new subsections to read:

4 (u) In addition to penalties provided in (a) or (p) of this section, the court may
5 place a person convicted under those subsections on probation for a period of not more
6 than 10 years following a term of imprisonment, including any suspended term of
7 imprisonment. The court may place a limitation on the person's driver's license during
8 the term of the probation as provided in AS 28.15.201(d).

9 (v) Notwithstanding (g) or (p) of this section, the court shall waive the
10 requirement of the use of an ignition interlock device when a person operates a motor
11 vehicle in a community included on the list published by the department under
12 AS 28.22.011(b).

13 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **TRANSITIONAL PROVISION.** A person convicted of a misdemeanor violation of
16 AS 28.35.030 before the effective date of this Act who has a limited license issued under or is
17 eligible to receive a limited license under AS 28.15.201(d) may continue to use that limited
18 license or may receive a limited license as provided in AS 28.15.201 and is subject to
19 penalties for violating the limitations on that license as provided in AS 28.15.291.

20 * **Sec. 11.** This Act takes effect January 1, 2008.

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for,
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE State Representative

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 92

Jurisdiction of Ombudsman

"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."

House Bill 92 would amend Alaska statutes to explicitly exempt the Office of Victims' Rights (OVR) from the jurisdiction of the ombudsman. The statute should be amended to clarify the legislature's intent to have the OVR act as a special ombudsman for the legislature in criminal matters on behalf of crime victims. If this is not cleaned up, several problems arise.

If the Ombudsman continues to have jurisdiction over the OVR, it will add an unnecessary layer of investigation in which the "ombudsman investigates the ombudsman".

The OVR is staffed by attorneys with specialized knowledge; the ombudsman is not. This raises the question of "institutional competency" when the Ombudsman lacks that special legal knowledge necessary to investigate. Additionally, since the victims' advocate and staff are attorneys, they are already subject to ethical obligations to their clients in the Alaska Rules of Professional conduct, including the ARPC 1.3 requirement to exercise due diligence.

The OVR has access to confidential information and records beyond the scope of the access allowed to the Ombudsman. Currently, the OVR is prohibited by statute from providing confidential information and documents to the Ombudsman under confidentiality requirements.

For these reasons it is imperative that the legislature clarify their intent and remove the OVR from the jurisdiction of the Ombudsman.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 92
 (H) Publish Date: 3/26/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title: "An Act removing the victims' advocate and the RDU Office of Victims' Rights"
staff of the office of victims' rights from the jurisdiction of the.." Component: Office of Victims' Rights
 Sponsor: "Representatives Samuels and Stoltze, Hawker.."
 Requester: House State Affairs Component No.: 2769

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626
 Division: Legislative Affairs Agency Date/Time 3/19/07 3:18 PM
 Approved by: Pamela Varni, Executive Director Date 3/19/2007
 Agency: Legislative Affairs Agency

SB

95

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 2/26/07

FURTHER: Judiciary
Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered SENATE BILL NO. 95

SB 95 COMPETITIVE BIDDING FOR BALLOT PREP

"An Act relating to a requirement for competitive bidding on contracts for the preparation of election ballots."

and recommends:

- be replaced with SCS or CS SB 95 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____



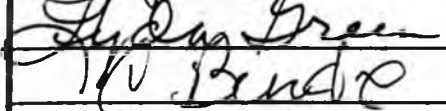
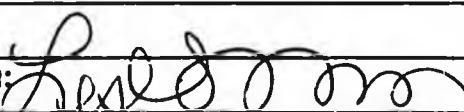
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
GOV	2/11/07			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	French			✓	
	STUBER			✗	
	Burdick	✓			
	McQuire	✓			

Alaska State Legislature

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Juneau, AK 99801
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Phone: (907) 269-0250
Fax: (907) 269-0249

Senator Lesil McGuire
Chair, Senate State Committee

Fax

To: Leg Legal (Bullard) **From:** Shalcn Szymanski, SSTA Committee Aide

Fax: 2029 **Pages:**

Phone: **Date:** April 24, 2007

Re: Final CS Request **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

SB 95 DID MOVE OUT OF SENATE STATE AFFAIRS TODAY.

ALASKA STATE LEGISLATURE

Sen. Lesil McGuire, Chair
Sen. Gary Stevens, Vice-Chair
Sen. Lyda Green
Sen. Hollis French
Sen. Con Bunde



State Capitol, Room 125
Juneau, AK 99801-1182
(907) 465-2995
Fax (907) 465-5592

SENATOR LESIL McGUIRE
CHAIR, STATE AFFAIRS

Memorandum

To: Leg. Legal (Bullard)
From: Shalon Szymanski, Committee Aide
Senate State Affairs Committee
Date: April 24, 2007
Re: Final CS Request

Please create a Final Committee Substitute (STA) for work order # **25-LS0638\A**, mirroring # **25-LS0638\A** but also including:

-1 attached conceptual amendment

SB 95 did move out of committee today and we would like to have it read across on the floor tomorrow.

Thank you!

