

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

March 31, 2015

8:06 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative David Talerico  
Representative Louise Stutes  
Representative Max Gruenberg  
Representative Jonathan Kreiss-Tomkins  
Representative Liz Vazquez

**MEMBERS ABSENT**

**COMMITTEE CALENDAR**

SENATE CONCURRENT RESOLUTION NO. 6  
Proclaiming April 2015 as Sexual Assault Awareness Month.

- MOVED SCR 6 OUT OF COMMITTEE

HOUSE BILL NO. 160

"An Act relating to the art requirements for certain public buildings and facilities and to the funding of works of art."

- HEARD & HELD

HOUSE BILL NO. 117

"An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."

- MOVED CSHB 117(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 6

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH:APRIL 2015

SPONSOR(S): SENATOR(S) MEYER

03/02/15	(S)	READ THE FIRST TIME - REFERRALS
03/02/15	(S)	STA
03/10/15	(S)	STA AT 8:30 AM BUTROVICH 205
03/10/15	(S)	Moved SCR 6 Out of Committee
03/10/15	(S)	MINUTE(STA)

03/11/15 (S) STA RPT 5DP  
 03/11/15 (S) DP: STOLTZE, COGHILL, MCGUIRE,  
 WIELECHOWSKI, HUGGINS  
 03/16/15 (S) TRANSMITTED TO (H)  
 03/16/15 (S) VERSION: SCR 6  
 03/18/15 (H) READ THE FIRST TIME - REFERRALS  
 03/18/15 (H) STA  
 03/31/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 160

SHORT TITLE: REPEAL ART IN PUBLIC PLACES REQUIREMENT  
 SPONSOR(S): REPRESENTATIVE(S) GATTIS

03/23/15 (H) READ THE FIRST TIME - REFERRALS  
 03/23/15 (H) STA, FIN  
 03/31/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 117

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS  
 SPONSOR(S): REPRESENTATIVE(S) TARR

02/18/15 (H) READ THE FIRST TIME - REFERRALS  
 02/18/15 (H) STA, JUD, FIN  
 03/26/15 (H) STA AT 8:00 AM CAPITOL 106  
 03/26/15 (H) Heard & Held  
 03/26/15 (H) MINUTE(STA)  
 03/31/15 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

EDNA MORELAND, Staff  
 Senator Kevin Meyer  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Presented SCR 6 on behalf of Senator Meyer,  
 prime sponsor.

PEGGY BROWN, Executive Director  
 Alaska Network on Domestic Violence and Sexual Assault  
 Juneau, Alaska

**POSITION STATEMENT:** Testified and answered questions during the  
 hearing on SCR 6.

REPRESENTATIVE LYNN GATTIS  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Presented CSHB 160 as prime sponsor.

ENZINA MARRARI, Curator  
Public Arts Program  
Municipality of Anchorage  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on CSHB 160.

SHANNON DAUT, Executive Director  
Alaska State Council on the Arts  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on CSHB 160.

ANNE COATES McGRATH  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on HB 160.

KESLER WOODWARD  
Vice Chair  
Alaska State Council on the Arts  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on CSHB 160.

JUNE ROGERS, Executive Director  
Fairbanks Arts Association  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on CSHB 160.

NANCY DeCHERNEY, Executive Director  
Juneau Arts & Humanities Council  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition during the hearing  
on CSHB 160.

REPRESENTATIVE GARRAN TARR  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented CSHB 117 as prime sponsor.

RAY FRIEDLANDER, Staff  
Representative Gerran Tarr  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Discussed changes in HB 117, Version E, on behalf of Representative Tarr, prime sponsor.

ORIN DYM, Forensic Laboratory Manager  
Alaska Scientific Crime Detection Laboratory  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSHB 117.

DEAN WILLIAMS, Special Assistant  
Office of the Commissioner  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 117.

JESSICA CLER, Manager  
Alaska Public Affairs  
Planned Parenthood Votes Northwest  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on CSHB 117, testified in support.

NANCY PORTO  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on CSHB 117, testified in support.

