

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

March 31, 2008

5:05 p.m.

**MEMBERS PRESENT**

Representative John Coghill, Chair  
Representative John Harris  
Representative Anna Fairclough  
Representative Craig Johnson  
Representative Ralph Samuels  
Representative Beth Kerttula  
Representative David Guttenberg

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 207

"An Act relating to questionnaires and surveys administered in the public schools."

- MOVED CSHB 207(RLS) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 40

Relating to defending the state from electromagnetic pulse attacks.

- MOVED HJR 40 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 207

SHORT TITLE: STUDENT QUESTIONNAIRES AND SURVEYS

SPONSOR(S): REPRESENTATIVE(S) WILSON

03/19/07	(H)	READ THE FIRST TIME - REFERRALS
03/19/07	(H)	HES, JUD
04/03/07	(H)	HES AT 3:00 PM CAPITOL 106
04/03/07	(H)	Scheduled But Not Heard
04/10/07	(H)	HES AT 4:00 PM CAPITOL 106
04/10/07	(H)	Heard & Held
04/10/07	(H)	MINUTE(HES)
04/12/07	(H)	HES AT 3:00 PM CAPITOL 106

04/12/07 (H) Moved CSHB 207(HES) Out of Committee  
04/12/07 (H) MINUTE(HES)  
04/13/07 (H) HES RPT CS(HES) 2DP 2NR  
04/13/07 (H) DP: CISSNA, WILSON  
04/13/07 (H) NR: FAIRCLOUGH, NEUMAN  
04/25/07 (H) JUD AT 1:00 PM CAPITOL 120  
04/25/07 (H) Heard & Held  
04/25/07 (H) MINUTE(JUD)  
05/02/07 (H) JUD AT 1:00 PM CAPITOL 120  
05/02/07 (H) Moved CSHB 207(JUD) Out of Committee  
05/02/07 (H) MINUTE(JUD)  
05/03/07 (H) JUD RPT CS(JUD) 2DNP 4NR 1AM  
05/03/07 (H) DNP: LYNN, DAHLSTROM  
05/03/07 (H) NR: COGHILL, HOLMES, SAMUELS, RAMRAS  
05/03/07 (H) AM: GRUENBERG  
03/31/08 (H) RLS AT 5:00 PM CAPITOL 120

BILL: HJR 40

SHORT TITLE: ELECTROMAGNETIC PULSE ATTACK DEFENSE  
SPONSOR(S): RULES BY REQUEST OF JOINT ARMED SERVICES COMMITTEE

03/27/08 (H) READ THE FIRST TIME - REFERRALS  
03/27/08 (H) RLS  
03/31/08 (H) RLS AT 5:00 PM CAPITOL 120

**WITNESS REGISTER**

REPRESENTATIVE PEGGY WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke as the sponsor of HB 207.

JAY BUTLER, M.D., Chief Medical Officer  
Office of the Commissioner  
Department of Health and Social Services  
Anchorage, Alaska

**POSITION STATEMENT:** During hearing of HB 207, answered questions.

PATTY OWEN, YRBS Coordinator  
Division of Public Health  
Department of Health and Social Services  
Juneau, Alaska

**POSITION STATEMENT:** During hearing of HB 207, answered questions.

REPRESENTATIVE NANCY DAHLSTROM

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke as the chair of the Joint Armed Services Committee, sponsor of HJR 40.

MCHUGH PIERRE, Director of Communications, Legislative Liaison  
Office of the Commissioner/Adjutant General  
Department of Military & Veterans' Affairs (DMVA)  
Ft. Richardson, Alaska

**POSITION STATEMENT:** Testified in support of HJR 40.

MEAD TREADWELL, Senior Fellow  
Institute of the North  
Anchorage, Alaska

**POSITION STATEMENT:** Testified on HJR 40.

#### **ACTION NARRATIVE**

**CHAIR JOHN COGHILL** called the House Rules Standing Committee meeting to order at [5:05:50 PM](#). Representatives Coghill, Harris, Fairclough, Samuels, Guttenberg, and Kerttula were present at the call to order. Representative Johnson arrived as the meeting was in progress.

