

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 21, 2013

8:04 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Charisse Millett

**COMMITTEE CALENDAR**

SENATE BILL NO. 1

"An Act establishing May 10 of each year as Alaska Mining Day."

- MOVED SB 1 OUT OF COMMITTEE

HOUSE BILL NO. 59

"An Act relating to missing vulnerable adult prompt response and notification plans."

- HEARD & HELD

HOUSE BILL NO. 127

"An Act clarifying that the Alaska Bar Association is an agency for purposes of investigations by the ombudsman; relating to compensation of the ombudsman and to employment of staff by the ombudsman under personal service contracts; providing that certain records of communications between the ombudsman and an agency are not public records; relating to disclosure by an agency to the ombudsman of communications subject to attorney-client and attorney work-product privileges; relating to informal and formal reports of opinions and recommendations issued by the ombudsman; relating to the privilege of the ombudsman not to testify and creating a privilege under which the ombudsman is not required to disclose certain documents; relating to procedures for procurement by the ombudsman; relating to the definition of 'agency' for purposes of the Ombudsman Act and providing jurisdiction of the ombudsman over

persons providing certain services to the state by contract; and amending Rules 501 and 503, Alaska Rules of Evidence."

- BILL HEARING RESCHEDULED TO 3/26/13

**PREVIOUS COMMITTEE ACTION**

BILL: SB 1

SHORT TITLE: ALASKA MINING DAY

SPONSOR(s): SENATOR(s) GIESSEL

01/16/13	(S)	PREFILE RELEASED 1/7/13
01/16/13	(S)	READ THE FIRST TIME - REFERRALS
01/16/13	(S)	STA
02/12/13	(S)	STA AT 9:00 AM BUTROVICH 205
02/12/13	(S)	Moved SB 1 Out of Committee
02/12/13	(S)	MINUTE(STA)
02/13/13	(S)	STA RPT 4DP
02/13/13	(S)	DP: DYSON, WIELECHOWSKI, COGHILL, GIESSEL
03/04/13	(S)	TRANSMITTED TO (H)
03/04/13	(S)	VERSION: SB 1
03/05/13	(H)	READ THE FIRST TIME - REFERRALS
03/05/13	(H)	STA
03/21/13	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 59

SHORT TITLE: MISSING VULNERABLE ADULT RESPONSE PLAN

SPONSOR(s): REPRESENTATIVE(s) GRUENBERG

01/16/13	(H)	PREFILE RELEASED 1/11/13
01/16/13	(H)	READ THE FIRST TIME - REFERRALS
01/16/13	(H)	MLV, STA
02/28/13	(H)	MLV AT 1:00 PM CAPITOL 120
02/28/13	(H)	Heard & Held
02/28/13	(H)	MINUTE(MLV)
03/12/13	(H)	MLV AT 1:00 PM CAPITOL 120
03/12/13	(H)	Moved CSHB 59(MLV) Out of Committee
03/12/13	(H)	MINUTE(MLV)
03/13/13	(H)	MLV RPT CS(MLV) 4DP 3NR
03/13/13	(H)	DP: GRUENBERG, SADDLER, FOSTER, LEDOUX
03/13/13	(H)	NR: HIGGINS, HUGHES, REINBOLD
03/21/13	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

SENATOR CATHY GIESSEL

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as sponsor of SB 1.

DEANTHA CROCKETT, Associate Director  
Alaska Miners Association, Inc. (AMA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of SB 1.

EDMUND FOGELS, Deputy Commissioner  
Office of the Commissioner  
Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of SB 1.

MIKE SATRE, Executive Director  
Council of Alaska Producers  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the discussion of SB 1.

REPRESENTATIVE MAX GRUENBERG  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as sponsor of HB 59.

MILES BROOKES, Staff  
Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 59 as staff to Representative Max Gruenberg, sponsor of HB 59.

MIKE O'HARE, Deputy Director  
Division of Homeland Security and Emergency Management  
Department of Military and Veterans Affairs (DMVA)  
Joint Base Elmendorf-Richardson (JBER)  
Eagle River, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

RODNEY DIAL, Lieutenant; Deputy Commander  
A Detachment  
Alaska State Troopers  
Division of Statewide Services  
Department of Public Safety (DPS)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

PATRICK CUNNINGHAM, MSW, DSW;  
Member, Board of Directors  
Alzheimer Resource Agency  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

BRADLEY JOHNSON, Deputy Chief  
Fairbanks Police Department;  
Vice President, Alaska Association of Chiefs of Police, Inc.  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

KEN HELANDER, Advocacy Director  
AARP  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 59.

KEN SPADAFORA, Lieutenant  
Anchorage Police Department (APD)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

DENISE DANIELLO, Executive Director  
Alaska Commission on Aging  
Division of Senior and Disability Services (DSDS)  
Department of Health & Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 59.

DAVE TALERICO  
North Pole, Alaska

**POSITION STATEMENT:** Testified during the discussion of HB 59.

#### **ACTION NARRATIVE**

[8:04:21 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Gattis, Hughes, Isaacson, Keller, and Lynn were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

#### **SB 1-ALASKA MINING DAY**

[8:04:37 AM](#)

CHAIR LYNN announced that the first order of business was SENATE BILL NO. 1, "An Act establishing May 10 of each year as Alaska Mining Day."

8:05:01 AM

SENATOR CATHY GIESSEL, Alaska State Legislature, stated that SB 1 would establish May 10th as Alaska Mining Day. She said that this day was chosen since the General Mining Act of the United States was approved on May 10, 1872. The Act has been amended numerous times, but the essential principles remain in place: If a citizen ventures on to federal public land not otherwise designated as a park, refuge, or set aside in any other way, and with his/her own energy, intellect, finances, and hard work finds a valuable mineral deposit, then that citizen has the first right to develop that mineral deposit, after obtaining the required environmental and operating permits. Senator Giessel related that the Act paved way for mineral development in Alaska and many of the communities represented by the committee were established because of mining. Well-known, large gold rushes occurred in: Juneau in 1880; Turnagain Arm in 1885; Fortymile in 1886; Kenai in 1888; Circle in 1892; the Klondike in 1896; Nome in 1898; Fairbanks in 1902; and Iditarod in 1908. The Gold Rush and copper discovery at Kennecott in 1905 brought miners, adventurers, merchants and their families to Alaska in droves. They built towns, roads, dams, ports and railroads in Alaska and moved Alaska to a territory status in 1912 and eventually to statehood.