#### **ACTION NARRATIVE**

[8:06:33 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Kreiss-Tomkins, Stutes, Talerico, and Lynn were present at the call to order. Representatives Gruenberg and Vazquez arrived as the meeting was in progress.

#### **SCR 6-SEXUAL ASSAULT AWARENESS MONTH:APRIL 2015**

[8:07:13 AM](#)

CHAIR LYNN announced that the first order of business would be SENATE CONCURRENT RESOLUTION NO. 6, Proclaiming April 2015 as Sexual Assault Awareness Month.

[8:07:33 AM](#)

EDNA MORELAND, Staff, Senator Kevin Meyer, Alaska State Legislature, explained that SCR 6 proclaims April, 2015 as sexual assault awareness month which is an annual campaign to raise public awareness and educate communities and individuals on how to prevent sexual assault violence across the nation. She described sexual assault violence as a serious public health problem affecting one in five women, and one in seventy-one men in their lifetime. However, in Alaska, the rates are approximately two and one-half times the national average and, she noted, statistics do not [accurately] represent the problems as often victims do not report the violence to the police. Sexual assault violence can lead to long term physical and mental health problems, therefore, she pointed out, bringing awareness to the crime of sexual assault and recognizing the enormity of the problem can be properly addressed and prevented by lifting the veil of secrecy hiding these horrific crimes.

[8:09:51 AM](#)

PEGGY BROWN, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, advised that the Alaska Network on Domestic Violence and Sexual Assault is comprised of approximately 20 victim service agencies throughout the state. Sexual assault and sexual abuse of minors is a problem in Alaska and, she acknowledged there are many people performing good work in assisting victims and survivors.

CHAIR LYNN asked Ms. Brown to describe two to three hurdles in reducing sexual violence, and where to start in that people may be reluctant to report the violence.

MS. BROWN emphasized "prevention, prevention, prevention," in that sexual assault violence prevention education must be present everywhere male and female children and/or young adults reside, and [the legislature] should review the criminal arena for improvement. She pointed out that in 2012 there were 804 reported cases of sexual assault and of those 804, 8 percent resulted in some type of correction, which sends the message "why should I report." She said she has asked attorneys in the legal system, Department of law attorneys, and paralegals, should they be sexually assaulted would they report, and eight out of ten said "No, because they just don't want to have to go through the long process."

[8:12:37 AM](#)

CHAIR LYNN interjected "where the victim gets victimized twice."

MS. BROWN agreed, and related that people want to move on even though they want the "bad guy" caught. She suggested shortening the time a criminal case is addressed, and truly investing in prevention work for sexual violence. She stated there has been a slow reduction in teen sexual violence within the past five years.

CHAIR LYNN closed public testimony after ascertaining no one further wished to testify.

[8:14:00 AM](#)

REPRESENTATIVE KELLER moved to report SCR 6 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SCR 6 was reported from the House State Affairs Standing Committee.

**HB 160-REPEAL ART IN PUBLIC PLACES REQUIREMENT**

[8:14:26 AM](#)

CHAIR LYNN announced that the next of business would be HOUSE BILL NO. 160, "An Act relating to the art requirements for certain public buildings and facilities and to the funding of works of art."

[8:14:45 AM](#)

REPRESENTATIVE KELLER moved to adopt proposed committee substitute for HB 160, labeled 29-LS0696\H, as the working document. There being no objection, Version H was before the committee.

[8:15:15 AM](#)

REPRESENTATIVE LYNN GATTIS, Alaska State Legislature, said that between 2004-2013, the Department of Transportation and Public Facilities, the Department of Education and Early Development, and the Alaska Court System spent a combined total of \$9,129,581 on art program expenditures. She explained there are two parts to Version H: enacting a five-year moratorium on one percent funding for art in public places, July 1, 2015 - July 1, 2020; enacting a sunset date on the art works in public buildings and facilities' statute, as well as the art in public place fund.

