

HOUSE FINANCE COMMITTEE  
March 15, 2006  
1:44 P.M.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:44:19 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair  
Representative Kevin Meyer, Co-Chair  
Representative Bill Stoltze, Vice-Chair  
Representative Richard Foster  
Representative Mike Hawker  
Representative Jim Holm  
Representative Reggie Joule  
Representative Mike Kelly  
Representative Beth Kerttula  
Representative Carl Moses  
Representative Bruce Weyhrauch

MEMBERS ABSENT

None

ALSO PRESENT

Michael Pawlowski, Staff, Representative Kevin Meyer;  
Jacqueline Tupou, Staff, Representative Bruce Weyhrauch;  
Diane Casto, Manager, Prevention/Early Intervention  
Services, Division of Behavioral Health, Department of  
Health & Social Services; Ric Iannolino, Juneau Fetal  
Alcohol Syndrome Disorder (FASD) Diagnostic Clinic, Juneau;  
Laura Rorem, Juneau Fetal Alcohol Syndrome Disorder (FASD)  
Team, Juneau; Larry Rorem, Pastor, Sheppard of the Valley  
Lutheran Church, Juneau Fetal Alcohol Syndrome Disorder  
(FASD) Team, Juneau; Craig Johnson, Staff, Representative  
Lesil McGuire; Mark Morris, Professional Engineer, State  
Board of Registration for Architects, Engineers and Land  
Surveyors (AELS), Juneau; Patricia Senner, Alaska Nurses  
Association, Anchorage

PRESENT VIA TELECONFERENCE

Cheryl Scott, Parent, Stone Soup Group, Anchorage; Bill  
Taylor, Anchorage, Homebuilder's Association, Taylor  
Enterprises, Anchorage; Ed Sniffen, Assistant Attorney  
General, Fair Business Section, Department of Law,  
Anchorage; Paul Michaelson, National Committee of Home  
Builders, Builder, Anchorage; Sueshanna Fiona Stewart-  
Campbell, FASD Adult, Fairbanks; Jeanne Gerharbt-Cyruf,

Kiana; Michael Baldwin, Mental Health Therapist, Anchorage; Kara Nyquist, Alaska Association for Homes for Children (AAHC), Anchorage; Patricia Senner, Chair, Legislative Committee for the Alaska Nurses Association, Anchorage

SUMMARY

HB 312 An Act relating to pregnant women; requiring hospitals, schools, and alcohol licensees and permit tees to distribute information about fetal alcohol effects and fetal alcohol syndrome; relating to the consumption of alcoholic beverages by and the sale or service of alcoholic beverages to a pregnant woman; requiring involuntary commitment of a pregnant woman who has consumed alcohol; creating a fund for the prevention and treatment of fetal alcohol syndrome and fetal alcohol effects; relating to fines and to the taking of permanent fund dividends for selling or serving alcoholic beverages to pregnant women; and increasing taxes on sales of alcoholic beverages to fund treatment and education related to fetal alcohol syndrome and fetal alcohol effects.

HB 312 was HEARD and HELD in Committee for further consideration.

HB 377 An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings.

HB 377 was HEARD and HELD in Committee for further consideration.

HB 446 An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce.

CS HB 446 (JUD) was REPORTED out Committee with a "no recommendation" and with a new indeterminate note by the House Finance Committee for the Department of Law and zero note #1 by the Alaska Court System.

HB 478 An Act relating to the municipal harbor facility grant program; and providing for an effective date.

HB 478 was SCHEDULED but not HEARD.

#HB446

HOUSE BILL NO. 446

An Act relating to the amount of a civil penalty for an unlawful act or practice in the conduct of trade or commerce.

[1:44:58 PM](#)

CRAIG JOHNSON, STAFF, REPRESENTATIVE LESIL MCGUIRE, testified that the Federal Trade Commission recently reported that Alaska topped the nation in fraud complaints last year with 249 per 100,000 people. Unfortunately, Alaska's current consumer protection laws provide one of the lowest civil penalties of any state. To strengthen Alaska's consumer protection law and send a message to those who prey on Alaska consumers, HB 446 acts to increase civil penalties authorized under Alaska's Unfair Trade Practices and Consumer Protection Act.

