

HOUSE FINANCE COMMITTEE  
March 31, 2017  
1:36 p.m.

1:36:01 PM

CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 1:36 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative Paul Seaton, Co-Chair  
Representative Les Gara, Vice-Chair  
Representative Jason Grenn  
Representative Dan Ortiz  
Representative Steve Thompson  
Representative Cathy Tilton  
Representative Tammie Wilson

MEMBERS ABSENT

Representative David Guttenberg; Representative Scott Kawasaki; Representative Lance Pruitt

ALSO PRESENT

Representative Geran Tarr, Sponsor; Jayne Andreen, Interim Director, Council on Domestic Violence and Sexual Assault, Department of Public Safety; Mary Schlosser, Staff, Representative Fansler; Paloma Harbour, Administration Services Director, Department of Labor and Workforce Development; Representative Sam Kito III, Sponsor; Crystal Koeneman, Staff, Representative Sam Kito III; Kris Curtis, Legislative Auditor, Division of Legislative Audit.

PRESENT VIA TELECONFERENCE

Major Jeff Laughlin, Deputy Director, Alaska State Troopers, Department of Public Safety.

SUMMARY

HB 31 SEXUAL ASSAULT EXAMINATION KITS

HB 31 was HEARD and HELD in committee for further consideration.

HB 49 EXTEND BOARD OF DIRECT-ENTRY MIDWIVES

CSHB 49 (FIN) was REPORTED out of committee with a "do pass" recommendation and with a previously public fiscal note: FN1 (CED).

HB 141 AK WORKFORCE INVESTMENT BOARD; FUNDS

HB 141 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the agenda for the afternoon.

#hb31

HOUSE BILL NO. 31

"An Act requiring the Department of Public Safety to develop a tracking system and collection and processing protocol for sexual assault examination kits; requiring law enforcement agencies to send sexual assault examination kits for testing within 18 months after collection; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date."

1:37:14 PM

REPRESENTATIVE GERAN TARR, SPONSOR, explained the purpose of the bill. She summarized that HB 31 addressed the problems regarding sexual assault examination kits and implemented a better system to process them. She cited victim reporting data from 2015 that indicated 7,662 rapes occurred annually in Alaska. She estimated that roughly 100 sexual assaults occurred in the state since the bill was referred to the House Finance Committee 52 days ago. She provided background on the bill to assist understanding the current committee substitute (CS). She learned that in 2014 a national effort began to address the backlog of many thousands of sexual assault examination kits left untested across the country. The federal government had made funding available to test the backlog of kits it states that met the requirement to produce a completed audit of untested kits. Simultaneously, the governor initiated a leadership role, undertook the audit, and received a multimillion-

dollar grant from the federal Department of Justice. Consequently, the original version of HB 31 addressed the subsequent procedures for handling the kits to prevent backlogs in the future that included a standard processing protocol and a timeline for processing the kits within 18 months of collection. The audit discovered that "the situation in Alaska was dismal," more problematic than anticipated, and required more information to properly address the backlog. She explained that the new CS included provisions for more assessment and information to establish the scope of the current problem along with training and reporting protocols. She referred to the "Explanation of Changes" document (copy on file) that explained the changes to HB 31 from the original version A to the CS. She read the summary of provisions in version A:

1. Requires a tracking system for all sexual assault examination kits
2. Requires a standard protocol for collection and processing of kits
3. Requires all kits be tested within 18 months
4. Requires law enforcement agencies to conduct an inventory of untested kits and required DPS to prepare a report on untested kits