She pointed out that the original bill did not discuss the moratorium but the Arts Council requested time in which to become self-sufficient recognizing that the goal of the bill is to no longer fund one percent for arts. She advised that the compromise of the five-year moratorium is not funding but allowing the Art Council to sell art work and lend art work to become self-sufficient. She acknowledged that she "read it backwards," and said Version A repealed all statutes requiring one percent funding for art in public buildings and facilities as well as amending other statutes referencing the one percent for arts. Version H, she pointed out, changes that requirement for one percent funding for art in public buildings and facilities with a five-year moratorium July 1, 2015 - July 1, 2020, it also includes a sunset date on AS 35.27, the art in public places fund. She advised that the legislature can no longer afford to offer these nice things, that the legislature values art and artists, but the state will no longer sponsor them. She offered hope that the Arts Council will become self-sufficient.

[8:18:50 AM](#)

CHAIR LYNN noted that currently the arts receives one percent and asked how much money would this put back into the main stream to be used for other purposes in a time of fiscal shortages.

REPRESENTATIVE GATTIS responded it would put one percent of the project ...

CHAIR LYNN restated, in approximate dollars, how much more money would the state have to spend for other things.

REPRESENTATIVE GATTIS answered, "I guess ... if you don't have a project then you don't have any money for that one percent of that project." She noted that the legislature is considering not funding capital projects, specifically schools, at this time and remarked from the schools' standpoint ...

CHAIR LYNN interjected that money not spent on anything will go back into the general fund to be spent on other necessary items.

REPRESENTATIVE GATTIS replied that whatever one percent of the project is, that is how much will be saved.

CHAIR LYNN asked how one qualifies to have a piece of art displayed.

REPRESENTATIVE GATTIS responded that it is different in different places, although, at one time within the Matanuska-Susitna School District there was art for Wasilla High School and the Wasilla Art Group and the Wasilla High School Principal chose the art.

CHAIR LYNN surmised that artists submit the art or a description of the art and someone decides.

REPRESENTATIVE GATTIS answered that through that particular art program at Wasilla High School is how it was decided and other art was chosen by the school board, as it can be decided in a different manner within the same community.

[8:21:50 AM](#)

REPRESENTATIVE TALERICO advised he is torn by the fact that the art, within his involvement with the municipal government, was created by local artists and Alaska residents, and although there will be a savings there is also the benefit of allowing Alaskan artists a market. He said he is struggling with this bill.

REPRESENTATIVE GATTIS referred to his comments and stated that is the reason she compromised with the Arts Council to assist them in becoming self-sufficient within the next five years. She put forth that it is not her desire to take away from local Alaskan artists, but rather to recognize that within these budgetary times the Arts Council believes it can develop creative ideas to become self-sufficient.

[8:23:55 AM](#)

ENZINA MARRARI, Curator, Public Arts Program, Municipality of Anchorage, said in the 15 years she has lived in Alaska has known several individuals who have benefited from the public art program, as they have been awarded opportunities for professional growth, development, financial sustainability, and exposure both locally and nationally. Additionally, she said, she has seen Anchorage and the state benefit from this program by gaining cultural, social, and economic value. She pointed out that Alaska was a pioneer in the national movement, 8th grade art work in public buildings, having adopted the public arts statute in 1975, and noted that losing this legacy would be a tremendous loss for Alaska yet would have virtually no impact on the state's operating or capital budgets, she said.

She pointed out that the City of Anchorage and State of Alaska aspire to be areas people want to live and visit, and a strong public art expression offers communities a stronger sense of place and identity, thereby, public art reflects community and cultural identities and creates public investment and pride in the city and state. She pointed out that funds from percent for art commissions also support fabricators, electricians, welders, engineers, and other skilled workers. According to Americans for the Arts, cities with an active and dynamic cultural scene are more attractive to individuals and businesses. She said that public art stimulates learning about art, environments, inter-connected lives, and the social sphere as a whole. Investing helps to diversify the state's art economy through recognition of the roles artists play as small business owners. Lastly, she advised, HB 160 will not impact the state's overall operating or capital budgets, as percent for art funds are specifically allocated to construction budgets and would likely be reallocated to other construction expenses within each individual project.

CHAIR LYNN advised that the bill is not for or against art, but is a moratorium on one percent for art.