SENATOR GIESSEL continued as follows:

If Alaska were a country it would be in the top ten for a lot of our precious metals and strategic minerals: gold, zinc - largest zinc deposit in the world - silver, copper, platinum, molybdenum, rare earth developments, which are used in all of the new technology - clean energy technology. China now holds the monopoly on rare earth elements, but lo and behold, Alaska has a massive deposit.

SENATOR GIESSEL stated that Alaska Mining Day highlights that tremendous history and the state's future in this industry, and contributes significantly to communities. For example, in Juneau, four of the hydroelectric projects were built over a hundred years ago by the mining industry and the hydroelectric projects still operate today. Also, hydroelectric projects represent clean and durable energy. She pointed out that at

Lake Dorothy, the main purpose of the project was to bolster the energy needs of Greens Creek Mine. In fact, Greens Creek Mine in Juneau is now the largest private sector employer in Juneau - with 340 employees - and the mine contributes significantly to this economy. In conclusion, Senator Giessel stated that the purpose of Alaska Mining Day on May 10th is to highlight and draw attention and respect for Alaska's mining heritage. In response to a comment, she said, "If it can't be grown it must be mined."

CHAIR LYNN emphasized that Alaska must diversify its economy, and one of the principal ways that can happen is through mining.

8:09:30 AM

REPRESENTATIVE ISAACSON said he can see that some may find this bill frivolous. He wondered if the Alaska Mining Day could become a day of education and whether the sponsor envisions this as a day that students would have a day off from school.

SENATOR GIESSEL highlighted the Alaska Resource Education Program, which is a program that has been developed, in part, by the Alaska Miners Association, with packets distributed to teachers throughout the state. In fact, the program emphasizes the significant role that minerals play in the everyday lives of Alaskans. She referred to a video in which fifth graders select and showcase a mineral. She offered her belief it is important for students to understand that mining is not detrimental to the environment, can be done safely, and can coexist with other industries.

8:11:35 AM

REPRESENTATIVE ISAACSON referred language [in a sentence beginning on line 10 through line 13 of SB 1, which read as follows:]

Alaska Mining Day may be observed by educational and celebratory events, projects, and activities to increase public awareness of and appreciation for mining and miners in the state and the many uses for the minerals mined in the state.

REPRESENTATIVE ISAACSON suggested that if the language were amended to change "may" to "shall", it could ensure mining education would get into the school system.

CHAIR LYNN asked whether the sponsor was amenable to such change.

SENATOR GIESSEL advised that such a change should be pondered and she would consider it. In response to Representative Isaacson, she answered that the Alaska Mining Association, Inc. (AMA) is active in all communities, and she feels confident it will move forward with [the methods of promoting public awareness listed in the aforementioned language], "regardless of what this resolution says."

REPRESENTATIVE ISAACSON said he wants to ensure school districts [observe Alaska Mining Day], because [to do so] is "a proper role of education."

CHAIR LYNN said he is not opposed to any changes, but pointed out that any change to the bill at this point may slow the process.

[8:15:25 AM](#)

REPRESENTATIVE HUGHES acknowledged Alaska is a resource state, and said she likes the pun, "We've barely scraped the surface." She said she has had an opportunity to tour Usibelli Coal Mine, Inc. She asked to put on the record that prior to all the environmental laws being adopted, the Usibelli family for three generations has shown stewardship. She offered her belief that the reclamation the mine performs is impressive. In fact, the care and stewardship by Alaskans has also been impressive. She mentioned she attended a recent Energy Council meeting in Washington, D.C., and she enjoyed telling members of Congress how Alaskans take care of Alaska's environment. She asked about the rare earth elements and if there has been any effort to encourage the rare earth metals industry in Alaska.

SENATOR GIESSEL answered that Niblack Mining Corporation has a mining project, which is located just south and west of "here" [on the southeast side of Prince of Wales Island]. She deferred to Ed Fogels for more information.

CHAIR LYNN remarked that he gets nervous when China has a monopoly on anything.

REPRESENTATIVE GATTIS said that she thinks Alaska Mining Day is a great thing to do to ensure Alaskan kids recognize the effects of mining on Alaska. She also said she is going to be voting yes today.

CHAIR LYNN related that he is the first cross-sponsor in the House for SB 1.

REPRESENTATIVE KREISS-TOMKINS commented that the Prince of Wales Niblack and Bokan Mountain mines are in his district. These communities are excited about the potential of these mines, and he is excited about this bill and the companion bill.

[8:20:14 AM](#)

DEANTHA CROCKETT, Associate Director, Alaska Miners Association, Inc. (AMA), stated that making Alaska Mining Day a state holiday would increase the popularity of the industry. She expressed appreciation for Senator Giessel's sponsorship of SB 1. She said it is important not to forget the contributions of the mining industry. Ms. Crockett related that the mining industry employs about 5,000 people directly and about 9,000 indirectly, with an average industry wage of \$100,000. Many of these jobs are in rural areas that do not offer many other opportunities. She stated that AMA helps fund local governments and the Alaska Native corporations. She emphasized the importance of recognizing the presence that mining has in the state, including its rich history in communities such as Juneau, Fairbanks, and Nome. She offered her belief that having an Alaska Mining Day is a great way to recognize the mining history in Alaska.

