

HOUSE FINANCE COMMITTEE
February 23, 2012
1:41 p.m.

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CALL TO ORDER

Co-Chair Stoltze called the House Finance Committee meeting to order at 1:41 p.m.

MEMBERS PRESENT

Representative Bill Stoltze, Co-Chair
Representative Bill Thomas Jr., Co-Chair
Representative Anna Fairclough, Vice-Chair
Representative Mia Costello
Representative Mike Doogan
Representative Les Gara
Representative David Guttenberg
Representative Reggie Joule
Representative Mark Neuman
Representative Tammie Wilson

MEMBERS ABSENT

Representative Bryce Edgmon

ALSO PRESENT

Kate Burkhart, Executive Director, Advisory Board on Alcoholism and Drug Abuse, Department of Health and Social Services; Shirley Gifford, Director, Alcohol Beverage Control Board, Department of Public Safety; Representative Mike Hawker, Sponsor; Senator Johnny Ellis, Sponsor; Joe Masters, Commissioner, Department of Public Safety; Michael Geraghty, Attorney General, Department of Law; Andre Rosay, Director, UAA Justice Center, University of Alaska Anchorage Justice Center; Lauree Morton, Executive Director, Council on Domestic Violence and Sexual Assault, Department of Public Safety; Michael Hanley, Commissioner, Department of Education and Early Development; Bill Streur, Commissioner, Department of Health and Social Services; Richard Svobodny, Deputy Attorney General, Criminal Division, Department of Law; Joe Schmidt, Commissioner, Department of Corrections.

PRESENT VIA TELECONFERENCE

Crystal Schoenrock, Business Owner, Nikiski; Anna Sappah, Executive Director, Alaska Addiction Professionals Association; David Lambert, Self, Fairbanks.

SUMMARY

Presentation:

DOMESTIC VIOLENCE & SEXUAL ASSAULT PROGRAMS
UPDATE

HB 125 ALCOHOLIC BEVERAGE CONTROL BOARD

CSHB 125(L&C) was REPORTED out of committee with "no recommendation" and with one fiscal impact note and one zero fiscal note from the Department of Commerce, Community and Economic Development.

HB 224 SALES OF NICOTINE PRODUCTS TO MINOR

HB 224 was SCHEDULED but not HEARD.

CSSB 23(FIN)

FILM PRODUCTION TAX CREDIT/AUDITS

CSSB 23(FIN) was HEARD and HELD and referred to a subcommittee consisting of Representative Costello (Chair), Representative Fairclough, and Representative Guttenberg.

CSHB 30(2d JUD)

RETURN OF SEIZED PROPERTY

CSHB 30(2d JUD) was SCHEDULED but not HEARD.

#hb125

HOUSE BILL NO. 125

"An Act moving the Alcoholic Beverage Control Board to the Department of Commerce, Community, and Economic Development and relating to duties of that department; and providing for an effective date."

CRYSTAL SCHOENROCK, BUSINESS OWNER, NIKISKI (via teleconference), testified in support of the legislation.

She thought the Alcohol Beverage Control (ABC) Board was putting the onus on the state troopers and police to monitor local bars in her area. She expressed frustration that two troopers had come to her bar recently and had notified the bartender to close because she was without a Techniques of Alcohol Management (TAM) card; the troopers had not known that employees were allowed 30 days to obtain the card. She believed the Department of Commerce, Community and Economic Development (DCCED) would handle licensing better than Department of Public Safety (DPS). She stressed that the board needed to educate law enforcement about their responsibilities related to the issue.

Representative Gara asked for detail on rules related to obtaining a TAM card. Ms. Schoenrock replied that bartenders had 30 days from their date of hire to obtain the card.

Representative Gara wondered why the trooper's mistake was the fault of the ABC Board. Ms. Schoenrock did not believe the mistake had been the board's fault, but that the board needed to educate troopers on ABC Board regulations.

ANNA SAPPAN, EXECUTIVE DIRECTOR, ALASKA ADDICTION PROFESSIONALS ASSOCIATION (via teleconference), vocalized opposition to the legislation; the association did not believe that the move would benefit the public or state. She relayed that the board's focus on public safety and enforcement had reduced youth alcohol consumption since 1995. She noted the negative repercussions of underage drinking. She stressed that enforcement programs had the power to save lives. She believed moving the board from DPS to DCCED would interrupt or reduce current enforcement efforts.