8:30:50 AM

SHANNON DAUT, Executive Director, Alaska State Council on the Arts, advised that at the time one percent for art was passed Alaska as a state was 16 years old, and a pioneer in the movement of integrating public art into public buildings. Thereby, she said, creating a more open and assessable environment for interaction within public spaces. Through the years an incredible collection of assets has been developed reflecting the state's cultural history and, she pointed out, these assets are the sole part of construction budgets that appreciates over time. She then discussed the role the program plays for artists in making a living, improving Alaska's financial picture, quality of life, and outlined the national standards the Alaska State Council on the Arts adheres to when presenting a commission. She expressed that the council understands the budget situation and everyone feels like "they are in this together," but this moratorium would disproportionately cut the arts and artists, and the percent for arts program was designed to contract when the capital budget shrinks, "it's kind of built in, in the cake."

8:35:09 AM

CHAIR LYNN asked for clarification as to whether Ms. Daut stated "art is part of the eco-system."

MS. DAUT responded that artists must be smart in creating a career for themselves as independent sole proprietor and within this eco-system there are a variety of different things that assists artists in moving forward. She related that it includes professional development, gallery sales, gallery representation, working in schools with children, teaching at universities or in schools, and that public art is a significant component of that. Finances are just one piece, as within each of the projects contractors, fabricators, welders, are hired, and often artists going through the process of public commission are able to hone their skills with a greater level of sophistication in which they approach their business. Lastly, she said, the public art commission can help gain exposure for artists nationally and internationally.

[8:37:31 AM](#)

ANNE COATES McGRATH, Anchorage, Alaska, said she grew up in Anchorage, is a graphic designer and artist, and her mother Pam Coates was very involved in the percent for arts program. She said the rich culture and environment inspired her to become an artist, so she traveled to Los Angeles to attend an arts school for design, and returned to Alaska a few years ago due to the naturally rich beauty and culturally rich community. She related that public art provides access to everyone, and can be inspirational through its stories in a manner beyond the reach of common language. It is important to provide children access to art even though their parents may not be deeply involved, as some of the children go on to become artists, architects, and designers, which impacts the world in positive ways. She stressed that public art is essential to communities and she would be disappointed to see the rich cultural element hampered in any manner.

[8:41:29 AM](#)

KESLER WOODWARD, Vice Chair, Alaska State Council on the Arts, said he is testifying on his own behalf and as the president of the Alaska Arts and Culture Foundation, not for profit. He fervently urged the committee not to be lulled into believing that the five year moratorium will have an effect other than to kill this highly successful work program, and the moratorium will have no positive impact on state budgets. He pointed out

that 40 years ago, when Alaska was a young and visionary state, Alaska became the third state in the country to adopt the percent for art law and currently more than half of the states have thriving programs of this sort. He related that he has a sense of what Yogi Berra famously called "Déjà vu all over again," as over the decades legislation has been proposed several times to repeal this law. The issue of the cost of the program has been raised over the decades and, he remarked, the issue was successfully explained in that repeal of this law would not save the state any money as the statute requires that one percent of existing state capital construction budgets be used for art in public buildings. He pointed out that repealing this law will not lower the cost of state buildings and will only impoverish the "built" environment. He reminded the committee that it has received compelling testimonies from councils and artists on these facts, and reiterated that there is no state funding on top of existing capital construction budgets.

[8:45:36 AM](#)

REPRESENTATIVE KELLER referred Mr. Woodward and other witnesses' testimonies that [repeal] would have absolutely no effect on the operating or capital budget. He stressed that while he deeply appreciates the value of art and the enrichment of Alaskans, there is a portion of state revenue being spent. He opined that the blanket statement goes too far by declaring it has no effect.

MR. WOODWARD answered that state building cost what they cost and allocations are made within the capital construction budget, and those figures are set. He explained that one percent is not added on top of that capital construction budget in order to buy art as that art comes out of that budget the same as "everything else." It goes for the same things the rest of the construction budget goes for such as, design, engineering, and outfitting of those buildings. He said if this one percent was not spent on art, it would be spent on such things as windows, flooring, and bathrooms. He offered that a successful case has been made over the years that eliminating this program won't save any money and that it is a false belief to think that the building will cost one percent less, as the building will cost just the same.