[8:21:53 AM](#)

EDMUND FOGELS, Deputy Commissioner, Office of the Commissioner, Department of Natural Resources (DNR), stated that the department supports the bill, which would establish May 10th of each year as Alaska Mining Day. He acknowledged that mining has played a critical role in Alaska's history and continues to play a critical role. While mining may seem overshadowed by oil and gas in economic contributions, it is still very significant. He echoed Ms. Crockett's statement that mining provides over 5,000 jobs, with an average wage of \$100,000. He characterized the jobs as being highly skilled jobs, including engineers, environmental scientists, heavy equipment operators, and mechanics. In fact, these are career building jobs. Mining provides economic benefits to some of the poorest regions in rural Alaska. For example, the Red Dog Mine is the only taxpayer in the Northwest Arctic Borough (NWAB). He pointed out that mines like the mine proposed by Donlin Gold LLC have the potential to really carry the economy for generations. He stated one aspect of his job has been to ensure that a strong



environmental permitting process exists for these projects. He said all seven of the currently operating mines have a sound environmental record with agency people monitoring the sites. He offered his assurance that Alaska's water and fish are being protected, as well as other environmental resources. He pointed out that the division has been working to strengthen the mining sector. He said the governor has initiated a strategic and critical minerals initiative, including a statewide assessment for strategic and critical minerals, including rare earth elements. He noted that rare earth elements are also referred to as REE. He described the Bokan Mountain project on southern Prince of Wales Island as very promising.

[8:24:11 AM](#)

MR. FOGELS explained there are two types of rare earth elements: heavy rare earth elements and light rare earth elements. He pointed out that one of the biggest mines in the nation in California contains light rare earth elements, but the more valuable and important ones are the heavy rare earth elements. He indicated that Bokan Mountain is blessed with high concentrations of heavy rare earth elements.

[8:24:49 AM](#)

CHAIR LYNN remarked that someone said China has a monopoly on rare earth elements. He asked whether any rare earth elements are being produced in the U.S.

MR. FOGELS offered that Mountain Pass in California is the only mine he is aware of at this time. Most of the rare earth elements are being produced by China so it is imperative for other sources to be developed.

CHAIR LYNN asked for the impact if China were to "cut off" rare earth elements.

MR. FOGELS offered his belief that it would be a bad situation if that were to happen; the minerals are important for defense and alternative energy purposes. One interesting fact, he noted, is the color red in flat screen televisions can only be produced by the rare earth element europium. He characterized these metals as being very important.

CHAIR LYNN asked whether this is critical to the U.S. defense.

MR. FOGELS answered yes.

CHAIR LYNN asked how close Alaska is to producing rare earth elements.

MR. FOGELS answered that in Alaska, the company is close to submitting permit applications. He estimated an average time frame for permitting something like the Bokan Mountain mine, which is anticipated to be a small mine, would be two or three years in permitting - including federal permitting - and another year in construction.

CHAIR LYNN asked whether any other locations in Alaska may have rare earth elements.

MR. FOGELS answered that about 70 known locations contain rare earth elements, but the department has not investigated them enough to know if the minerals are economically feasible to develop, so right now Bokan Mountain is the only one. In fact, the Division of Geologic and Geophysical Surveys (DGGS), [within DNR], is in the process of reviewing rare earth elements in Alaska.

[8:28:41 AM](#)

REPRESENTATIVE HUGHES asked whether the department has put a price tag on REE in Alaska.

MR. FOGELS answered no.

REPRESENTATIVE HUGHES asked whether any work has occurred.

MR. FOGELS explained that exploration companies drill, perform assay reports, and develop an exploration model. He stated that the value is unknown, but he predicted the state has so much unexplored land that many more mining deposits are likely to be found.

REPRESENTATIVE HUGHES said she thinks it would be helpful and supportive if the information was available.

[8:31:16 AM](#)

REPRESENTATIVE KELLER asked whether the legislature needs to work on the royalty tax structure.

MR. FOGELS responded that a number of years ago AMA brought up a leading expert on mining taxes who reviewed the state's taxes

and royalty taxes as compared to other countries and determined that Alaska was "in the middle of the pack." Beyond that the state has not done significant work on tax structure evaluation. He stated the primary economic benefit of mining is that it benefits the local economies. For example, mining benefits the community of Fairbanks with the Fort Knox mine; Juneau with the Greens Creek and Kensington mines; and the Northwest Arctic Borough with the Red Dog mine. He pointed out that while some people focus solely on the state treasury as a benchmark, some mines, such as the Red Dog Mine, are located on private land. Kensington mine and Greens Creek mine are located on federal land. He reported that Pogo and Usibelli mines are the only ones on general state land, while Fort Knox is located on Mental Health Trust Land. Therefore, it really isn't fair to consider mining based solely on mining tax contributions to the treasury.

REPRESENTATIVE KELLER asked where he could find a copy of the report on the tax structure.

MR. FOGELS answered there wasn't a specific report since the aforementioned royalty tax analysis was performed in a series of meetings with a tax specialist, although he offered to try to locate a PowerPoint on the matter.

REPRESENTATIVE KELLER commented that when he hears the term "Roads to Resources," it reminds him of the big deposit at the Ambler mineral project. He remarked the legislature is working on the preliminary stages of this mining project.

[8:35:29 AM](#)

MICHAEL SATRE, Executive Director, Council of Alaska Producers (CAP), stated that the council is a non-profit trade association that represents the large producing metal mines and major metal development projects in Alaska. He emphasized that the council supports establishing Alaska Mining Day. He reiterated Ms. Crockett's comments on the significant economic benefits the industry provides to the State of Alaska. He offered his belief that Deputy Commissioner Fogels has done a wonderful job talking about many aspects of the mining industry and has emphasized the importance of the industry today. He also reminded members that establishing Alaska Mining Day is about honoring the people who have built the mining industry over the years. He mentioned former Deputy Commissioner David Stone, Department of Labor, who unexpectedly died last year. He remarked that Mr. Stone would have loved to share his stories with the committee. He also mentioned contributions by other Alaskans, such as Earl

Beistline, Fairbanks; Bartlett Lee "Bart" Thane, Juneau; and Peter Miscovich, Flat, Alaska. He said that through their sweat equity, they helped build the mining industry and the state. Further, mining has allowed him to work in his hometown of Juneau. In closing, he remarked that Alaska Mining Day is not just about infrastructure and the economics, but about people that have built the state, as well.