#### HB 207-STUDENT QUESTIONNAIRES AND SURVEYS

[5:06:05 PM](#)

CHAIR COGHILL announced that the first order of business would be HOUSE BILL NO. 207, "An Act relating to questionnaires and surveys administered in the public schools." [Before the committee is CSHB 207(JUD).]

[5:06:09 PM](#)

REPRESENTATIVE SAMUELS moved to adopt CSHB 207, Version 25-LS0680\0, Mischel, 3/26/08, as the working document. There being no objection, Version 0 was before the committee.

[5:06:29 PM](#)

CHAIR COGHILL said that although he has struggled with HB 207, he has been persuaded to bring it forward. He questioned whether the school districts should have the presumption to perform surveys or should the parents have the presumption that

the school districts can't perform surveys without parental permission.

5:07:18 PM

REPRESENTATIVE PEGGY WILSON, Alaska State Legislature, speaking as the sponsor of HB 207, provided the following testimony:

House Bill 207 will change the parental consent requirements for anonymous surveys in schools from active to passive. With passive consent we believe we get good representative samples that can serve two very important functions. One, identify behaviors in youth, both positive and negative. And two, understand the effectiveness of solutions to previously identified issues and behaviors. This data helps policy makers, educators, program planners, and parents to better understand the important health issues and social issues that affect young people's chances for success.

Routine standardized surveys such as the national and state Youth Risk Behavior Survey or YRBS, which is conducted by the Centers for Disease Control (CDC), track trends over time and they do it nationwide in all states. They also help guide and evaluate important health and prevention programs. State and federal grant programs that rely on these surveys include tobacco prevention and control, obesity prevention, diabetes, heart disease, stroke, safe and drug free schools, and other substance abuse prevention, injury prevention, including violence and suicide prevention, [human immunodeficiency virus] HIV and [sexually transmitted disease] STD prevention, and more.

The school-based surveys continue to be a reliable method for gathering valuable population-based information on youth. The current active consent overburdens the school system and significantly increases the costs involved in conducting student surveys. For instance, in Anchorage schools, they spend \$70,000 a year trying to get enough kids to come and enough parents to come. They give pizza parties and everything else to try to lure them to the school so that they can get parents to sign the consent forms. It is estimated that over 80 percent of the

parents who do not return written permission for participation in surveys is not because they do not want their child to take the survey, but rather because of apathy, oversight, or student error.

This bill will change the current practice of active permission to passive permission so that the parent has the option to deny permission rather than the requirement to provide written permission. Many schools are unable to use the data they collect because there's not enough participants. The overall statewide response rate to YRBS in 2005 was 55 percent, which did not meet the required response rate of 60 percent to make it a valid survey. The state was unable to use the data or publish the report since the data would not be representative of the high school population.

This bill will address the concerns about making sure that parents understand the content of the surveys. We've changed the bill, primarily for the chairman, so that it clearly defines what the written notification must include: the date the survey will be administered, description of the content of the survey, the sponsor of the survey, and a point of contact in the school district for the survey.

5:11:00 PM

CHAIR COGHILL directed attention to page 1 of Version 0 and pointed out that the legislation still requires active consent for everything except subsection (g) [located on page 2, lines 20-25], which speaks specifically to the YRBS. Chair Coghill related that he intends on voting against HB 207 because he doesn't believe that apathy is the reason parents don't provide consent for the surveys. He opined that some parents simply disagree with the survey, as is the case with his family. He attributed the questions dealing with sexual orientation as well as other leading questions dealing with sex as the reason the survey is opposed. With all the criteria added into Section 2(d), he said he is willing to allow the legislation to move forward from this committee. If this legislation addressed all surveys, he said he would strongly argue against it and wouldn't let it be forwarded out of committee.