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KATE BURKHART, EXECUTIVE DIRECTOR, ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE (ABADA), DEPARTMENT OF HEALTH AND SOCIAL SERVICES, spoke against the legislation. She emphasized that the 88 percent compliance rate was due to the effectiveness of the ABC Board and the industry. The continued decrease in underage drinking reports was currently lower than the national average and was due to the hard work of the prevention partners, communities, ABC Board, and industry. She discussed less positive outcomes

in other states. The ABADA was concerned that gains towards reducing underage drinking could be lost if the ABC Board was moved to DCCED. The advisory board was concerned that a transition plan had not been made public including, where the ABC Board would reside and how the licensing support would be provided. States that did not have the ABC Board under a law enforcement agency had less positive outcomes related to underage drinking and alcohol related fatalities. She emphasized the ABADA's concern about potential unintended consequences.

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SHIRLEY GIFFORD, DIRECTOR, ALCOHOL BEVERAGE CONTROL BOARD, DEPARTMENT OF PUBLIC SAFETY, vocalized opposition to the bill. The ABC Board had been working hard to adhere to its audit recommendations. She invited the committee members to ride along with board investigators on their compliance checks. She believed much of the industry testimony had been based on anecdotal information and noted that stories always had two sides. Compliance checks had been going and had increased from 700 to 804 in FY 10 to FY 11. Industry had also increased its compliance from an 85 percent success rate in FY 10 to an 88 percent success rate in FY 11. She stressed that compliance checks resulted in compliance.

Ms. Gifford relayed that Jeff Jessee with the Alaska Mental Health Trust Authority, Diane Casto from Department of Health and Social Services, Dr. Rivera from the University of Alaska, and board members would meet to address recommendations on underage drinking included in a University of Alaska Anchorage report. She communicated that the board worked with licensees on a daily basis to help them succeed. She discussed that the ABC Board trained law enforcement and licensees and their employees. She pointed to reports that underage drinking in Alaska was lower than the national average and believed that the board had been doing a good job. She opined that the increased compliance checks had added to the success rate.

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Vice-chair Fairclough asked whether there were two enforcement officers. Ms. Gifford replied that there were four state investigators: one in Juneau, one in Fairbanks, and two in Anchorage. One of the investigators was a full-

time compliance officer and was funded by an underage drinking enforcement grant through the Department of Health and Social Services.

Vice-chair Fairclough referred to a complaint related to aggressive compliance enforcement in business establishments. She wondered how many complaints there had been and whether there was a staffing issue that caused some of the issues.

Ms. Gifford replied that she had received the first formal complaint two days earlier. There had been instances in which the Cabaret, Hotel, Restaurant and Retailers Association (CHARR) had asked questions about specific occurrences that she had followed up on. She explained that the group had been satisfied with the information she provided.

Vice-chair Fairclough believed the formal complaint related to the Eagle River area. Ms. Gifford responded in the affirmative.

Representative Neuman asked how the move to DCCED would change the ABC Board's enabling language. Ms. Gifford did not believe a change would occur. She added that she had not received any direction from the department on what would change.

Representative Neuman wondered whether the board's enforcement authority would change under DCCED. Ms. Gifford believed the board's enforcement authority would not change, but could not be certain.

Representative Neuman wondered what oversight DPS currently had over the ABC Board. Ms. Gifford replied that the board was housed under DPS for administrative purposes only; the department provided computer support, personnel, and resources, but her position answered to the ABC board of directors. She did not expect the oversight would change under DCCED.

Co-Chair Thomas referred to prior testimony from an individual who had acted on a decision made by the ABC Board related to a brewery license. He wondered what the final outcome had been.

Ms. Gifford replied that the issue had been discussed at the recent board of directors meeting; she believed the board was on the road to rectifying the issue. The business had not been shut down and the board was continuing work to come up with a solution.

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Co-Chair Thomas wondered whether there was an employee responsible for reappropriation of liquor licenses from one location to another. He referred to a Skagway case in which a license had not been done in accordance with the ABC Board's policies. Ms. Gifford was not familiar with the case.

Co-Chair Thomas explained that issue related to a pizzeria that wanted to move a license closer to a cruise ship location in the downtown area. The business owner had fought ABC board decisions. Ms. Gifford replied that the licensee had requested a duplicate license for her establishment, but she had not received one.

Co-Chair Thomas asked whether there was an ABC agent assigned to oversee the process. Ms. Gifford responded that there was a licensing unit that included one supervisor and two business registration examiners. Applicants were assigned to one of the two examiners when they applied for a license. She clarified that the license in question had gone through the proper process and had not been approved by the board.

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Representative Gara asked why ABC boards housed in non-public safety departments were not as successful at reducing underage drinking. Ms. Gifford did not have the statistical information. She believed the majority of ABC boards throughout the country were housed under public safety or revenue departments and several were stand-alone agencies.