[8:37:40 AM](#)

CHAIR LYNN, after first determining no one else wished to testify, closed public testimony on SB 1.

[8:38:00 AM](#)

REPRESENTATIVE KELLER moved to report SB 1 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, SB 1 was reported from the House State Affairs Standing Committee.

[8:38:32 AM](#)

The committee took an at-ease from 8:38 a.m. to 8:40 a.m.

**HB 59-MISSING VULNERABLE ADULT RESPONSE PLAN**

[8:40:34 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 59, "An Act relating to missing vulnerable adult prompt response and notification plans."

[Before the committee was CSHB 59(MLV).]

[8:40:49 AM](#)

REPRESENTATIVE MAX GRUENBERG, Alaska State Legislature, as the bill sponsor, explained that HB 59 would assist in the location of missing adults via what is colloquially known as the "Silver Alert System." He suggested that this bill would pertain to people with Alzheimer's disease or dementia and make sure if they do wander away that they can be found. He offered his belief that this can and will save some lives.

[8:43:15 AM](#)

MILES BROOKES, Staff, Representative Max Gruenberg, Alaska State Legislature, presented HB 59 on behalf of Representative Gruenberg, sponsor. He explained that HB 59 would create a new statewide system that would help find missing vulnerable adults. He stated that this concept passed the Senate of the 27th Legislature unanimously and made it as far as the House Rules Standing Committee. Currently, 29 states have the "Silver Alert" System or a similar program used for the recovery of missing vulnerable adults. A list of those states can be found in members' committee packets.

MR BROOKES said there are many factors that can contribute to putting vulnerable adults at risk, including terrain and temperatures. Specifically, HB 59 would require the Department of Military and Veterans Affairs (DMVA) and the Department of Public Safety (DPS) to develop and implement notification plans for the event of a missing vulnerable adult. The plan would use a voluntary network of television and radio stations and newspapers to alert the public of a missing adult. Additionally, the bill calls for DMVA and DPS to establish standards on when an alert is triggered and protocols on when a vulnerable adult is considered missing.

MR. BROOKES said the bill would provide a valuable public system to help ensure that the search for Alaska's missing vulnerable adults happens quickly and efficiently. He stated that the efforts would be totally voluntary. He expressed his hope that a relationship could be developed between the two departments to implement this plan. The bill would define vulnerable adult in Section 2(d). Prior to the bill passing from the Military and Veterans' Affairs Committee, the sponsor had referenced the definition of vulnerable adult in AS 47.24.900. However, he recalled that the definition of vulnerable adult has changed for the purposes of elder abuse and fraud, but that definition includes intoxication, chronic drug use, and fraud confinement. Therefore, the sponsor has inserted the prior definition as it was in AS 47.24.900, prior to passage of the bill last year. Thus the definition is the one in proposed AS 44.41.060 (d). He noted that this definition of vulnerable adult does not affect any other legislation or statute and is limited to this section.

MR. BROOKES named those in support of HB 59, including the Alaska AARP, the Alaska Commission on Aging, the Alaska Association of Chiefs of Police, Inc., the Alaska Peace Officers Association, and the Alaska Geriatric Exchange Network. He stated that the letters of support can be found in members' committee packets.

[8:47:57 AM](#)

MR. BROOKES, in response to a comment, referred to Section 2(b), which would give broadcasters immunity from being sued for implementing the plan.

REPRESENTATIVE GRUENBERG clarified that would be as long as [broadcasters] were doing so in accordance to the plan. In response to Chair Lynn, Representative Gruenberg explained that he is not aware that any broadcasters have been sued, but [Section 2(b)] would give them comfort that if they implemented the plan properly, they would not be sued. He characterized it as a positive step.

[8:48:56 AM](#)

REPRESENTATIVE ISAACSON said he held an informal discussion with Deputy Commissioner McHugh Pierre. He asked whether this is something the agencies could do under emergency powers. He asked for further clarification why the statute change is necessary rather than to defer to the agency.

REPRESENTATIVE GRUENBERG answered he believes it is important that as many parts of the state participate in this as possible. Some local governments have the ability to implement missing vulnerable adult prompt response and notification plans. This will make sure they do it, that it is publicized, that the program gets going and keeps going with a solid statutory framework. He emphasized the issue is not "if" someone has the authority, but whether the plan gets done. He offered his belief this will be important to achieve this purpose, and other witnesses will testify as well.

CHAIR LYNN asked how the plan would be initiated. He asked whether it would be done by a caretaker, at home or in an institution.

REPRESENTATIVE GRUENBERG answered yes. He compared it to being like an "Amber Alert" System for a child. The parent, friend, or caregiver would state that "so and so" was missing from the private or institutional residence. The party would notify the appropriate law enforcement official and then the word would go out.

CHAIR LYNN asked whether the word would go local first rather than all over state.

REPRESENTATIVE GRUENBERG answered yes, the plan would be regionalized.

[8:51:34 AM](#)

REPRESENTATIVE KELLER asked whether other groups of people are categorized by DMVA or whether this would be unique.

REPRESENTATIVE GRUENBERG answered that this has nothing to do with military, unless an elderly person who lives on a military base goes missing. He said the reason the authority rests with DMVA is that DMVA's Division of Homeland Security and Emergency Management has the network set up that would help provide the communications and work with DPS on the plan. He stated it would be the civil defense emergency aspects and not the military.

REPRESENTATIVE KELLER said this is mandate specific to the DMVA. It is specific to vulnerable adults. He asked whether other classes or categories are defined for which the legislature has charged the DMVA to provide similar communication requirements.

REPRESENTATIVE GRUENBERG answered that he doesn't know. He deferred to the DMVA.

[8:53:24 AM](#)

REPRESENTATIVE GATTIS asked how the Amber alert was instituted and whether there is any reason vulnerable adults should be treated differently.

REPRESENTATIVE GRUENBERG deferred to the DMVA.

CHAIR LYNN asked whether there was any opposition to the bill.

REPRESENTATIVE GRUENBERG answered that he was not aware of any opposition.