PASSED

BUNDE
25-LS0638V1

CONCEPTUAL AMENDMENT #2

OFFERED IN THE SENATE
STATE AFFAIRS COMMITTEE
TO: SB 95

Insert a new applicability clause:

This change in ballot procurement would begin in the next state-wide election cycle,
January 1, 2008.

ALASKA STATE LEGISLATURE
Senator Johnny Ellis



Sponsor

Statement

SB 100 Substance Abuse Bill

Addiction is taking a heavy toll on Alaska's people, culture and economy. Alaska ranks #1 in the nation in alcohol-related deaths and Alaskans with substance abuse problems, or co-occurring mental and substance abuse disorders, are more likely to be homeless, spend time in correctional facilities, and become involved in child protective service proceedings. Substance abuse tears apart families; in 2004, 81% of all reported harm against a child cases involved illicit drugs. The financial impact of addiction is staggering, costing the state an estimated \$738 million a year in health care costs, accidents, lost productivity, criminal justice and correctional facilities. Something must change.

At the same time, Alaska is falling behind in providing treatment to those who need help in overcoming their addiction. According to the 2002 Integrated Substance Abuse Treatment Needs Assessment for Alaska, only 15.6% of Alaskans in need of substance abuse treatment received it. We can, and must do better.

Senate Bill 100 proposes several common sense changes to Alaska's statutes regarding drug and alcohol abuse in order to improve the quality of and access to treatment and prevention. The legislation:

- Mandates priority treatment for pregnant women seeking help in overcoming addiction. Reducing the incidence of Fetal Alcohol Spectrum disorders will save large sums of money.
- Creates a pilot program in a secure setting for involuntary commitment cases. This small, but enormously expensive group of persons with addictions or co-occurring substance abuse and mental health disorders chronically recycle through non-secure treatment services and as a result present a danger to themselves and others. This population draws heavily on law enforcement, corrections, the court system, and community services.
- Gives priority to state grantees who utilize evidence-based programming, as well as programs that address substance abuse prevention, addiction within prisons, among youths, and in rural Alaska.
- Encourages the Department of Health and Social Services to develop a process to identify people with co-occurring mental and substance abuse disorders, so that this population can be better served.
- Ensures that effective faith-based strategies for treating substance abuse are not discriminated against in statute.

Most Alaskans have been touched by substance abuse, whether it is a personal struggle with addiction, or watching a friend or relative battle with this deadly condition. I ask you to support for SB 100 and its common-sense steps to strengthen the fight against drugs and alcohol abuse in our state.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 6, 2007

SUBJECT: SB 100 Sectional Analysis (Work Order No. 25-LS0151\V)

TO: Senator Johnny Ellis
Attn: Kate Herring

FROM: Jean M. Mischel
Legislative Counsel 

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides legislative findings and intent supporting treatment programs for persons with substance abuse and co-occurring substance abuse and mental health disorders.

Section 2. Amends the powers of the Department of Health and Social Services to add specified co-occurring substance abuse and mental health treatment programs.

Section 3. Amends the duties of the Department of Health and Social Services to require specified types of treatment and collaborations for co-occurring substance abuse and mental health disorders.

Section 4. Modifies and establishes priorities for grant programs related to substance abuse and mental health treatment.

Section 5. Establishes standards for the comprehensive program developed and implemented by the Department of Health and Social Services for the treatment and prevention of substance abuse.

Section 6. Adds standards pertaining to priorities listed in sec. 4 of the bill for the Department of Health and Social Services' comprehensive program for the treatment and prevention of substance abuse.

Section 7. Requires that standards established for public and private treatment facilities

Senator Johnny Ellis
March 6, 2007
Page 2

be based on scientifically sound evidence and be consistent with priorities established under sec. 4.

Section 8. Establishes within the Department of Health and Social Services a pilot project to integrate crisis response and involuntary treatment of adults incapacitated by alcohol or drugs, including persons with co-occurring substance abuse and mental health disorders.

JMM:ljw
07-114.ljw



Municipality of Anchorage



4501 Bragaw Street • Anchorage, Alaska (907) 766-1500 • Telephone (907) 766-4500 • <http://www.muni.org>

Mayor Mark Beylich

Anchorage Police Department

Honorable Johnny Ellis
State Senate
Alaska State Capitol, Room 9
Juneau, Alaska 99801-1182

Dear Senator Ellis:

I appreciate your efforts regarding Senate Bill 100, which proposes some common sense changes to state statutes involving substance abuse. Mandating treatment for pregnant women who seek help in overcoming addiction, supporting DHHS in their efforts to more effectively deal with citizens who are doubly afflicted with mental and substance abuse disorders, and ensuring collaboration with and support of effective faith based efforts that deal with substance abuse are all noteworthy and doable.

As first responders, the specter of substance abuse and mental illness is prevalent throughout our daily contacts with citizens from all walks of life. Any effort by the state to ensure a better manner for addressing these problems, particularly in regard to a program focused on and supportive of involuntary commitments of those persons saddled with substance abuse and mental health disorders who pose a risk to themselves and others, is appreciated.

Once again, I am in support of SB 100 and appreciate your efforts.

Sincerely,

Rob Heun
Chief of Police

Community, Security, Prosperity