5:13:48 PM

REPRESENTATIVE FAIRCLOUGH asked if the YRBS targets a specific age group.

REPRESENTATIVE WILSON deferred to Dr. Butler.

[5:14:17 PM](#)

JAY BUTLER, M.D., Chief Medical Officer, Office of the Commissioner, Department of Health and Social Services, explained that there are two components to the YRBS. The component that's primarily used is for high school students in grades 9-12. While there is a middle school component for grades 7-8, it hasn't been used in recent years.

[5:15:25 PM](#)

PATTY OWEN, YRBS Coordinator, Division of Public Health, Department of Health and Social Services, confirmed that the standard survey is for grades 9-12, which has been administered in recent years and used nationally. There is a middle school instrument that hasn't been administered since 1995 when the program first started. However, local school districts are allowed the option to use that survey instrument, which is half the length of the high school survey, for grades 7-8.

[5:16:39 PM](#)

CHAIR COGHILL inquired as why one survey has been administered and not the other.

MS. OWEN explained that [the department] conducts a statewide survey, which is the high school survey, and a random sample from among all the high schools in Alaska. At the same time, as an added incentive, school districts are offered the option to conduct the survey at the same time in order to have information specific to the district.

[5:17:28 PM](#)

REPRESENTATIVE JOHNSON inquired as to which survey is included in the committee packet.

MS. OWEN confirmed that it's the high school survey.

REPRESENTATIVE JOHNSON then pointed out that the first question of the survey is regarding whether the age of the individual taking the survey is 12 years of age or younger.

MS. OWEN surmised that there have been mixed ages in some high schools, although she said she wasn't sure how that would happen.

[5:18:39 PM](#)

REPRESENTATIVE FAIRCLOUGH highlighted that the YRBS addresses violence, suicide, tobacco, alcohol, drugs, and body weight. Out of 87 questions only 7 relate to sexual behavior. She opined that the survey attempts to address the health of the population. Representative Fairclough inquired as to whether the reference to "a youth risk behavior survey" on page 2, lines 20-21, should be capitalized to refer to a specific survey or whether the lower case allows flexibility with regard to any survey from the CDC. If it should be capitalized she also suggested the need to change the "a" to "the".

MS. OWEN related that to her knowledge the YRBS is the only youth risk standardized survey. In further response, Ms. Owen indicated that "a youth risk behavior survey" on page 2, lines 20-21, should be capitalized.

[5:20:44 PM](#)

REPRESENTATIVE FAIRCLOUGH inquired as to any funding mechanism that may be tied to this particular survey.

MS. OWEN responded that the chronic disease prevention grants, particularly tobacco prevention, rely on the data gathered by the YRBS as do other programs, such as the safe and drug free schools, in order to measure the impact of the programs and alert as to the magnitude of the health problems.

REPRESENTATIVE WILSON interjected that even the Boys & Girls Club utilize the data to know on which issues to focus. Furthermore, nonprofits can't obtain grants unless there is data to illustrate the success of the program.

MS. OWEN related that typically 18-20 districts conduct a local survey, of which about half were able to collect local survey data this year. She emphasized that it helps those communities when the state has reliable state data at the same time as it affords the school district the ability to compare the data.

[5:23:12 PM](#)

CHAIR COGHILL, recalling his time sitting on the Health & Social Services Finance Subcommittee, commented that there's no doubt that [the department] relies on this information. He mentioned that he has sought ways in which parents are involved, including an absolute barrier to the survey unless the parents have chosen to [provide consent]. Chair Coghill related his preference for the parental right over the school's right.

[5:24:24 PM](#)

REPRESENTATIVE SAMUELS opined that he didn't believe an average 18-year-old boy would answer these questions honestly in a classroom setting with peers nearby in the room.