Under current law, when a person or company violates an injunction prohibiting unfair or deceptive business practices, they are subject to a maximum penalty of \$25,000. HB 446 would increase that maximum to \$50,000.

Mr. Johnson continued, current law provides for a \$5,000 civil penalty for each violation. The bill increases that amount to a range between \$1,000 and \$25,000 per violation. The current \$5,000 penalty was established in 1970. By adjusting for inflation alone, the penalty should be \$20,200. Obtaining injunctive relief and civil penalties are the tools that enable the attorney general to protect Alaska consumers against unfair and deceptive trade practices. The changes are vital enforcement tools and a court assesses all civil penalties after a violation has been proven. All penalty payments go directly to the State of Alaska.

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Co-Chair Chenault inquired why the \$5,000 penalty had been dropped.

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ED SNIFFEN, (TESTIFIED VIA TELECONFERENCE), ASSISTANT ATTORNEY GENERAL, FAIR BUSINESS SECTION, CRIMINAL SECTION, DEPARTMENT OF LAW, ANCHORAGE, explained that there are a number of cases involving violation of the act that warrant some-kind of penalty. He provided an example of a business engaging in advertising violations but not realizing there has been some kind of violation causing consumer harm. However, in that type of case, the Department of Law works with the business to provide a meaningful penalty less than \$5,000. Then the Department gets the business to change their practices so that future violations do not occur and those are the cases where fewer penalties are warranted.

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Representative Hawker referenced the fiscal notes, pointed out increased penalties and thought the note should indicate that.

Mr. Johnson hoped the note would be neutral, and would keep business from violating the law. It may be a bill that does nothing; with relationship to consumer fraud, doing nothing is a good thing.

Representative Hawker asked how the fines were accounted for and which department would be indicating the note from fines collected.

Mr. Sniffen advised that the funds collected by the Department for civil penalty efforts go to either the general fund or are earmarked to be used by the consumer agency for future consumer protection education and enforcement. The reason that a positive fiscal note cannot be identified is because the Department does not know what kind of activity might occur. Some cases do provide a windfall into the State's general fund.

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Representative Hawker thought it would be more appropriate to have an indeterminate note from the Department of Law. Co-Chair Meyer agreed.

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Representative Hawker MOVED a conceptual change to the Department of Law's note changing it to indeterminate for all years indicated. There being NO OBJECTION, the change was made.

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Representative Joule recommended that the indeterminate note be indicated in the Department's budget next year.

Co-Chair Chenault commented that their office would attempt to track some of the indeterminate notes.

Vice Chair Stoltze MOVED to REPORT CS HB 446 (JUD) out of Committee with individual recommendations and with the accompanying fiscal notes.

Representative Hawker did not think that the Alaska Court System note would be affected.

There being NO OBJECTION, the bill moved from Committee.

CS HB 446 (JUD) was reported out of Committee with a "no recommendation" and with a new indeterminate note by the House Finance Committee for the Department of Law and zero note #1 by the Alaska Court System.

#HB377

HOUSE BILL NO. 377

An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings.

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MICHAEL PAWLOWSKI, STAFF, REPRESENTATIVE KEVIN MEYER, stated that State law requires that an engineer or architect prepare drawings for specifications for a residence if it is more than two stories high. However, building codes adopted by the State Fire Marshal and many municipalities require an engineer or architect only if a residence is more than three stories high.

The process of consulting with an engineer or architect adds an unnecessary expense to the construction or renovation of a home. HB 377 amends Alaska Statute to reflect the standard already present in the adopted codes across the State. The bill would allow contractors and homebuilders to build or expand a residence if it is not more than three stories high.

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Co-Chair Meyer pointed out that the Alaska Home Builders Association does support the legislation. Mr. Pawlowski understood there was a new letter addressing the committee substitute and had not yet seen it. He indicated safety concerns that had been voiced. The current exemptions are listed on Page 2, Line 19 & 20, for a four family residence and not more than two stories high. The international building and residential codes identify buildings three stories, which is the issue addressed by HB 377. With present building codes, a builder would need to go through a planning review process to obtain a building permit.

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Representative Kelly inquired why it was not left to four families - three stories. Mr. Pawlowski explained the original version had been drafted that way, however, the dilemma was:

- So not directly meet with the code reference of two families and three stories, and/or
- Once expanded from two to four families and three stories, the buildings became bigger than a duplex - a change made in the House Labor and Commerce Committee.