DAVID LAMBERT, SELF, FAIRBANKS (via teleconference), supported the bill. He opined that the legislation was not anti-alcohol and was a bill designed to put the ABC Board under the appropriate department. He explained that end-users needed education, which would help with enforcement. He stressed that the bill did not change the board's

enforcement power. He emphasized that the bill would provide training and industry support and would help people.

Co-Chair Stoltze CLOSED public testimony. He discussed the sunset fiscal note that reflected the costs of the department.

Co-Chair Thomas MOVED to report CSHB 125(L&C) out of committee with individual recommendations and the accompanying fiscal notes.

Representative Gara OBJECTED for discussion. He noted that substance abuse agencies had a legitimate perspective, which aimed at the reduction of alcohol abuse in the state. He discussed the need to weigh how the bill would impact the board and to determine what would maximize the board's ability to enforce the laws to reduce underage drinking and to increase compliance. He hoped DCCED would not divert money towards the promotion of the state's alcohol industry if the bill passed.

Co-Chair Stoltze discussed that the fiscal notes reflected that the board would be funded the same under DCCED as it had been under DPS.

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AT EASE

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RECONVENED

Representative Gara WITHDREW his OBJECTION. Co-Chair Stoltze MAINTAINED the OBJECTION for further discussion.

Representative Doogan believed that the conversation represented "one of the more baffling discussions" that he had heard in committee. The bill, which was about moving a board from one agency to another, seemed more innocuous than it had been perceived. The legislature was involved only because the law required it; he was not present to judge the competency of the ABC Board. He did not believe anyone had made a compelling case for or against the transfer of the board.

Co-Chair Thomas referred to earlier discussion about a business owner who had been given advice by the ABC Board

that it had later changed; the owner had been challenged by the board only after investing between \$2 million and \$3 million in a business. He hoped the board would reimburse the owner's legal fees related to the issue.

Co-Chair Stoltze believed there were merits on both sides of the issue. He explained that the bill had not been rushed through and there had been a significant amount of public debate. He stated that the issue came down to a policy call.

REPRESENTATIVE MIKE HAWKER spoke from his standpoint chairman of the House Legislative Budget and Audit Committee and explained that the HB 125 was not his personal legislation. There had been a significant number of public hearings on the debate and the committee had issued a letter stating its opinion that the board should be moved to DCCED.

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Vice-chair Fairclough explained that the appropriate fiscal notes included: one zero fiscal note from DCCED and; one fiscal impact note from DCCED containing an FY 13 \$247,000 request and a total of \$1,538.2 million in the governor's FY 13 budget.

Co-Chair Stoltze relayed that the public safety fiscal note would not be adopted.

Representative Doogan agreed with Representative Hawker's characterization of the Legislative Budget and Audit Committee process.

Representative Hawker clarified that the bill represented the lateral movement of an existing agency, which would only be funded under one department.

Representative Guttenberg agreed with previous comments regarding weighing the interests of both sides of the issue. He believed it was important to "watch out what you wish for," and a move to DCCED may not be as advantageous as people thought.

There being NO further OBJECTION, CSHB 125(L&C) was REPORTED out of committee with a "no recommendation" and with one fiscal impact note and one zero fiscal note from

the Department of Commerce, Community and Economic Development.

#sb23

CS FOR SENATE BILL NO. 23(FIN)

"An Act relating to transferable film production tax credits and film production tax credit certificates; requiring the legislative audit division to audit the Alaska film production incentive program; and providing for an effective date by amending the effective dates of secs.3

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Co-Chair Thomas MOVED to ADOPT proposed committee substitute for CSSB 23(FIN), Work Draft 27-LS0252\C (Bullock, 4/14/11). There being NO OBJECTION, it was so ordered.

SENATOR JOHNNY ELLIS, SPONSOR, explained that the legislation was intended to diversify the economy and to create jobs and businesses in the state. He thanked Co-Chair Stoltze for his fair approach and for helping to move the bill forward; he recognized that the co-chair had been skeptical of film and production incentives. He had heard that work would potentially be done in a subcommittee and was supportive of the idea. He thanked the Department of Commerce, Community and Economic Development for its work on the issue and highlighted the governor's support of the incentives. He credited the department administering and improving the program; it had made changes to the regulatory authority and policies and procedures, improved the program's transparency, and had taken steps to ensure that Alaskans would receive the most benefits of the opportunities created by film and television production. He was in favor of taking steps to further "Alaskanize" the bill. He was available to provide a full presentation and to discuss the committee's suggestions for potential improvements at any time.

Co-Chair Stoltze looked forward to working towards a balance. He discussed his inherent skepticism of tax credit legislation, given that state general funds were used.

CSSB 23(FIN) was HEARD and HELD and referred to a subcommittee consisting of Representative Costello (Chair), Representative Fairclough, and Representative Guttenberg.