[8:47:58 AM](#)

REPRESENTATIVE KELLER commented that he has a construction background and if there is a one percent requirement on the

cost, assuming this is all operated on a bid system, it does have an impact on the bids. He referred to Mr. Woodward's statement that 40 other states have similar programs, and asked whether they are all state sponsored programs.

MR. WOODWARD clarified that he said just over half of the states in the country now have a program of this sort, and 26 states with a percent for arts program mandates that a small percentage of funding is included for state funded buildings.

8:49:40 AM

CHAIR LYNN passed the gavel to Vice Chair Keller as he was presenting a bill in the Senate State Affairs Standing Committee. He advised he supports CSHB 160, and would like to move it out of committee.

8:50:11 AM

JUNE ROGERS, Executive Director, Fairbanks Arts Association, expressed concern for CSHB 160, and acknowledged the dire circumstances before the legislature and is grateful for their pursuit of budget solutions. However, she said, she cannot support the advancement of this bill as the economics of budget decisions do not hold up to scrutiny. Repealing the act would not bring new dollars to the budget, rather it would be reallocated to other costs in each individual capital project budget. She pointed out that when investing state dollars in public art or enhancements, it is important to understand the results expected. Artists are a significant segment of a community's diversity of economics, she described, and their work is important to the advancement of their own small business ventures and those of their suppliers. She advised that the appreciation of a piece of art is something to think about, and questioned which segment of Alaska's economy is expendable. There are areas of excess in the budgets that can and should have been cut before being compelled to reckon with the current budget problems, she expressed.

8:53:05 AM

NANCY DeCHERNEY, Executive Director, Juneau Arts & Humanities Council, referred to the questions regarding whether the state is saving money by eliminating the percent for art, and advised that simply because "it is a percentage of something that if there is no ... a percent of zero is still zero." She opined that she does not know whether there is an analysis of the

income actually seen from having public art in Alaska's airports and public buildings, and noted that the Juneau State Capitol Building is a source of tourist destination having to do with its history and also the beautiful building with pieces of art. The business of jobs has come forward and the amount of work developed by local artists and, she said, they are working hard to use the arts in a creative fashion to make Juneau a center for Northwest Coast art. She suggested the committee to not only consider the one percent savings over a period of time, but also what might be lost over a period of time by not investing art into Alaska's public.

VICE CHAIR KELLER closed public testimony after ascertaining that no one further wished to testify.

8:55:51 AM

REPRESENTATIVE GRUENBERG indicated his step-father was an artist and his art work appears in San Francisco, and somewhat in Alaska. He said he has no financial interest in this, but has a spiritual interest and agrees with those who have weighed in against this bill.

8:57:10 AM

REPRESENTATIVE KREISS-TOMKINS offered concerns about the bill, and although he appreciates the intent and motivation of the sponsor given the current climate, opined that this would be looking in the wrong direction. He referred to Representative Talerico's comments in that with one percent for the art there are very small commissions being parceled out to local artists. He said that not only does this money stay local, it stays "ultra-local" and continually recirculates creating a huge amount of activity proportional to the relatively small amount of money being discussed. In reviewing the economic sense, he described a huge return for a small investment. He advised he spoke with someone in this building regarding the University of Alaska system who believes the University of Alaska should be the University of Alaska. He said this person believes the legislature should do everything possible to make sure ... compare it to the University of Kansas and you can actually tell the difference as the University of Alaska speaks to programs such as, arctic engineering, GEO physics, and cold climate housing research. He then referred to buildings in Alaska, public schools, and public facilities and said it is important that the places Alaskans live and work do not look like buildings in other states. He said in growing up around Alaska,

the one percent for art effectively differentiated and gave the students a sense of place and identity, and possibly patriotism for Alaska.