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MARK MORRIS, PROFESSIONAL ENGINEER, STATE BOARD of REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS (AELS), JUNEAU, spoke in opposition to HB 377. He noted the two letters of opposition dated February 24 and March 14<sup>th</sup>. The State AELS Board was unanimous in its opposition because of the height, not the size of a structure. Increasing the height affects the design load expeditiously & radically modifies what an engineer must take into consideration.

Mr. Morris discussed these concerns, emphasizing that the statute was initially written to protect the public's safety. Contractors and home builders are not required by the State of Alaska to have the education, training, and exam verification to ensure that they are capable of designing that level building. Design professionals are trained to ensure buildings are safe for human habitation. He reiterated that in the interest of public safety, the AELS Board strongly opposes the proposed modification to statute.

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Vice Chair Stoltze questioned the typical cost for architectural services and/or the general percentage used. Mr. Morris responded that is difficult to determine; on a home as proposed, an electrical engineer would not be needed, only a structural engineer and that would be a smaller percentage. On a commercial building, typically it would be somewhere between 6% and 8% of the cost of the structure; on a home, it might amount to 3%.

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Vice Chair Stoltze voiced concerned on engineering failures of some public buildings and asked if a "statute of repose" could be traded, giving the consumer more. He asked if the legislation had resulted from a "turf war".

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Mr. Morris did not understand the question. He stated that as a professional, he had nothing to gain by the proposed modification. The issue results from structural design concerns. A person would be foolish to build a three-story home without a registered professional providing the

appropriate calculations. A contractor would not be aware of those requirements.

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Mr. Morris continued that with regards to design, loads must be addressed. He thought that a professional must determine the numbers affecting a nailing schedule and wall design.

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Representative Hawker worried that the bill proposes something not supported by the State AELS Board and asked the applicability of the Alaska Homebuilders Association request. Mr. Morris could not comment on exactly what the codes say. He warned that codes are an established minimum standard for safety. To remove someone with the knowledge on how to run calculations to determine the loads on certain portions of a structure and make sure that the loads are adequate would be the intent of a code. Only professionals are trained to do that.

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Co-Chair Meyer asked if it was correct that when building one's own home, any standard could be used. Mr. Morris understood that in statute, if a home were built over that size, a professional would need to review the plan.

Co-Chair Meyer mentioned an existing conflict between the Homebuilders Association and the Anchorage Municipal Code. Mr. Morris did not know about codes outside of Juneau.

Co-Chair Meyer thought that the legislation could bring consistency statewide.

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BILL TAYLOR, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE HOMEBUILDER'S ASSOCIATION, TAYLOR ENTERPRISES, ANCHORAGE, said the bill's language proposes merely a "housekeeping measure". It is intended to clean up the statute and the codes. He believed that the change would have no safety concern, as all areas where the codes do apply, have scrutiny and design review schedules.

Representative Kerttula asked clarification if the plan would be reviewed for safety provisions. Mr. Taylor responded that there would be a level of scrutiny by every plan review section.

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Representative Joule requested a definition of "three stories". Mr. Taylor read the definition from the International Residential Code (IRC): "Anything more than 6' above the great plain or more than 6' above the finished ground level for more than 50% of the total building perimeter or more than 12' above the finished ground level at any point."

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PAUL MICHAELSON, (TESTIFIED VIA TELECONFERENCE), NATIONAL ASSOCIATION OF HOMEBUILDERS, BUILDER, ANCHORAGE, echoed comments made by Mr. Taylor. He added that most three story, single family dwelling structures are drawn and designed by professionals. The designers have the right to self-engineer the building and then it would move through the Plan Review Committee. The builders are instructed where sheer walls & nails are placed. Each designer has the option to hire an engineer. Mr. Michaelson did not think that self-engineering would be dangerous to the public.

Co-Chair Meyer noted that testimony had not taken into consideration how it would affect the areas outside Anchorage.

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Co-Chair Chenault assumed that if any municipality had building codes, they would be required to build to that code. Mr. Michaelson explained that the manner in which International Residential Code (IRC) was developed, there were several codes used throughout the entire United States. Most jurisdictions that adopt codes have provisions allowing building three stories, while considering safety of the occupants. Co-Chair Chenault clarified that each municipality adopts their codes. Mr. Michaelson said they do.