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AT EASE

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RECONVENED

^PRESENTATION: DOMESTIC VIOLENCE & SEXUAL ASSAULT PROGRAMS UPDATE.

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Co-Chair Stoltze handed the gavel over to Vice-chair Fairclough.

JOE MASTERS, COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY, listed individuals available to discuss the domestic violence and sexual assault initiative update. He referred to documents available to the committee, "Choose Respect Overview Document, DVSA Initiative FY 13 Governor's Proposed Budget Highlights" and "2012 Alaska Dashboard, Key Issues Impacting Domestic Violence and Sexual Assault in Alaska" (Copies on File.)

Commissioner Masters began the PowerPoint presentation "House Finance Committee, Domestic Violence & Sexual Assault Initiative Update, February 23, 2110." (Copy on File) with Slide 2: "Overview." He noted that in 2009 there was widespread recognition in Alaska that a serious problem existed regarding occurrences of domestic violence and sexual assault. The Alaska victimization survey would later confirm the data. In 2009, Governor Parnell announced that ending the epidemic would be a priority of his administration. Many organizations have been working together to solve the problem and provide much-needed services. A starting point would be in breaking the silence and community engagement. Slide 3: "March 29, 2012 Participating Communities," which shows the third annual march to "Choose Respect." The march will be held in 110 communities in Alaska. He emphasized that Choose Respect is not just a march or a slogan, but a statement that people will no longer hide abuse in communities, but they will stand alongside victims and survivors. Slide 4: "Mission: End the Epidemic" showed that with complex

problems there exists the need for broad-based solutions. The strategies must be concerned with the short and long term goals. He pointed out that the main strategies are interconnected and listed in the multi-colored triangle.

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MICHAEL GERAGHTY, ATTORNEY GENERAL, DEPARTMENT OF LAW, talked of Slide 5 and Slide 6: "Overview." He indicated how impressed he has been with the laser-like focus the governor and administration brought to the issue. The only way to deal with the problem is through a multi-agency, multi-disciplinary approach. Slide 7: "Key Priority Areas." He indicated that the first area is in Prevention and Intervention. He specified that attention needs to be brought to the issue because of the stigma associated with the violence has to go away. Support is needed for survivors to report the abuse, find shelter, and receive treatment. The last focus is with law enforcement. He stressed that efforts need to be balanced with the intervention. He stressed that crimes committed against a partner or spouse is no different from a crime committed against someone else. People need to understand that if they are caught they will be punished. Domestic violence and sexual assault are not simply public safety, law enforcement issues, but involves public health, spiritual issues in rural communities, and goals as a society. He returned to Slide 6 to talk about the culture of responsibility. He noted that the problem will not be solved until the issue is thought about differently in communities and the mindset changes. He referred to youth leadership in development and executing programs. Children need to be educated about the issues, raising their sensitivity and awareness.

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Representative Neuman signified he worked on making Alaska one of the toughest in the field on abuse of a minor. When going through the Dashboard numbers, the rate of juveniles in sexual offenses is about 14 percent of the population involved. He added that only about 20 percent of cases are reported. The numbers are hard to digest and agreed that it is a huge problem in Alaska.

Representative Doogan referred to the numbers on Chart 7. He noticed the large increase in money for survivors in the Support for Survivors section.

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Representative Guttenberg commented on the increase in the support for services in affordable housing. He asserted that affordable housing was so important in cases of abuse or recidivism in prisons. He believed that affordable housing was a key to success. He asked if the amount requested was enough to accomplish the goals.

Vice-chair Fairclough mentioned that there is a proposed voucher program for domestic violence as part of the governor's initiative.

Representative Gara emphasized the need for law enforcement in villages to reduce domestic violence. He stressed the need to hire the officers sooner rather than later. He spoke of ten villages without law enforcement. He urged that the plan to add law enforcement over the next eight years needed to move more quickly.

Commissioner Masters answered Representative Doogan's question by referring to the Choose Respect Overview document, page 4, where the issue of funding is broken down by category and the category for survivors has a specific listing of the budgetary increments. Vice-chair Fairclough asked if that answered Representative Doogan's question. Representative Doogan replied that it did.

Commissioner Masters responded to Representative Gara that the rate of adding officers was based on recruitment and training, as well as the villages' willingness to accept them.

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ANDRE ROSAY, DIRECTOR, JUSTICE CENTER, UNIVERSITY OF ALASKA ANCHORAGE JUSTICE CENTER, presented Slide 8: "Lifetime Estimates: Victimization Survey." The survey was conducted statewide in FY 10 and in Anchorage, Fairbanks, Juneau and Bristol Bay in FY 11. The survey utilizes the best possible methodology to create the most reliable estimates while minimizing risk to respondents. He stressed that the

statistics listed were conservative because of the existing stigma associated with disclosing the violence.