[9:00:01 AM](#)

VICE CHAIR KELLER commented that some of the testimony makes it appear this is a vote for or against art, which puts everyone in a bad spot. He opined that the question is whether the state will subsidize art, even though it has been portrayed as not a subsidy and rather an innocent requirement that one percent extra be spent on public buildings. He further opined that it translates out to subsidy.

VICE CHAIR KELLER said he will set the bill aside.

[9:00:57 AM](#)

REPRESENTATIVE GRUENBERG commented that his former brother-in-law is a well-known local artist, who sculpted the bear across the street, the bears at DiPac, and will be sculpting the whale, and everyone in Juneau sees those sculptures on a daily basis. He said he will not be offering amendments.

[9:02:18 AM](#)

VICE CHAIR KELLER announced that HB 160 was held over.

**HB 117-SEXUAL ASSAULT EXAMINATION KITS**

[9:02:29 AM](#)

VICE CHAIR KELLER announced that the last order of business would be HOUSE BILL NO. 117, "An Act requiring a report on untested sexual assault examination kits; and providing for an effective date."

[9:03:04 AM](#)

REPRESENTATIVE STUTES moved to adopt the proposed committee substitute (CS) for HB 117, Version 29-LS0386\E, Martin, 3/27/15, as the working document. There being no objection, Version E was before the committee.

[9:03:25 AM](#)

The committee took an at-ease from 9:03 a.m. to 9:05 a.m.

9:04:54 AM

REPRESENTATIVE GARRAN TARR, Alaska State Legislature, in response to Representative Gruenberg, advised that the previous version was "W," and that suggestions and questions offered during the previous meeting are contained within Version E.

9:06:25 AM

RAY FRIEDLANDER, Staff, Representative Gerran Tarr, Alaska State Legislature, advised that the changes in Version E include: page 1, line 7, changed date from July 1, 2015 to September 1, 2015; page 1, line 13, changed date from September to November 1, 2015; page 2, lines 10-16, the definition of "untested sexual assault kit" was expanded to include the phrase "with evidence" (line 11) in order to ascertain the audit is specifically for kits with evidence, as opposed to kits not utilized by local law enforcement agencies and state departments. In addition to that change, she said, the sponsor further elaborated on the definition to include not only kits that have been collected and not submitted to the lab, but also collected kits that have been submitted to the lab and not yet processed with DNA or serological testing. She reiterated this is to ensure that the audit only includes kits with evidence, and the expansion of the definition to encompass the crime lab.

9:09:07 AM

VICE CHAIR KELLER requested the history of where the kits originated as credit is due, and assumed the motivation was that the kits would be a tool readily available for medical and enforcement to ensure the rape was properly investigated.

REPRESENTATIVE TARR responded that this idea was brought to her attention by a national organization working throughout the country in addressing the backlog of untested rape kits. The motivation, she offered, is regarding the violent criminals still on the streets due to untested kits and the DNA results not entered into a database associating them with rape or another crime. She expressed surprise that there is not a uniform protocol for the 150 law enforcement agencies involved in the process. She described the legislation as an opportunity to get everyone on the same page, coordinating the work to ensure a better understanding of what is happening in this state, and allowing the state to possibly seek additional resources. She referred to Mr. Orin Dym's testimony during the

previous meeting, who advised that currently there are approximately 170 untested rape kits at the crime lab and, she stated, the audit could reveal a process of seeking outside funds in addressing the backlog. Representative Tarr referred to Ms. Brown's earlier testimony that it can be difficult for a victim to participate in the ongoing criminal procedures due to the length of time taken to process cases, and thereby being re-victimized on a continual basis by reliving the traumatic event.

[9:13:21 AM](#)

VICE CHAIR KELLER stated that the rape kits are different in every state and not standardized. Currently, the kits are available as a voluntary tool and that parts of the kit can be used [for other incomplete kits] and, he asked whether Representative Tarr had considered that formalizing the process may have an unintended consequence. He posed a scenario of medical staff not using parts of the kit due to the paperwork imposed.