Representative Kelly questioned if current law was being enforced. Mr. Pawlowski did not know. Individuals building their own homes do not have to go through the process.

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Mr. Pawlowski noted that the building community has indicated that in areas that have a code and planning review committee, that process is strictly enforced.

Vice Chair Stoltze pointed out the absence of letters from municipalities outside of Anchorage. Mr. Pawlowski replied their office had requested comments from other areas but did not receive any.

Representative Kerttula asked if a plan review done by the architect could meet necessary safety concerns. Mr. Morris said that if the person performing the review has the expertise to run the calculations, then a safety net would be available. The concern is given to the loads and the complexity of the structures, it becomes more complex when vertically building-up. The State has a method to register structural engineers to run the calculations and make the necessary changes. Building codes require much in the interest of public safety, but if the loads are not determined, the situation becomes vulnerable. All designs must meet the national electrical codes. The codes by themselves are not enough; someone with the expertise is essential. He knew that the City and Borough of Juneau does not have a registered structural engineer on staff.

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Mr. Michaelson interjected that most lending institutions require that their structure have an ICPO inspector provide the proper engineering. He did not believe anything would slip through the cracks.

Co-Chair Meyer acknowledged he was "uneasy" moving the bill from Committee and requested Mr. Morris be available for further discussion with Mr. Pawlowski.

Vice Chair Stoltze reiterated his concerns and asked assurance that the consideration is a public safety issue and not an industry protection bill.

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Representative Holm mentioned his own situation regarding costs resulting from homeowner withholding information regarding a vapor barrier and the costs that accumulated to more than \$90,000 dollars for him and his family. He agreed with the concerns regarding building codes and the protection of assets when buying homes.

HB 377 was HELD in Committee for further consideration.

#HB312

HOUSE BILL NO. 312

An Act relating to pregnant women; requiring hospitals, schools, and alcohol licensees and permit tees to distribute information about fetal alcohol effects and fetal alcohol syndrome; relating to the consumption of alcoholic beverages by and the sale or service of alcoholic beverages to a pregnant woman; requiring involuntary commitment of a pregnant woman who has consumed alcohol; creating a fund for the prevention and treatment of fetal alcohol syndrome and fetal

alcohol effects; relating to fines and to the taking of permanent fund dividends for selling or serving alcoholic beverages to pregnant women; and increasing taxes on sales of alcoholic beverages to fund treatment and education related to fetal alcohol syndrome and fetal alcohol effects.

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REPRESENTATIVE BRUCE WEYHRAUCH, SPONSOR, explained that the legislation came forward to address the serious matter relating to Fetal Alcohol Spectrum Disorder (FASD). It is deplorable that Alaska ranks first in the Nation for the highest number of children born with FASD. The bill has evolved, being amended in the House HESS Committee. He added that there is at least one amendment to the version before the Committee.

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JACQUELINE TUPOU, STAFF, REPRESENTATIVE BRUCE WEYHRAUCH, said the saddest fact is that FASD is 100% preventable. FASD is the leading cause of mental retardation in the State of Alaska. She stressed the problem in Alaska is large. FASD can cause birth defects, retarding brain function, arrested emotional and physical development, cause poor behavior, deformed facial features and harming learning and sleeping patterns.

Ms. Tupou stated that it has been estimated that the State of Alaska will pay \$3.1 million dollars over the lifetime of each child with FASD. Right now, that cost amounts to approximately \$45 million dollars a year paid by the State. Every department is affected by the costs associated by FASD.

Ms. Tupou explained the changes that had been made to the House HESS version:

- It requires a continuing education component for doctors and nurses;
- It provides for an educational requirement targeting schools and hospitals; and
- It institutionalizes continuing education, training and diagnosis.

The legislation is a small step forward in addressing the vast problem throughout Alaska.

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Representative Weyhrauch pointed out the five zero inter-departmental notes and the one fiscal impact note by the

Department of Health and Social Services. Ms. Tupou corrected, there are three fiscal impact notes from the Department of Health and Social Services.