Representative Costello remarked that the statistics are shocking. She asked if these statistics are reflective of the Behavior Risk Factor Survey from the Department of Health and Social Services. Dr. Rosay replied that they are different surveys but agreed that there is some overlap in content. Dr. Rosay continued with the "Intimate Partner Violence" He stressed that almost half of all adult women in Alaska have experienced intimate partner violence at some point in their lifetime. In the sexual violence column, about one out of every three women in Alaska has experienced sexual violence. He emphasized that these were conservative estimates. He stressed that Alaska's rates continue to be unacceptably high.

Representative Wilson asked if the statistics were just from Alaska or an accumulation in a person's lifetime. Dr. Rosay reported that most of the violence occurred in Alaska.

Representative Doogan asked if intimate partner violence and sexual violence were mutually exclusive. Dr. Rosay responded that they were. If combined, then more than half, almost 60 percent of adult women in Alaska have experienced intimate partner violence, sexual violence or both.

LAUREE MORTON, EXECUTIVE DIRECTOR, COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, DEPARTMENT OF PUBLIC SAFETY, referred to Slide 9: "2012 Alaska Dashboard." She referred to future progress. In FY 12 regional surveys are being conducted in Bethel, Kodiak, and Sitka. In FY 13 survey would be looking toward the Kenai Peninsula and the North Slope, and every five years the statewide survey will be repeated.

Dr. Rosay referred to "2012 Alaska Dashboard" pamphlet. The document was created by the data group within Governor Parnell's Choose Respect Initiative. The dashboard provides a broad overview of the key issues that impact domestic violence and sexual assault in Alaska. It does not include performance measures or how individual agencies or departments are performing. The group identified 32 different indicators. He pointed to Page 3 that provides a dashboard indicator definitions. On page 1, for each indicator, data has been identified from Previous Alaska

Data, Current Alaska Data and percent change. It is the increase or decrease in current Alaska data relative to the previous Alaska data. He warned that it is too early to tell what the data trends will reveal.

Ms. Morton moved to Slide 10: "2012 Alaska Dashboard." She said the data group looked at population measures, not performance or outcome measures. She explained that will be the next step for the data group. Progress would be rated as Satisfactory, Uncertain, or Needs Improvement. "Satisfactory" for reporting is when there is an increase. For victimizations themselves, they would like to see the numbers decrease. The "Uncertain" implies there is not enough information or enough sway in up or down percentage. The "Needs Improvement" looks at the opposite of the Satisfactory. The hope is that the information will help departments understand how to better help the victims.

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Vice-chair Fairclough relayed that the report could show an increase in reporting, but still see a green dot. She impressed on the legislators that there could be an increase rate in reporting as the issue is highlighted, but that does not mean a bad job is being done. There may be an increase for years before a downturn is seen. She asserted that it is a good thing that there are more victims reporting abuse.

Ms. Morton mentioned additional information was available on Slide 11: "Sources for Additional Information." She moved to Slide 12: "Council on Domestic Violence and Sexual Assault, Prevention." Prevention is another component. It is a systemic process promoting healthy environments and behaviors such as the likelihood and frequency of violence.

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She highlighted Slide 14: "Primary Prevention" which is stopping violence before it occurs. This has not received a lot of attention in Alaska. It is important to get the message out clearly and succinctly in order get the maximum understanding. Ms. Morton referred to page 2 in the Overview Document for websites available for more information. She pointed out the Lead On and Stand Up/Speak Up which are youth engagement activities that encourage youth leadership. Green Dot is a strategy having

individuals learn and feel confident with ways in which they can intervene in a situation or prevent a situation from happening. Mr. Morton continued to Slide 15: "Victim Services" that should offer support for survivors. Services provided are Residential, Advocacy, Safety Planning, Information and Referral, and Support. Last year 43 attorneys offered pro-bono help to victims and 10 new ones signed up this year. The help included information referral, safety planning, and support to break the isolation.

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Vice-chair Fairclough thanked Ms. Morton for implementing a strategic plan in bringing different systems together to focus on the issue to make perpetrators accountable, protect those harmed and now the beginning of primary prevention.