REPRESENTATIVE TARR advised that there is a standardized process one once a kit is open and medical staff collects evidence. She related that there is not a standard process as to what happens next in terms of whether the kit is put on an evidence shelf and sits there for a long period of time until the case moves forward, or whether the kit is always sent in for testing. She indicated the audit will identify best practices and provide a more standardized process and, in the event a piece hindered the process opined that the public safety people are available to avoid that from happening.

[9:15:18 AM](#)

VICE CHAIR KELLER referred to the term "collected" in the bill, and noted that within the audit process it must be decided whether or not "collected" means that is it there for evidence, or whatever. He pointed out that the audit will force things such as that, and noted the term "collected" is not defined in the bill and suggested that possibly it should be included, rather than using it as a lever for reform.

MS. FRIEDLANDER replied, with regard to the term "collected," Legislative Legal and Research Service expanded on it with the phrase "with evidence." She explained it is a kit that has been collected with evidence.

VICE CHAIR KELLER related that as he read the definition it was not clear, and "with evidence" if the definition stopped there he would understand it. He said that parts 1 and 2 discuss, "that have been collected ... and have been collected and submitted," and asked whether that language is sufficient. He offered that possibly it is enough to put it on the record, and wanted to be sure it was on the table.

[9:17:15 AM](#)

REPRESENTATIVE TARR advised that Dean Williams, Department of Public Safety, is available to address Chair Keller's concerns.

VICE CHAIR KELLER restated his question and asked whether a definition of "collected," is necessary, or whether to define the nexus between "what is evidence and what is collected."

[9:18:06 AM](#)

ORIN DYM, Forensic Laboratory Manager, Alaska Scientific Crime Detection Laboratory, Department of Public Safety, answered that with regard to the term "'collected,' once a sexual assault kit is used for the collection of evidence, I find the meaning clear" as they are counting kits once the seals are broken and evidence is collected.

VICE CHAIR KELLER surmised that once the hospital uses a kit it is automatically evidence as far as Mr. Dym is concerned.

MR. DYM answered correct, in that once it is collected it becomes evidence.

VICE CHAIR KELLER asked whether that is a new definition here. He opined from the previous hearing that there are cases within enforcement where a piece may have used out of a kit and the alleged victim decided not to proceed. Therefore, there is collected evidence that hasn't been processed properly by the state and perhaps exacerbated the problem the bill is trying to fix, he suggested.

MR. DYM said whether or not a case is prosecuted doesn't change the fact that it is still evidence, and whether or not it is a prosecutable cases has no bearing on the fact that it is still evidence collected from a crime scene.

[9:20:04 AM](#)

VICE CHAIR KELLER restated his question, and asked whether currently there is evidence that is not being considered evidence because it is not forwarded. He pointed out that if a piece of the kit is used, that is evidence as far as Mr. Dym is concerned, which means the Department of Public Safety must keep the kit and warehouse it forever. He opined that it is not how the kits are being used, but he could be wrong.

MR. DYM said he was trying to get clarity and understand and remarked that if a kit is utilized to collect biological material, that kit is evidence. In the event a partial kit is utilized, he explained, that is still evidence. Within the process of identifying utilized kits in the collection of evidence and not submitted to the crime laboratory, if a piece of the kit has been utilized in evidence collection and is removed from the kit it may be difficult to identify, but he does not have an answer.

VICE CHAIR KELLER asked Mr. Dean Williams whether his understanding of evidence is correct.

[9:22:03 AM](#)

DEAN WILLIAMS, Special Assistant, Office of the Commissioner, Department of Public Safety, responded from the perspective of the Department of Public Safety (DPS), the language is clear in terms of what is being counted. He described it as a good effort because DPS does not know to what extent there may be a problem but if there is one, even a small one, DPS should be aware and develop a plan. He remarked that DPS knows what it is dealing with in terms of untested kits, and if there is evidence in a kit there may be a good reason why the kit was not tested, but DPS should perform a hand count and audit. He said DPS is supportive of the efforts for these reasons.

[9:23:13 AM](#)

VICE CHAIR KELLER surmised that Mr. Williams was discussing the entire bill, and asked whether he was specifically discussing the new definition in Version E, page 2, lines 10-16.