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PUBLIC TESTIMONY

DIANE CASTO, MANAGER, PREVENTION/EARLY INTERVENTION SERVICES, DIVISION OF BEHAVIORAL HEALTH, DEPARTMENT OF HEALTH & SOCIAL SERVICES, testified that the Department of Health and Social Services is in favor of HB 312, emphasizing that FASD is preventable. She mentioned the social belief that drinking during pregnancy is acceptable in certain circumstances. Ms. Casto discussed, drinking during pregnancy is not okay at any time by anyone. There are still medical providers that still do tell women that it is okay to drink in moderation. The reality is that the part of the brain most impacted by alcohol evolves throughout the entire pregnancy. There is no safe time to drink alcohol.

Ms. Casto addressed developmental issues related to FASD. She termed the bill a building block and shared the history of progress relating to the issue. She mentioned a survey about to be disbursed that will provide much needed data. Training is an important aspect of the service delivery system. The intent of the legislation is to work with the systems already in place that are working.

Ms. Casto advised that currently, there are a number of functioning diagnostic teams. In the past year, a series of regional summits were held to identify the needs of each community. HB 312 closely aligns with what people in the public are recommending.

Ms. Casto urged that prevention issues be addressed. FASD requires a two-pronged approach:

- Prevention, and
- Early services in place.

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Representative Kelly questioned if other states were treating it as a crime. Ms. Casto replied, a few states have found that many of the women with serious alcohol problems are not receiving services. Women, who would ask for help, stopped seeking services when a penalty was imposed. A better plan would be intervention, including services and that pregnant women should have a priority for substance abuse treatment.

Representative Kelly inquired about forcibly incarcerating women. Ms. Casto asked further clarification. Representative Kelly restated his query. Ms. Casto addressed the involuntary commitment statute; there are a few states, which have addressed it with some of the same problems following that method with the women going "underground", not coming forward for services out of fear. In Alaska, there is an involuntary commitment statute allowing family members to go through the courts to commit a person.

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Representative Holm questioned the Alaska FASD ratio compared nationally per 1,000 FASD cases. Ms. Casto said that, unfortunately, Alaska is not one of the few states that keep good data on it. In a five-state study, Alaska was significantly higher, 1.6% per 1,000 for full-blown FASD. 10% have FAS and 85% have a disability related to prenatal exposure to alcohol.

Representative Holm shared his concern about the extent of the problem and lack of data and solutions from a public health standpoint. He warned that choice is involved and that forced birth control might be a solution.

Ms. Casto corrected assumptions made by Representative Holm regarding the amount of available data. Alaska has extensive data and agreed that there is a lot to be done with it. Contraception is a large part of the solution and it is included in the current version of the bill. Additionally, it is important to look at FASD from a public health standpoint. She thought the Department could not support mandatory birth control. Representative Holm clarified that the data he was referring to was statistics that show a decrease or increase due to the Department's intervention.

Ms. Casto shared her history in the FASD program and the results of having a State registry. Data shows that FASD is not frequently reported. She described the data changes due to better reporting and that education should result in a decline of FASD in the birthrate. The Birth Defects Registry Data only goes through 1998; currently, the State has increased their ability to diagnose the condition, with increased education among medical providers, there has been an increase in reports.

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Representative Holm voiced frustration about lack of data regarding significant reductions in FASD. He asked what the Legislature could do to help. He suggested mandatory incarceration.

Ms. Casto emphasized that the Department has done quite a lot through awareness campaigns. Behavior has changed with those who do not have a substance abuse problem. Now the focus is on women who do having a drinking problem. Early intervention must reach the women who need substance abuse treatment before they become pregnant.

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Vice Chair Stoltze pointed out that the intended beneficiary of the bill is the unborn child. He wondered if such a law could actually be enforced on those who have a disregard of life. Representative Weyhrauch said they had not gotten into that.

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Representative Joule commented that he had sat on the State Drug and Alcohol Control Board in the 1980's when FAS was relatively unknown. He commented on the magnitude of the problem and maintained that education needs to be constant because change comes slowly. The State needs to be consistent. The most compelling fact is the cost to the State every year at \$45 million dollars. The proposed legislation will save the State a lot of money in the long run.

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Co-Chair Meyer acknowledged everyone is passionate about the concern.

Representative Kerttula addressed the intent of the registry. Mr. Casto explained that the information would be carefully guarded and that the names would not be released. The registry helps track the concerns.

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LAURA ROREM, PARENT NAVIGATOR ON THE FETAL ALCOHOL SYNDROME DIAGNOSTIC (FASD) TEAM, ADVOCATE FOR PERSONS WITH FASD, JUNEAU, introduced herself and her affiliation.