MS. OWEN related that [the department] does believe that for the most part students provide honest answers. There are checks and balances in place, such as assurances of anonymity and the protection of privacy to the students by spreading chairs and placing the answer sheets, without any identifiers, in privacy sleeves. Furthermore, the CDC has performed validation studies that illustrate that for the most part students are honest. She then informed the committee that the computer performs edit checks to look for inconsistencies in answers. If inconsistencies are found, the survey is thrown out. Ms. Owen pointed out that when Alaska compares its results to national results, the results are very similar.

REPRESENTATIVE SAMUELS remarked that 18-year-old boys are the same the world over.

[5:27:15 PM](#)

REPRESENTATIVE JOHNSON related his understanding that the change proposed in HB 207 is necessary because school districts haven't had enough approval slips returned to perform the survey.

MS. OWEN answered that many approval slips are being returned, but not all.

REPRESENTATIVE JOHNSON inquired as to why the proposal in HB 207 will be more successful than current practices.

MS. OWEN related that currently two week's notice is given, even if parental notice was signed earlier in the school year. The notice of the survey is being put forth in various manners, including public notice and notice in newsletters. She said that to have the signed permissions returned to the district is

a burden to the district. The department is attempting to protect the time of district personnel chasing the consent forms. Ms. Owen explained that although the majority of the consent forms aren't returned, the percentage not being returned is just under the target for Alaska. The aforementioned coupled with student absentee rates and that schools don't want to take a second class period for students to makeup the survey means that every percent counts in the ability to have reportable data.

[5:29:19 PM](#)

CHAIR COGHILL reiterated his earlier question regarding whether the school is present for the parent and child or are the parent and child there for the school. However, he acknowledged that some important information can be gleaned from the survey data.

[5:29:57 PM](#)

REPRESENTATIVE FAIRCLOUGH moved that the committee adopt Conceptual Amendment 1, as follows:

Page 2, line 20, following "of":

Delete "a"

Insert "the"

Page 2, lines 20-12:

Delete "youth risk behavior survey"

Insert "Youth Risk Behavior Survey"

There being no objection, Conceptual Amendment 1 was adopted.

[5:31:07 PM](#)

REPRESENTATIVE HARRIS moved to report CSHB 207, Version 25-LS0680\0, Mischel, 3/26/08, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 207(RLS) was reported from the House Rules Standing Committee.

HJR 40-ELECTROMAGNETIC PULSE ATTACK DEFENSE

[5:31:41 PM](#)

CHAIR COGHILL announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 40, Relating to defending the state from electromagnetic pulse attacks.

[5:32:04 PM](#)

REPRESENTATIVE NANCY DAHLSTROM, Alaska State Legislature, speaking as the chair of the Joint Armed Services Committee, sponsor of HJR 40, explained that electromagnetic pulse (EMP) is caused when there's detonation of nuclear devices high in the atmosphere. The EMP sends a shock wave through the world, which will disable the power grid and all the communication systems. Therefore, it will cause a critical infrastructure problem. She informed the committee that in 2007 a national commission provided a presentation to the Joint Armed Services Committee.

[5:34:57 PM](#)

MCHUGH PIERRE, Director of Communications, Legislative Liaison, Office of the Commissioner/Adjutant General, Department of Military & Veterans' Affairs (DMVA), related the department's support of the efforts of research and understanding, particularly for the rapid response community. He noted that there's no specific funding stream to study the impacts of EMP, although it's being reviewed in a broad-based manner. He expressed hope that HJR 40 would encourage the federal government to help out with this [effort]. In conclusion, Mr. Pierre related DMVA's support for HJR 40.

[5:35:42 PM](#)

CHAIR COGHILL surmised that the legislature could later be asked to provide funds for some studies. Therefore, he inquired as to the planning that's [occurring] now.

MR. PIERRE opined that DMVA has the responsibility to ensure that the state is able to recover from emergencies and possible EMP attacks so that critical infrastructure will remain [operable]. Mr. Pierre said that he didn't see any immediate plus-up in monitor support at this time. However, he reiterated the need to encourage the federal government to make addressing EMP attacks a priority.