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MICHAEL HANLEY, COMMISSIONER, DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT, noted his own shocking revelation that in a village he visited, 70 percent of women were victims of violence. A young woman from the village informed him that she has a better chance of being a victim of violence than she does of graduating from school. Slide: 16 and Slide 17: "Primary Prevention in Schools" mentioned that the program emphasized the proactive and preventative nature of the component. The goal of the schools is to teach, but also to empower children. Commissioner Hanley referred to the Fourth R for healthy relationships. All components on the slide are designed to work together to increase protective factors, reduce risk behaviors, provide a safety net for the children and help provide needed services early. Slide 18: "Health and Safety Coordinator Position." The position focuses primarily on school-based programs for Domestic Violence and Sexual Assault prevention in schools. The position, led by Patty Owens, is in response to Statute 14-30360 to provide a school health education specialist. Slide 19: "Healthy Relationships Curriculum." The Fourth R is the primary concern of the Health and Safety Coordinator position. Teachers are trained in 36 secondary schools from 17 districts to empower and educate individuals to coach trainers in the communities.

Representative Costello voiced her concern about students being bullied. She wondered if there was information on how often certain students are in the principal's office. Commissioner Hanley responded that the information was not available on a state-wide level so there is not enough data on that subject. Each school has a goal to provide a safe and healthy environment. Representative Costello mentioned that parents often come to her with situations over a disagreement about what constitutes bullying. She wondered, without education, if bullying continues from primary to high school and later into more serious behavior.

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Representative Doogan indicated he has been trying for five years to understand sexual violence among children in schools. He would like some hard data because reports he has read require millions of dollars to provide help. It would be nice to have a reasonable conclusion on how much such a program would cost.

Vice-chair Fairclough agreed with Representative Doogan. She agreed that bullying by certain students can move through the grades if no one reaches them with education. She agreed with the hope in not defunding student school nurses as they are the ones who often can see this behavior. She cautioned however on the need to be careful in labeling children too hastily. She agreed more data was needed. Representative Doogan mentioned the one Health and Safety Coordinator position and wondered if more money was needed for additional positions.

Commissioner Hanley mentioned that the one position works full time. The position could use more technical and other assistances resources.

Representative Doogan noted the need for more information to be provided to the legislators regarding the issue. Vice-chair Fairclough pointed out that the House Finance Committee originally advocated for \$3 million and after decades, it had been funded for the first time two years ago.

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Representative Guttenberg mentioned Representative Lynn's bill on acquiring a data base on people who abuse animals.

He wondered if that is a topic under "high risk behaviors." Commissioner Hanley was unaware of the bill, but contended that when looking at overall behavior, it has been recognized that one behavior is not usually an isolated event. If an educator saw a child who was abusive of animals, it would probably be indicative of other high-risk behaviors.

BILL STREUR, COMMISSIONER, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, indicated that he would be presenting an overview of the past, present and future actions of the Department of Health and Social Services in relation to domestic violence.

Co-Chair Stoltze interjected that it was important to be careful on how "unhealthy behavior" is described.

Commissioner Streur voiced that he would be moving quickly through the slides in his presentation. Slide 20: "Outreach - Reporting Harm - Office of Children's Services" deals with increasing public awareness. There has been an effort to stop the abuse before it begins. Slide 21: Outreach - Reporting Harm - Senior & Disabilities Services - Adult Protective Services" involved increasing awareness of domestic violence against seniors. Adult Protective Services (APS) receives approximately 500 reports a month of potential domestic violence against seniors. Slide 22: "Rural Pilot Projects - Division of Behavioral Health" mentions that four community projects were selected in February 2011 in Dillingham, Kodiak, Sitka, and Bethel. Slide 23: "Trauma Informed Care" is a program where 714 individuals were trained in February 2011 to use the alcohol screening tool to identify trauma. Slide 24: "Trauma Informed Care." He noted 61 percent reported trauma symptoms in FY 11, 69 percent reported an adverse experience, and 18 percent reported intimate partner violence. Slide 25: "Community Engagement - FWWI Model" defined that Family Wellness Warriors Initiative. He explained that the program is spread throughout the state in and it reaches the community and village level. The program equips community leaders with skills and knowledge to assume responsibility for their community's efforts to reduce family violence and child maltreatment.

Commissioner Streur continued with Slide 26: "Federally Funded Prevention Programs - Division of Public Health." He reported that \$1 million per year for 5 years through 2015

would be spent for maternal, infant, and early childhood home visiting. The program involves a nurse family partnership for early screening and education at the home level. Slide 27: "Federally Funded Prevention Programs - Division of Health." spoke to the Personal Responsibility Education Program with \$250,000 per year through 2015 to collaborate with the Department of Education & Early Development to implement the Fourth R curriculum in Alaska schools. He reported that an evaluation of the curriculum is underway. He divulged that Healthy Start at \$400,000 per year through 2015 would direct client services to include screening and education of all Healthy Start clients for DV/SA. He noted that group health education sessions for all community members will likely occur and data will be gathered for evaluation purposes. Slide 28: "Additional Prevention Activities." Commissioner Streur commented that he is personally pushing the Public Health Nursing Centers very hard. The centers will implement screening for suspected cases of sexual abuse. Slide 29: "Screening & Behavioral Services." He noted that these services are expected to become available for young children and their families in primary care offices and community mental health centers. The department focuses on seniors and young children.