LARRY ROREM, PASTOR, SHEPPARD OF THE VALLEY LUTHERN CHURCH, MEMBER OF THE JUNEAU FETAL ALCOHOL SYNDROME DISORDER (FASD) TEAM, JUNEAU, explained the role of his church in serving "marginalized" people in the community. Pastor Rorem interwove his involvement with the church and that of his two adopted FASD adult children.

Ms. Rorem discussed HB 312. She addressed the lifetime reality of adopting two children with FASD, with whom State services claimed were healthy at the time of adoption. She presented a photo picture book of her adult children.

Pastor Rorem compared his life to a recent fire at their church; that fire did not show itself on the surface or the outside of the church, but inside, there was a lot of damage. Their adult children suffer from severe brain damage. They have little support systems within the State of Alaska. He urged something be done to help prevent the damage occurring for both the person with FASD and their caretakers. The "garbage dump" for these people is usually prison. Anything that can be done to prevent the foundation damage and apply the appropriate repairs is vital.

Ms. Rorem stressed how important passage of HB 312 is as it addresses the prevention. It provides for education of professionals. Lifetime costs for FASD are outrageous. She noted that they call their children the "million dollar babies" because so much has been spent on their care. Ms. Rorem stated that they are exhausted by the realities that await their children. Both of these young people express anger toward the effects that alcohol has had on their lives.

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Co-Chair Meyer voiced his appreciation for their testimony.

RIC IANNOLINO, JUNEAU FETAL ALCOHOL SYNDROME DISORDER (FASD) DIAGNOSTIC CLINIC, JUNEAU, read a letter from a child he cares for with FAS, literally a physical & mental disability with permanent and irreparable brain damage.

Mr. Iannolino emphasized that approximately 60% of individuals with FAS will end up in prisons or mental health facilities. About 50% of Lemon Creek incarcerated people were prenatally exposed to alcohol and it is estimated that 70% of the children in foster care were exposed. He mentioned the facial features of some with FAS, which develop during the 19<sup>th</sup>-24<sup>th</sup> day of pregnancy. He made the analogy of the FASD tragedy to that of Hurricane Katrina.

Mr. Iannolino referenced comments made by a physician at the University of Washington, Dr. Stiscode, who stated that the costs associated with all alcohol births are very high, particularly those with the FASD individuals. Those with secondary disabilities resulting from FASD are dropping out of school, going to jail, stealing, experience alcoholism and homelessness. Those individuals actually need more services than those with full-blown FAS.

Mr. Iannolino provided information on his background working with Tlinget-Haida tribes of Alaska and the lead agency for the FAS diagnostic clinic, providing research through an international agency studying FASD and his involvement with the U.S. Indian Health Service. Most people do not realize

that the average person that has a child with FAS is 35 years old, white and professional. The associated costs are huge; 54% of children in custody are estimated to be FAS. He stressed the seriousness of the concern and the tragedy involved in the field.

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Representative Holm asked if there had been any reduction in the numbers. Mr. Iannolino responded that the concern is so huge and unbelievable. The rates are very high compared to the rest of the country. Canada has many more services in place and understands that support services are the way to address the vastness of these concerns. He urged that treatment and support services be put in place throughout Alaska.

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Representative Holm agreed it is a difficult issue and that his wife, a schoolteacher, experienced extreme frustration and sadness in attempting to deal with the heartbreak and concern. He hoped to find a way to slow-down the process.

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Co-Chair Meyer indicated that the amendment in the file would be held for consideration at a late date.

SUESHANNA FIONA STEWART-CAMPBELL, (TESTIFIED VIA TELECONFERENCE), FASD ADULT, FAIRBANKS, stated that she is an adult FAS survivor. She commented on the challenges that have kept her from functioning fully in the world, stressing the difficulties accessing services.

Ms. Stewart-Campbell referred to herself as a "cookie cutter". Life is raw for those with FAS and many are deeply wounded in their hearts and souls. She stated that because of her condition, she has not been able to live a rewarding life; always being either homeless or among the working poor. She stressed that FASD diagnostic teams could provide education for the public, support groups because without diagnosis and support, these people can not discover the beauty of their own truth and talents. She urged support to maintain and increase funding.