[5:36:44 PM](#)

REPRESENTATIVE KERTTULA inquired as to how one defends against electromagnetic pulse attacks.

MR. PIERRE deferred to Mr. Treadwell.

5:37:51 PM

MEAD TREADWELL, Senior Fellow, Institute of the North, began by noting that he works with the defense and security program. In 1996, the Institute of the North started work on security and defense issues after a recommendation from a former director of the Central Intelligence Agency (CIA) who pointed out that the then-current federal missile defense plans didn't cover Alaska and Hawaii. A precursor to the Joint Armed Services Committee worked a resolution that was heard significantly in Washington, D.C. and ultimately resulted in the withdrawal from the Missile Defense Treaty. Therefore, today there's the ground-based missile system at Fort Greely. He gave Alaska's legislators at the time much credit for raising the issue. He then informed the committee that last year [the Institute of the North] worked with the Joint Armed Services Committee to bring the executive director and a commissioner from the congressionally chartered Commission on Electromagnetic Pulse to Alaska in conjunction with adjutant generals for a briefing. Mr. Treadwell mentioned that much of the U.S. military equipment is hardened against EMP. He then mentioned that in 1962 there was a high altitude nuclear test performed by the U.S. that shut off radio stations and electricity in Hawaii 800 miles away. The aforementioned resulted in the Atmospheric Test Ban Treaty between the U.S. and the Soviet Union.

MR. TREADWELL then turned to where [the nation] is most vulnerable from missile attack. He said that it's unlikely that there would be a missile exchange with a super power. However, it's a higher likelihood that one scud missile from a container ship offshore could be aimed at the U.S. Depending upon the location of the detonation, it could result in the loss of communications and power to half of the nation. The aforementioned is why the commission was created and continued. The commission is working on plans for states in the event of power and communication disruption from an EMP. This resolution urges the federal government to put funding forward, accept the resolutions of the commission, and move forward in a national planning basis. He then reviewed the broader work to defend how Alaska would run its pipelines and have heat and power, which hasn't been addressed as well. He then applauded those who have taken the lead on this issue and made it part of all the hazards to the state.

5:43:01 PM

REPRESENTATIVE JOHNSON asked if the only type of EMP weapons are nuclear blasts.

MR. TREADWELL said EMPs are the only ones he is aware of that would have broad, high intensity, short-duration bursts. However, he said he believes there are smaller ways to dramatically short out systems with jolts, but they would require connection to an electric power grid.

[5:44:03 PM](#)

REPRESENTATIVE JOHNSON mentioned that some television programs show EMP technology being used to stop an automobile in a chase situation.

[5:44:42 PM](#)

CHAIR COGHILL pointed out that the resolution refers to the full range of risks, which is fairly broad.

[5:45:06 PM](#)

REPRESENTATIVE KERTTULA inquired as to any treaties that are in place to address this issue.

MR. TREADWELL answered that there are several reports that other countries have been preparing weapons such as EMPs. Unless a specialized weapon is constructed, it's simply a nuclear weapon on a scud missile.

[5:46:37 PM](#)

CHAIR COGHILL remarked that he is glad the issue has come forward, but he questioned how the state would implement it.

MR. TREADWELL interjected that Alaska, as the home for the ground-based missile defense system for the U.S., needs to be aware of the threats that EMPs pose. Although the scope of [the ground-based missile defense] system isn't enough to defend a major barrage of attacks, the system is aimed at small actors with no return address. Having an understanding of the threat in the rest of the country would help folks understand how valuable the missile defense system is, he opined.

[5:48:11 PM](#)

REPRESENTATIVE KERTTULA commented that [the resolution] might want to also encourage the development of other methodologies beyond the ballistic missile defense system.

[5:48:39 PM](#)

CHAIR COGHILL pointed out that the language on page 2, lines 22-28, would likely encompass that.

[5:49:06 PM](#)

REPRESENTATIVE SAMUELS moved to report HJR 40 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

[5:49:24 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at [5:49:38 PM](#).