[8:54:03 AM](#)

REPRESENTATIVE HUGHES noted about 30 other states have similar programs. She referred to the zero fiscal note. She recalled testimony given in a prior committee where the DMVA was confident that it would take little effort to implement. She wondered if other states' "Silver Alert" programs have a cost associated with them.

REPRESENTATIVE GRUENBERG said he doesn't know, but he offered to find out and report back to the committee.

[8:55:35 AM](#)

REPRESENTATIVE ISAACSON said he thinks the bill has merit. He remarked that today the proposed legislation does not have a fiscal note; however, it is the nature of things that in five years there may be a 10-person division. He said he hopes not. He expressed concern that someone, who doesn't like where his/her parents are, could erroneously report them as missing, which could impede elder mobility. He expressed further concern, noting it might be necessary to establish a medical assessment. He described local efforts in his community when someone goes missing. He maintained his reservation about putting a good idea into an agency program with the authority to take action. He offered his understanding that the sponsor wants to ensure there will not be any question of someone stepping beyond their authority.

CHAIR LYNN offered his belief that currently there must be some kind of procedure in place when someone goes missing, which he surmised is a fairly common event in neighborhoods. He asked what would be done under HB 59 differently from what is already being done.

REPRESENTATIVE GRUENBERG said testifiers could shed light on the issue. In further response to a question, he anticipated there probably would not be any change in areas that already have similar programs; however, but the proposed legislation would enable the program to be used throughout the state. He said he anticipates that this program would work through local police agencies, and he suspects the process would remain the same in Anchorage. He deferred to the department to answer how it would be handled in the villages.

[9:00:09 AM](#)

REPRESENTATIVE HUGHES questioned whether the beep on the radio and information printed on the bottom of the television during programming could only be used for an Amber Alert for missing children, or if it could be used for missing vulnerable adults.

REPRESENTATIVE GRUENBERG deferred to the department.

[9:00:59 AM](#)



REPRESENTATIVE GATTIS understood the panic parents experience with missing children. She could envision similar panic that adult children experience with aging parents. She could see this bill as dovetailing with the Amber Alert process. She wondered why differences were given to vulnerable adults since it really wouldn't matter if it was small children or elderly parents who have wandered off.

REPRESENTATIVE GRUENBERG answered that it would be similar. He shared his family's experience, when his son's friend, David, was intoxicated and went outside and it was days before they found him in a snow bank. He said intoxication isn't something specifically listed in the bill, but he wished David had been found earlier.

CHAIR LYNN recalled when he lived in California that his elderly grandparents wandered off a few times, but they were able to find them.

[9:03:35 AM](#)

MIKE O'HARE, Deputy Director, Division of Homeland Security and Emergency Management, Department of Military and Veterans Affairs (DMVA), stated that the division supports the intent of the bill. He acknowledged that the division coordinates with DPS on all matters of emergency plans, procedures, and communications.

CHAIR LYNN asked whether this is duplicative.

MR. O'HARE answered that plans are in place in larger communities and in some small or medium communities. The proposed bill would ensure there are local plans in place to find missing vulnerable adults. If the plans are not already in place, it would be up to DPS, in collaboration and in conjunction with DMVA, to help and assist in developing the plans. Mr. O'Hare relayed that the Amber Alert System (AAS) is not in statute; it is national program in which the state participates. He described AAS as "the most urgent alert warning system necessary for abducted/missing children." He related that children can be grabbed and taken anywhere against their will, whereas missing elders usually are not more than a one-mile radius of their home. He indicated that [searching for a missing adult] does not necessarily require use of AAS or the statewide Emergency Alert System (EAS), unless an expanded search becomes necessary - based on circumstances, weather, or

the individual - in which case, the alert mechanisms in place would be escalated.

[9:07:11 AM](#)

MR. O'HARE stated that the department would want to leave AAS in place, but would like to convey to the legislature that there are plans in place to search and find missing and vulnerable adults. He reiterated that the department supports the intent of HB 59. In response to the chair, he answered that specific instances [of missing adults] would be handled on a case-by-case basis. He deferred to DPS to respond with respect to law enforcement. He said local search and rescue entities in community would be activated and, beyond that, DPS and DMVA would become involved, as needed. He clarified that search and rescue is the responsibility of DPS, so he would not answer on its behalf.

[9:09:23 AM](#)

CHAIR LYNN asked how this would be handled differently from a regular missing person report, such as a runaway teenager.

MR. O'HARE answered that a runaway child is a situation different from that of a missing or vulnerable adult with either physical or cognitive impairments, which prevent the adult from caring for him/herself.

[9:10:04 AM](#)

REPRESENTATIVE KELLER said the reason he was asking the sponsor about DMVA's role is that the bill requires the department to cooperate with DPS to implement and develop the plan. He then said it strikes him as odd because currently the three items that outline the duties of DMLV seem broad, and the fourth item seems out of place. For example, the statute requires the department to handle the military affairs of the state, report to the state, and handle veterans' services, whereas this will implement response and notification plans for vulnerable adults. He acknowledged that with respect to missing vulnerable adults the goal would be the same. He asked about possible costs involved in DMVA's cooperation with DPS.

MR. O'HARE responded that there are no costs associated in providing cooperation. He stated that DMVA houses the Division of Homeland Security and Emergency Management, which is also involved with coordination and planning of emergency

communication. He said [the division] supports the intent of the proposed bill and promises to collaborate and coordinate. He related that the division currently performs these tasks and will continue to do so under bill.

CHAIR LYNN remarked that the legislature creates laws; however, the legislature does not "legislate intent."

[9:12:54 AM](#)

REPRESENTATIVE GATTIS related a scenario in which her mother wandered off, but her mother may have felt she was just going for a walk. She asked, under HB 59, at what point her mother would be considered a vulnerable adult and whether it would be based on her mother's say, on her say, or if a medical report must be on file. For example, perhaps her mother may have decided she would go fishing for the day. She said she would like to think that the local police would respond based on her concern about her mother's welfare; however, she also wondered if a missing person must be missing for 24 hours before a report can be filed.