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Representative Neuman cited that public nurses need to be trained in sexual or domestic violence, not just medical training. He explained that the process is a very technical procedure to categorize information gathered. He remarked that the nurses are required to be on call 24/7. He questioned if nurses were staffed adequately throughout the state. Commissioner Streur declared that the issue was primarily public safety driven. He noted that Commissioner Masters could better answer that question.

Vice-chair Fairclough interjected that there are sexual assault response teams throughout the state.

Representative Neuman asked if the program was adequately funded. Vice-chair Fairclough responded that there was a three-legged funding stream depending on the people involved. Advocacy groups have sought separate funding from the police or the public safety enforcement officer. There are practices and precautions to ensure that evidence is not damaged. She signified it is a challenge. Many rural

communities do not have a tax base to fund these programs. Vice-chair Fairclough stressed that elder abuse has been rising in Alaska and the challenges to ensure they are safe.

Representative Doogan spoke with the Ombudsman who indicated that cases involving the elderly continue to rise in all areas from fraud to violence. Commissioner Streur remarked that could be related to more success in the encouragement of reporting and identifying such cases. He indicated that more cases were being addressed and more was more proactive in seeking resolution of the cases.

Vice-chair Fairclough indicated that the over 65 population was increasing and assisted living facilities are becoming an issue. She asked if the commissioner had any comment on the homes. Commissioner Streur replied he would prefer to comment at another time.

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Commissioner Geraghty excused himself from the room. Commissioner Masters introduced Slide 30: "Department of Public Safety" and the goal to provide a law enforcement presence of quality in every community that desires one. Having professional police in a community has a preventative effect in serious physical injury due to assault. He indicated the desire to improve law enforcement response in adding troopers and investigative positions, domestic follow-up, technical crimes investigation unit investigator and major crimes unit investigators.

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Commissioner Masters indicated there has been increased funding for forensic medical sexual assault exams and the development of pediatric sexual assault kits.

Representative Costello asked a question concerning the sex offender registry and the number of areas where the state of Alaska is out of compliance with federal regulations that would result in more funding. She asked for a response to how serious a problem it is and when a VPSO is sent into a community would that person be able to update the registry. She also wondered if a sex offender registry was meaningful.

Commissioner Masters responded that there are a variety of opinions whether a sex offender registry is valuable. It is an important tool for those who wish to know if there is an offender living near them as it can comfort some in taking steps towards their own personal safety. The registry was effective in the sense that it made offenders aware they were being watched. There is also a benefit to have a registry so when an offense occurs, and suspects are sought, it becomes an investigative tool. He remarked that Alaska was not in compliance with the requirements of the Sex Offender Registry Notification Act. Alaska would need to take significant steps to be in compliance. The penalty for non-compliance is not that Alaska receives less money. The cost to get into compliance is well over \$1 million a year. One of the penalty allowances is that Alaska can apply for a waiver against the penalty funds. The application has been made to the Department of Justice.

[3:53:33 PM](#)

Vice-chair Fairclough referred to a constitutional issue of retroactivity on sentencing which is why Alaska cannot come into compliance without a constitutional convention.

Commissioner Masters replied that the issues were very complex. He continued to Slide 31: "Department of Public Safety - Training." He informed that it is not to have additional personal, but that they are properly skilled and trained. He also said there was a plan to improve evidence and case handling. A key piece of the initiative from the beginning was the new crime lab. He moved to Slide 32: "Forcible Rape, Domestic Violence, Sexual Assault, Sexual Abuse of a Minor" that showed four bar charts related to the subject. The first box shows what was reported federally in Forcible Rape and the trend. The remaining three sections are the actual reports to the Department of Public Safety for investigation as trooper cases. Increased reporting is necessary for success.

[3:57:16 PM](#)

Vice-chair Fairclough noted that transportation in rural Alaska was an issue to get people moved around for reporting, examination or preserving the evidence. Commissioner Masters replied that King Air is currently up and running; it had been down at the beginning of the year. This will be an issue to deal with. The downtime on King

Air has been approximately one-third compared to its operational time. Vice-chair Fairclough wondered how old the King Air aircraft was.

Commissioner Masters replied that the King Air-200 aircraft had been built in 1981. Vice-chair Fairclough believed that there were two parts available on a Google search; it was becoming harder to come by 31 year old aircraft parts. Representative Doogan suggested purchasing a new aircraft. Representative Neuman agreed with the comment. Commissioner Masters replied that new King Air aircraft was in the department's long-range plan. Vice-chair Fairclough noted that the request would not be frivolous and the state needed to be able to reach its remote locations during times of safety when people are in need.