Representative Tarr turned to the new version J CS and pointed out that it did not include the 18-month time limit on testing. She detailed that the information requested in the CS would determine what was required to meet the 18-month testing standard. In the intervening time, the provisions that required additional training, improved victim reporting, and completing the inventory would help "reform the broken system." She communicated that Section 1 and Section 2 required law enforcement training in sexual assault that further defined existing statute. One conclusion stemming from the process to date was the inconsistencies in response among the law enforcement entities when inquiring about the number of backlogged kits. The goal of section 1 and section 2 created a standard protocol for training of all law enforcement officers in the state. She mentioned that section 3 provided definitions. She noted that Section 4 required protocol development for three different types of reports associated with sexual assault and the examination kits. She revealed that the federal Office of Violence Against Women, released a white paper regarding the types of reports a victim of sexual assault should have the right to

choose to file. The reporting recognized that the victims should be allowed to choose how they wanted to engage with law enforcement after an assault. She exemplified that one of the reasons for multiple types of reporting helped protect the victims of sexual assault related to domestic violence. She described the three types of allowable victim reports and read the following:

a. Law Enforcement Report

A victim chooses to obtain a medical forensic exam and chooses to participate in the criminal justice system.

b. Medical Report

A victim chooses to obtain a medical forensic exam but at the time chooses to not participate in the criminal justice system. Evidence and information to law enforcement is released with victim identifying information. A medical reporting victim can choose to have evidence tested.

c. Anonymous Report

A victim chooses to obtain a medical forensic exam but at that time chooses to not participate in the criminal justice system. Evidence and information to law enforcement is released without victim identifying information. An anonymous reporting victim is consenting to evidence storage only.

Representative Tarr informed the committee that the evidence for the kit must be collected within 72 hours. The three types of reporting mechanisms recognized that not all assault victims wanted to press charges or press charges at the time of the assault but allowed for the timely collection of evidence in the event the victim wanted to move forward in the future. She continued with the third item in the bill:

3. Requires law enforcement agencies to conduct an inventory of untested kits and required DPS to prepare a report on untested kits

Representative Tarr conveyed that the initial governor's audit took a voluntary approach and not all law enforcement entities participated. She referenced page 4, lines 6 through 10 of the CS and read the reporting requirements:

- (1) the number of untested sexual assault examination kits stored by each law enforcement agency or department;
- (2) the date each untested sexual assault examination kit was collected; and
- (3) a plan for addressing the backlog and prevention of a backlog of untested sexual assault examination kits.

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Representative Tarr commented that the next step would be to figure out how to test the backlog. She pointed to an article in the Anchorage Daily News titled "Anchorage Serial Rapist Sentenced to 70 Years in Prison" (copy on file). She relayed that the perpetrator named, Clifford Lee engaged in numerous sexual assaults in 2014. One victim managed to escape, which led to his arrest. The DNA evidence connected him to assaults in 2004 and 2001. The conviction emphasized the "power" and "value" of the type of evidence collected in the kits. Historically, the belief was that there was one perpetrator and one victim. However, the view was found not to be true; the truth pointed to a "staggering number" of serial perpetrators for both child sexual abuse and adult sexual assault, and the news story highlighted the behavior. Previously, in cases where a perpetrator was known to the victim, DNA evidence was not collected. She noted that DNA evidence was a "powerful way to link the offenders to other crimes."

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Representative Tarr spoke of a group of businesswomen in Detroit who fundraised thousands of dollars to address the backlog of untested kits and reiterated that the effort was a national movement. Many other states were addressing the problem in the similar manner as Alaska. She reported that 1 in 5 women and 1 in 59 men will be sexually assaulted in their lifetime and alluded to the high rate of sexual assault in Alaska. She believed that the evidence from the backlog will lead to the arrest of many other serial perpetrators making communities safer.

Representative Tarr noted that there was no cost associated with the CS. She explained that the fiscal note (FN1 (DPS) attached to the original bill appropriated funding for the 18-month testing requirement and the cost of the database

for tracking. She commented that both provisions were removed in the CS and an updated fiscal note would be zero. The Public Safety Training Academy currently performed sexual assault training and the provision in the CS added more specific requirements and standardized the approach. She continued that the Department of Public Safety (DPS) would not incur costs to carry out the reporting and would prepare the report inhouse with existing staff. The three reporting options did not warrant additional funding nor the costs to test the kits. Existing statute provided payment for victims not able to pay for the sexual assault kit.

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Representative Wilson asked whether the information from the kits were currently tracked and if the municipalities kept records and interfaced with the state. Representative Tarr answered that the state currently kept track of the number of kits tested and untested at the state crime lab. She indicated that the passage of the bill would compel municipalities to respond to the information request. She indicated that basic reporting would be required but would not be a significant burden to local law enforcement. The department would compile the information and include the data in the report to the legislature.