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JEANNE GERHARBT-CYRUF, (TESTIFIED VIA TELECONFERENCE), PARENTS, KIANA, spoke on behalf of her six children exposed to prenatal alcohol and now FASD. She addressed the continual need for services for individuals and families impacted by FASD. Her children range between six and eighteen years of age. They have many challenges,

behavioral, social and language and it affects their ability to function successfully.

Ms. Gerharbt-Cyruf stressed that unless the concerns are addressed daily, it is difficult to understand the impact on individuals and their families. These are individuals at risk. She urged the legislation be adopted and moved from Committee.

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KARA NYQUIST, (TESTIFIED VIA TELECONFERENCE), ATTORNEY, ALASKA ASSOCIATION FOR HOMES FOR CHILDREN (AAHC), ANCHORAGE, stated that among the youth their agency serves, as many as 60% suffer from FASD. There is not a diagnosis for all those youth. The program has never adequately been funded and consequently, the agency has not been at a point that they could collect adequate data. Native youth, at this time, are the only ones being diagnosed. There is no funding for non-Native youth. The young being served are the ones coming back from residential treatment programs and are the ones in the foster care system. Those kids are having behavioral problems in school and are found throughout the criminal justice system.

Ms. Nyquist noted AAHC supports the legislation and hopes that the Legislature will adequately fund treatment programs. The Legislature keeps complaining that funding requests from the Department of Health and Social Services keep increasing; that is because the State is not investing the necessary dollars early on; instead, treating only the crisis. A crisis already exists and funds needs to be invested in diagnosing the data of those youth who already have fetal alcohol syndrome. She reiterated, current funding is inadequate and that the real issue is not being addressed. AAHC supports HB 312 and would like to see it accompanied with adequate funding so it can be properly implemented.

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MICHAEL BALDWIN, (TESTIFIED VIA TELECONFERENCE), MENTAL HEALTH THERAPIST, ANCHORAGE, spoke to his involvement with FASD in his counseling practice and the devastating impact of alcohol on these families. He spoke to other problem areas that are tied to the consequences of prenatal alcohol exposure such as the high suicide & violence rates.

Mr. Baldwin referenced the public health issues of the legislation. The public health approach changes cultural beliefs about alcohol and more people need to be educated regarding these concerns. The system must change; adequate funding is essential to help educate the populace. There is research available that upfront dollars reduce long-range

costs associated with FASD. He echoed support for the legislation.

PATRICIA SENNER, (TESTIFIED VIA TELECONFERENCE), CHAIR, LEGISLATIVE COMMITTEE FOR THE ALASKA NURSES ASSOCIATION, ANCHORAGE, advocated for greater funding reserved for education and training of nurses addressing FASD. She stressed that many kids are misdiagnosed and women are still not being educated regarding the dangers of drinking during pregnancy. Health care providers are not always recognizing these children.

Ms. Senner recommended that training for nurse practitioners must include midwife direct entry nurse midwives as well. Prevention is effective and will change the way services are provided for those kids. Many of the folks currently getting training are FASD kids themselves and are now having children of their own.

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Ms. Senner mentioned the "secret-drinking mothers", as more people know that they should not be drinking during pregnancy.

[3:55:19 PM](#)

CHERYL SCOTT, (TESTIFIED VIA TELECONFERENCE), PARENT OF FASD CHILD, STONE SOUP GROUP, ANCHORAGE, spoke to her child and his associated FASD disorder. She addressed all the conditions that occur with the illness. The area of developmental disabilities is vast. The Stone Soup Group has been available to provide support for children around the State with FASD and sharing resource information. It is families that cannot access in-home support that need assistance and are in crisis. The challenge is finding appropriate childcare. She stressed that it is a tragedy because these children often do not physically look like they suffer from FAS.

Ms. Scott recommended family camps. The Stone Soup Group has been researching the issue since 1997 to determine a strategy to help these children. She emphasized the number currently living in foster care because their birth families are in crisis.

HB 312 was HELD in Committee for further consideration.

#HB478

HOUSE BILL NO.478

An Act relating to the municipal harbor facility grant program; and providing for an effective date.

HB 478 was SCHEDULED but not HEARD.

#

ADJOURNMENT

4:02:49 PM

The meeting was adjourned at 4:03 P.M.