MR. WILLIAMS answered that he discussed the changes with Representative Tarr, and is comfortable with the definition and DPS has a good sense of what it means.

[9:24:03 AM](#)

REPRESENTATIVE GRUENBERG referred to Section 1, subsection (c), which read:

(c) The Department of Public Safety shall deliver a copy of the report prepared under (b) of this section to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available.

REPRESENTATIVE GRUENBERG pointed out that subsection (c) is not necessary in that a few additional words included in subsection (b) would suffice and would eliminate verbiage.

[9:24:20 AM](#)

REPRESENTATIVE TARR, in response to Chair Keller, stated that the bill has two additional committee referrals, the House Judiciary Standing Committee and House Finance Committee.

VICE CHAIR noted that he and Representative Gruenberg can work on the bill in the House Judiciary Standing Committee, should he chose to move the bill.

REPRESENTATIVE GRUENBERG suggested considering an amendment.

VICE CHAIR KELLER opened public testimony.

[9:25:13 AM](#)

JESSICA CLER, Manager, Alaska Public Affairs, Planned Parenthood Votes Northwest, said she is a lifelong resident of Alaska, and currently lives in Anchorage. She stated she is testifying in support of CSHB 117, on behalf of the sexual assault survivors in Alaska awaiting closure and justice. There are approximately 400,000-500,000 untested sexual assault examination kits within the United States, which not only means that sexual predators can evade justice and re-offend, but also leaves thousands of sexual assault survivors without closure. In a state with tragically high sexual assault rape numbers it is crucial that all rape kits are collected, submitted, and tested within a timely manner. She highlighted that CSHB 117 begins the process of addressing the backlog as the state needs to know the number of kits sitting on shelves waiting for analysis. She pointed out that this bill gives law enforcement and the public the information necessary to tackle the amount of untested rape kits in Alaska. The cities and states addressing the issue of their backlog of untested kits have noted significant gains in that

the analysis has identified perpetrators and are making gains in prosecuting these individuals. Alaska needs to follow their lead, she emphasized.

[9:27:45 AM](#)

NANCY PORTO stated that this Easter marks a two-year time period from the moment she experienced a sexual assault. Although, she went to a hospital and fully consented to a rape kit examination, the kit has not been processed and she is waiting on the biological DNA evidence portion of her exam. She expressed that the event was traumatic as she was asleep before it happened, intoxicated, with a narcotic in her system that she did not knowingly ingest. She stressed she does not know exactly what happened other than she woke terrified to the feeling of being touched. She called the police, and at the hospital was informed of a drug in her system that she did not take. On top of that, she explained, the man was and continues to be her sister's boyfriend as she was living with them at the time. She expressed that this event destroyed her family, she experiences extreme difficulty with her college education, and she was forced into a position of having more responsibility than she could handle alone at the time. She related that she knows many other women who have experienced assault, and in addition to the assault, she is haunted by the reasons she has to believe he may have committed crimes with others in his past. Please support CSHB 117, because it can truly be a step in the right direction and give many others closure, she expressed.

VICE CHAIR KELLER closed public testimony after ascertaining that no one further wished to testify.

[9:30:07 AM](#)

REPRESENTATIVE GRUENBERG moved to report CSHB 117, labeled 29-LS0386\E, Martin, 3/27/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 117(STA) was reported from the House State Affairs Standing Committee.

VICE CHAIR KELLER returned the gavel to Chair Lynn.

[9:30:30 AM](#)

The committee took an at-ease from 9:30 a.m. to 9:33 a.m.

9:33:06 AM

CHAIR LYNN remarked that due to the importance of this bill he suggested the committee craft a letter to the Legislative Budget and Audit Committee regarding earlier expressed concerns [that fall under the purview of the Legislative Budget and Audit Committee].

9:34:31 AM

REPRESENTATIVE VAZQUEZ stated that she and Representative Gruenberg [no longer in the room] support the efforts to be made regarding HB 117, as amended, which is the audit of the crime lab.

CHAIR LYNN stated he is glad the bill passed out of committee, but more must be done.

9:35:11 AM

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:35 a.m.