MR. O'HARE deferred to DPS to respond.

[9:14:24 AM](#)

REPRESENTATIVE HUGHES recalled Representative Isaacson's earlier concerns that a program such as this one might expand. She asked whether the same personnel and equipment could be used for the vulnerable adult notification as for AAS. She further asked how much time and energy might be necessary if this bill were to become law.

MR. O'HARE answered that this is about communications planning, not about adding equipment, staff, or any bureaucracy. He explained that EAS can be regionalized and provides tsunami warnings, severe storm and Amber Alert warnings. This bill would provide local planning for search and rescue for vulnerable adults, and identify procedures to expand from local, to regional, and, if necessary, to a statewide alert system. He offered his belief that it would not require more manpower or funds, just some assurance of planning. He reported that DPS and DMVA currently have plans in place in some local communities, but HB 59 would expand the process and require assurance that plans are in place to help other communities in similar situations.

REPRESENTATIVE HUGHES offered her understanding that the proposed bill is not just about planning, but would also pertain to implementing the plan. She offered her understanding that Mr. O'Hare had stated that the division would be involved in the planning but not the implementation.

MR. O'HARE offered his understanding that is correct. He explained that the implementation of the plan under HB 59 would be local implementation of a plan for local search and rescue for vulnerable adults. He offered his belief that if it is necessary to require regional coordination and collaboration to implement the search, then the division would need to make sure it had plans in place for a regional effort.

[9:17:50 AM](#)

REPRESENTATIVE HUGHES said she read from the sponsor statement that the bill would require DMVA and DPS to develop and implement notification plans. She suggested if that information is not correct, then the sponsor statement should be corrected.

CHAIR LYNN asked whether statute is necessary for the department to accomplish the plan.

MR. O'HARE deferred to the committee to make that decision. He acknowledged that local agencies and communities already work to find missing persons, since it is the right thing to do, but this bill would provide planning assurance, coordination, and collaboration of local search and rescue plans for vulnerable adults.

CHAIR LYNN asked who would monitor to make sure that is accomplished.

MR. O'HARE answered that according to the proposed bill, DPS, in collaboration with the DMVA, would do so.

CHAIR LYNN understood that the agencies will contact local communities to find out whether they have plans in place.

MR. O'HARE answered that is his understanding, as well.

[9:19:56 AM](#)

REPRESENTATIVE HUGHES referred to page 1, line 14, of HB 59, which requires DMVA to cooperate with DPS to develop and implement missing vulnerable adult prompt response and

notification plans under AS 44.41.060. She said in reviewing the bill it seems as though the department has a role in implementation.

MR. O'HARE answered that the bill would not require the department to activate any equipment unless it was deemed to be necessary, for example, if an individual left the local community and it was necessary to send out a broader alert system for search and rescue teams and other communities. Further, if regional or statewide alerts were necessary, the department would activate an emergency alert system (EAS) either by contacting DPS or using a backup system in the emergency operation center.

[9:21:44 AM](#)

REPRESENTATIVE ISAACSON surmised the reason for both DMVA and DPS to be involved is that DPS needs to know the community can respond quickly, and the Division of Homeland Security and Emergency Management is responsible for general emergency planning. Thus he envisioned this coordination being incorporated into the emergency planning documents and procedures in communities.

MR. O'HARE answered that is correct.

REPRESENTATIVE ISAACSON said this seems to be already within DMVA's purview, and the division doesn't need legislation to do these emergency planning tasks.

MR. O'HARE answered that this could annex a local emergency operations plan that a local community deemed necessary. The division would operate under the guidance of the governor's initiative and any laws developed by the legislature to accomplish [the emergency search and rescue for vulnerable adults.]

REPRESENTATIVE ISAACSON surmised the next part is to ensure the search and rescue effort is also done through news broadcasts. He offered his understanding that the emergency system allows the division to basically connect every community to address earthquakes or other emergencies. He asked whether this system can be used to alert not only the public safety agency, but also fire departments, police departments, municipalities, and communities. He asked whether the Alaska Land Mobile Radio System (ALMR) would be used.

MR. O'HARE responded that the infrastructure for ALMR is a vital piece of day-to-day emergency communication, but the system is not a statewide system. However, he identified the EAS as a statewide relay that goes over various media, which would be used on a case-by-case basis. He said that development of a localized plan for alerting the community to be on the lookout for a missing vulnerable adult may be as simple as an e-mail notification system to broadcasters or quick phone calls out to first responders and local search and rescue teams. In fact, the effort may not warrant a statewide or further regionalized warning.

[9:26:15 AM](#)

RODNEY DIAL, Lieutenant; Deputy Commander, A Detachment, Alaska State Troopers, Division of Statewide Services, Department of Public Safety (DPS), stated that the department is neutral on HB 59, but supports the intent of the bill. With respect to a previous question, he said the department does not see the proposed legislation creating a notification system similar to an Amber Alert. In fact, if the department were to expand its Amber Alert System to incorporate the vulnerable adults, it would result in a fiscal note to the department. He said that under the proposed bill, the department envisions a plan would be created in conjunction with DMVA to develop a localized contact list and policy the department would use to disseminate to media outlets in the area when a "qualifying" vulnerable person went missing. Currently, the department maintains emergency and immediate contact lists at all of its Alaska State Trooper posts that can be utilized in missing person cases. Further, the department works with media regarding wanted or dangerous individuals. Thus, the main difference that would result under the bill would be a change in the amount of discretion the department has and when the department would issue notifications. Therefore, the notification system would basically consist of phone, e-mail, and facsimile ("fax") systems to the media outlets. The department would potentially use its regional dispatch centers to receive information and send out the notifications. Using such a format to coordinate and implement the [missing vulnerable adult prompt response and notification plans] would not result in any cost to department, he said.