[4:03:03 PM](#)

RICHARD SVOBODNY, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, discussed the drafting of advice that had led to the passage of bills in 2010 and 2011, Slide: 33 "Department of Law." He noted that the Department of Law was working with the governor's office on 2012 legislation that further strengthens laws on child exploitation and sexual assault. He indicated that since the late 90s, the Department of Law had been funding between 17 and 24 positions through federal earmarks. The state legislature has supplanted that money with General Funds as the federal money diminished. He pointed to Slide 34: "Department of Law" showing that over three years. He discussed the creation of the Cybercrimes Unit that was staffed by a full-time prosecutor. There was a three-year rotation that dealt with domestic violence, sexual assault, and stalking.

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Mr. Svobodny moved to Slide 35: "2012 Legislation." He noted that the department has been working with the governor on a bill dealing with laws on human trafficking and sex trafficking. He indicated it would be made one of the most serious crimes in Alaska law. He pointed to increased penalties if a prostitute is less than 18 years of age. It also allows for forfeiture of property in prostitution cases.

Co-Chair Stoltze questioned if the legislation had been submitted Mr. Svobodny said it had been read across on February 22, 2012. Co-Chair Stoltze acknowledged he was originally unaware of the breath of the issue. He was happy a bill on the subject had been introduced.

Mr. Svobodny agreed that it is a very difficult offense for police to investigate. Two important parts of the bill allow the court to use two-way video conference testimony under special circumstances and requires every person to register as a sex offender in Alaska if that person is already required to register in another jurisdiction. The governor's position was to come into compliance.

[4:14:37 PM](#)

Mr. Svobodny moved to Slide 36: "LAW's Requested FY 13 Budget Increments." He signified the fully funded position of the Palmer Child Protection attorney and paralegal was approved in FY 12. There had been an increase in the cases. There is a need to deal situations involving children when they are young. An additional cold case prosecutor was funded. Alaska has approximately 100 different languages making it difficult to report or testify. There is a need to provide assistance to these people. He noted that Commissioner Streur answered questions about the aging of the Alaska society. The legislature funded three Medicaid fraud investigators to look into Medicaid fraud, but also to make sure seniors are properly taken care of in assisted living facilities. He acknowledged that a position was fully funded for a Kotzebue attorney.

[4:19:20 PM](#)

JOE SCHMIDT, COMMISSIONER, DEPARTMENT OF CORRECTIONS, remarked on previous comments about bullying and gave a personal observation of people he knew as trouble-makers when they were young were now incarcerated as adult trouble-makers. He was shocked at some of these individuals' early experiences and abuse. Commissioner Schmidt moved quickly through Slide 37: "Corrections: Fairbanks Pilot," Slide 38: "Pilot: How it Works," Slide 39: "What's Different about This Approach?," Slide 40: "Expanded Bethel Sex Offender Management Program," and Slide 41: "Mat-Su Area Institutional Sex Offender Program." The Probation Accountability Certain Enforcement (PACE) model was taken from the Hawaii HOPE model. The program

takes the highest risk offenders to help them move off of drugs or alcohol. The police, probation, and court officials make a point to bring the offenders in as soon as they miss an appointment and the individual is thrown into jail. In Bethel, a 2004 study, reported 48 percent of the sex offense arrests are in Southwest Alaska. He continued that probation officers were added in Anchorage, Bethel and Fairbanks to deal with a domestic violence and sexual assault caseload to lower the case loads in those areas. Representative Costello complimented Vice-chair Fairclough for her commitment to this issue. She commented that there have been five commissioners presenting before the committee today and that indicates a commitment from the administration.

[4:25:10 PM](#)

Vice-chair Fairclough asked Representative Guttenberg to get together with Alaska Housing Finance for questions on the support funding increment.

Co-Chair Stoltze thanked Vice-chair Fairclough for her passion and information on this subject. Co-Chair Thomas offered his thank you to Vice-chair Fairclough for her commitment.

#hb224

HOUSE BILL NO. 224

"An Act relating to the prohibition of selling or giving tobacco or a product containing nicotine to a minor unless prescribed by a licensed physician."

HB 224 was SCHEDULED but not HEARD.

#sb30

CS FOR SENATE BILL NO. 30(2d JUD)

"An Act providing for the release of certain property in the custody of a law enforcement agency to a crime victim under certain conditions and relating to requests for that release by the office of victims' rights." and 4, ch. 63, SLA 2008."

CSHB 30(2d JUD) was SCHEDULED but not HEARD.

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ADJOURNMENT

4:29:58 PM

The meeting was adjourned at 4:29 PM.