[9:28:21 AM](#)

LIEUTENANT DIAL, in response to Chair Lynn, reported that currently the department has no set waiting period and assesses

missing person cases on a case-by-case basis. Certainly, the department exercises discretion in terms of the amount of the initial response it directs to a case. For example, a certain percentage of individuals in communities frequently go missing, and the department's response to them may be different from its response to a report of an elder with dementia who has wandered away from his/her home. He acknowledged that municipalities may have slightly different policies with respect to timing of activating elements for each situation; however, the department treats every missing person as an emergency. Of course, the department has always been responsible for search and rescue efforts statewide and takes actions to resolve situations as quickly as possible.

[9:30:05 AM](#)

CHAIR LYNN asked whether HB 59 would enhance the safety of elders.

LIEUTENANT DIAL answered that the greatest benefit of this legislation may be to the smaller municipalities that do not already have a plan in place. Additionally, it would encourage communities to use the [missing vulnerable adult prompt response and notification plans], since they would be available. The department currently has search and rescue plans in place and it uses the media for notifications when it believes the notifications would be helpful.

[9:30:52 AM](#)

REPRESENTATIVE KELLER asked Lieutenant Dial to clarify the reason the bill would benefit municipalities, since the mandate is for the department [to implement missing vulnerable adult prompt response and notification plans.]

LIEUTENANT DIAL explained that the department would create the plans, which would basically "push" some of the communities to develop a short plan. Typically, the communities would call the department's regional dispatch centers to have the notifications happen. He said the department would assist in local efforts and try to comply with the intent of HB 59 by bringing some of the smaller municipalities on-line and obtain commitment for use of the plan.

CHAIR LYNN offered his understanding that the department would formalize a plan and impose it on communities.



LIEUTENANT DIAL said he does not think the department would have the authority to mandate municipalities to use a plan, but it would create the plan in conjunction with DMVA and try to convince them to use it. He envisioned the department would take action on behalf of municipalities by issuing regional notifications. In further response to a question, Lieutenant Dial indicated the department could currently take that action now.

[9:33:09 AM](#)

PATRICK CUNNINGHAM, MSW, DSW; Member, Board of Directors, Alzheimer Resource Agency, stated that this agency provides services throughout Alaska for persons who have Alzheimer's disease and related dementia and their families. Additionally, he serves as an associate professor at the University of Alaska Anchorage's (UAA) School of Social Work in the College of Health. He estimated that approximately 7,000 Alaskans have "this disease." He said an unfortunate manifestation of "this disease" is that 6 of 10 dementia victims will tend to wander at least once from their place of residence and be unable to make their way home or to a safe place. According to the National Alzheimer's Association, if not located within a 24-hour period, the person may suffer a serious injury or death. For example, last summer an elder woman became missing and was later found dead just off the Tony Knowles Coastal Trail in Anchorage. Additionally, some adults with physical and intellectual disabilities, persons with mental illness who may become distraught and suicidal, and soldiers or veterans who suffer from traumatic brain injuries or post-traumatic stress disorders may become disoriented and also be in need of assistance. Further, these people could be on foot or in a motor vehicle. Additionally, he reported that many of the beneficiaries of the Alaska Mental Health Trust Authority fall into these categories.

DR. CUNNINGHAM reported that approximately 35 states have already put into place some type of a Silver Alert program. The current system in Alaska is fragmented, and HB 59 would remove that fragmentation by creating a safety plan for vulnerable adults and promoting awareness about the vulnerable adults. In fact, the underlying value of this bill is the preservation of human life. He offered the Alzheimer Resource Agency's strong support for this bill and said he hopes it will become law. He thanked members for the opportunity to testify and for legislators' service to Alaska.



REPRESENTATIVE KELLER surmised that as prevalent as Alzheimer's disease is, nearly everyone on committee has someone they know with the disease.

[9:36:33 AM](#)

BRADLEY JOHNSON, Deputy Chief, Fairbanks Police Department; Vice President, Alaska Association of Chiefs of Police, Inc., offered to answer any questions members may have. In response to Chair Lynn, Mr. Johnson said passage of HB 59 would not substantially change what is currently being done, but he believes the bill would add tools that would speed up response time. Typically when the department receives a report of a missing vulnerable adult, the department will determine which measures to implement to attempt to locate the person. He indicated that if the situation rose to the level of a need for an areawide search or if the department determined it was necessary to get the word out to the public quickly, the bill could help provide access through DPS, including the EAS. He said he understands some concern surrounds who could request the service and under what criteria.

[9:38:36 AM](#)

MR. JOHNSON said he thinks law enforcement currently does a good job of assessing the circumstances of the report and determining the vulnerability of the missing person as well as the validity and immediacy of the need to locate the missing person. He offered his belief that the process his police agency would use would be to notify the Division of Alaska State Troopers, which would provide additional assessment before any type of notification was made. Further, he stated his belief that the bill is appropriate and would afford Alaska's police departments and organizations some tools not currently available.

[9:39:32 AM](#)

CHAIR LYNN characterized a missing vulnerable adult as a form of a missing person. Thus the local police organization would assess the danger to the missing person. He asked whether the department would assign a priority based on the report. For example, the priority may differ for a missing Alzheimer's patient, a teenager who has left the house, or a husband who hasn't come home on time.

MR. JOHNSON answered yes; that's exactly what the police department would do. He related his understanding of HB 59 is

that under specific circumstances, the department would afford the police agency an opportunity to use tools currently used in the Amber Alert system specifically for missing vulnerable adults.

9:40:52 AM

REPRESENTATIVE ISAACSON said Mr. Johnson's responses clarified that the proposed legislation does not merely sound good, but would offer practical application in helping vulnerable citizens. He offered his understanding the proposed legislation would give police departments some tools, speed up the notification period, and have a practical application in helping vulnerable citizens.

MR. JOHNSON answered that is correct.

9:41:36 AM

KEN HELANDER, Advocacy Director, AARP, stated that he has worked with the Alzheimer's Resource Agency and the many families who have experienced problems related to dementia. He offered support on behalf of AARP for HB 59, since it would provide an additional tool in an array of tools [for missing vulnerable adults.] He found that the [search and rescue] response always begins locally to make sure the person is found quickly. However, if an elder is not found quickly, the net would need to widen. He reported that the National Alzheimer's Association released 2013 facts and figures, and the most startling news is one out of three elders will die with Alzheimer's disease and some symptoms of dementia. Luckily, only once did he find it necessary to activate the actions this bill would call for, since most of the time a vulnerable adult will go missing in close proximity to the place in which they receive care. In closing, he offered his belief that given the complexity of our lives, HB 59 would give reassurance to communities and especially to family members who bear the burden of the responsibility daily to care for those with Alzheimer's disease or dementia.

9:44:32 AM

KEN SPADAFORA, Lieutenant, Anchorage Police Department (APD), stated that one of his responsibilities is for the communications center at APD. He said that APD generally supports efforts that will help find missing people. However, Anchorage has extensive policies and tools set up in Anchorage,

especially since APD has more resources than some police agencies and communities. For example, the department has specific policies for different situations, such as runaways, missing adults, and people of need. It is a myth that police must wait 24 hours before an agency will respond. In fact, if life threatening circumstances arise, APD can quickly "ratchet up" its resources.

MR. SPADAFORA asked members to keep in mind that the Amber Alert System was designed for rapid and widespread alert of criminal abductions of children, to prevent children from being murdered or raped. He expressed concern over anything that would dilute the system, such as using it for non-criminal situations. In fact, each week APD receives reports of one or two elderly people who have wandered away from an assisted living home, and the department would not put a regional broadcast out for missing persons in those situations. He warned that if the alerts are frequently occurring, the public will become numb to the request for assistance. He admitted that does not seem to be happening, but said he wanted to express his concern. In conclusion, Lieutenant Spadafora stated that APD already has plans in place, but he offered his support for any action or bill that would provide process and policy for the smaller communities. He assured members that APD would lend any assistance to any other agency that needs it.

[9:47:39 AM](#)

REPRESENTATIVE GATTIS reminded the committee that the proposed bill would not be limited to the elderly, but would pertain to "vulnerable adults."

[9:48:27 AM](#)

DENISE DANIELLO, Executive Director, Alaska Commission on Aging, Division of Senior and Disability Services (DSDS), Department of Health & Social Services (DHSS), stated that the Alaska Commission on Aging is charged with making recommendations to the governor, the legislature, and the administration on budget appropriations, regulations, and services for older Alaskans. She said the commission is concerned with the growing number of people with Alzheimer's and dementia, which is primarily due to the aging of Alaska's population. She explained that Alaska is number one in percentage of elders residing in the state, which has been the case for four years. More than 6,100 elders reside in Alaska who are 65 and older and have Alzheimer's disease. She reported this number is expected to triple. Ms. Daniello

said "wandering" really affects the elderly population. She related that the commission has been working to determine the number of people who are 100 years old or older. She reported that this segment of the population has increased by 52 percent since 2010. The commission has been working on a state plan devoted to people with Alzheimer's disease. As part of its development effort, the department has taken surveys and done community forums. She reported that the commission completed seven community forums last year, with 161 attendees. One of the main concerns expressed during the forums was public safety for people with Alzheimer's disease. Respondents see a need to enhance and increase the state's coordinated response system. She offered the Commission on Aging's support for the bill, since it will help increase awareness about the needs of people with cognitive impairment and will help reduce [emergency search and rescue] response time.

[9:52:05 AM](#)

CHAIR LYNN asked whether the current system is adequate.

MS. DANIELLO offered her belief that HB 59 would enhance the current system, because it would provide more emphasis on community response. By sending out alerts through the public media and social networks more people will look for the missing person, in addition to the public enforcement officials.

[9:53:36 AM](#)

DAVE TALERICO, at the request of the sponsor, came forward to testify. He stated that he is staff to Representative Doug Isaacson, but is speaking on his own behalf today. He spent 10 years as Denali Borough Mayor, as well as having served on the assembly and school board. He indicated he was intrigued by the bill. He spent years working on an all-hazards plan for the Denali Borough. He characterized the location of the borough as being unique, since it borders the Matanuska-Susitna Borough and the Fairbanks North Star Borough, with two major transportation corridors traversing the borough. He identified the highways as the George Parks Highway and the Alaska Railroad. He said the Denali Borough's emergency responders are pretty busy. Although the borough residents only number 1,800 people, emergency responders respond approximately 600 times per year. The Denali Borough has developed a large search and rescue program within the all-hazards plan. He pointed out the numerous times search and rescue operations have occurred near the Teklanika River as a result of the Into the Wild film, which made the bus

[Christopher McCandless used as a shelter] an attraction. He reported that the Denali Borough revamps its search and rescue plan every two years, but he noted the plan does not mention vulnerable adults. The Denali Borough has an AST detachment in the area, and four troopers live within the borough. He commended the job AST performs on the Parks Highway and within the Denali Borough. At times, for search and rescue operations, troopers cover a 180-mile stretch of the Parks Highway. Therefore, at any given time, an AST could be over an hour away from the crisis. He reported that there are over 100 pagers in the area for volunteers who are part of the search and rescue effort.

[9:56:45 AM](#)

MR. TALERICO discussed the change of demographics of the area in which he has been a resident for 44 years. In the past, people would leave when they became retirees, but he said that does not happen any longer. As residents tend to stay, the demographics have also changed. Additionally, he emphasized that there is a substantial difference between vulnerable adults and regular missing persons, since the needs of vulnerable adults probably require attention much sooner. He expressed interest in seeing this bill move forward, not only for the planning aspect, but for the communications aspect. He said emergency responders for the Denali Borough are dispatched from the University of Alaska Fairbanks dispatch center. He envisioned that the additional planning required under HB 59 could streamline and improve the effectiveness of the response process for his area.

MR. TALERICO related that he had an uncle who suffered from Alzheimer's disease, who was once found a considerable ways from his home in Seattle, because he had somehow managed to travel quite a distance on foot and by bus. He appreciated the sponsor bringing [HB 59] forward, since the effort could make substantial changes in [how vulnerable adults are assisted] in all municipalities in Alaska.

[9:59:57 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 59.

[10:00:15 AM](#)

[HB 59 was held over.]

10:00:42 AM

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:00 a.m.