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Representative Wilson asked what the local municipalities did with the kits and wondered who tested the kits. Representative Tarr guessed that the municipal kits were sent to the state crime lab, but it was unknown how many kits were untested. Some of the kits were sitting untested in an evidence room because of factors related to particular cases or the perpetrator was known to the victim and the kit was deemed irrelevant. However, due to the current knowledge concerning serial offenders, it was important to test as many kits as possible with the victims' consent. She emphasized the importance for the state to know the number of untested kits sitting in evidence rooms. Representative Wilson asked whether law enforcement had to get permission from the victim to ever test the kit or utilize the evidence and if it was related to the three choices of victims' reports. Representative Tarr answered in the affirmative and relayed that the victim had the right to decline testing for evidence. She

shared that the choice was difficult for her to accept. The white paper persuaded her that the choice of leaving the kit untested was a best practice for the victim.

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Vice-Chair Gara inquired whether the fiscal note reflected one component of the legislation. Representative Tarr responded that the fiscal note reflected two eliminated components from the original bill. She expounded that after additional data becomes available the 18-month requirement, when addressed in the future, could be extended due to costs. The cost for testing each kit was roughly \$1 thousand to \$1.5 thousand or more depending on whether further testing was warranted. She pointed to the database provision in the legislation and shared that discussions were in progress to determine whether the database and tracking could be accomplished in-house. She indicated that several databases were currently in use such as the Alaska Public Safety Information Network. The idea under discussion was whether a tracking system could be incorporated into the existing Public Safety data bases. She was also contracted by a vendor who implemented a tracking system for other states. She surmised that "holding back" on the tracking component allowed for a continued comprehensive examination of the right option for the state.

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Vice-Chair Gara relayed that the fiscal note in front of him was not zero and wondered whether a new fiscal note was forthcoming. Representative Tarr replied in the affirmative.

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Representative Grenn cited public testimony from Lisa Hurst (copy on file) who reported that a federal grant called the Sexual Assault Forensic Exam - Inventory, Tracking, Reporting (SAFE-ITR) was available and could be used to establish rape kit tracking systems. He asked if the grant had been considered. Representative Tarr responded that the state had received funds from the grant. She conveyed that the grant use was complex. Grant funds were currently in use for a portion of testing kits from the Alaska State Troopers and the Anchorage Police Department (APD). The

grant also supplied some funding for training individuals to assist in kit testing at the crime lab. However, the funds were insufficient to test the entire backlog. Consequently, she included the new provision to finish the statewide audit to determine how to prioritize the backlog, the associated costs, and the appropriate time limit for untested kits moving forward.

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Co-Chair Foster OPENED Public Testimony for HB 31.

[2:02:07 PM](#)

MAJOR JEFF LAUGHLIN, DEPUTY DIRECTOR, ALASKA STATE TROOPERS, DEPARTMENT OF PUBLIC SAFETY (via teleconference), spoke in support of the bill. He confirmed the change to a zero fiscal note that would be forthcoming. He related that DPS had sufficient staff and support to manage the reporting requirements and the crime lab efforts. He wanted to thank the committee for its support.

[2:04:13 PM](#)

JAYNE ANDREEN, INTERIM DIRECTOR, COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, DEPARTMENT OF PUBLIC SAFETY, supported HB 31. She explained how the bill would impact victims of sexual assault. She communicated that sexual assault was about "power" and in the immediate aftermath of the crime it was essential to return the victims power. Therefore, victims were encouraged to do 2 things: to obtain a physical examination and let law enforcement gather any forensic evidence as quickly as possible. She declared that the bill provided "three levels of power back" to the victim so they could take their time to decide the level of participation with the criminal justice system. Victims could always choose to process a kit later.

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Representative Tilton asked whether there was a statute of limitations for testing the kits or pressing charges. Ms. Andreen responded that a statute of limitations existed but that most victims only need a matter of weeks or months to decide.

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Co-Chair Foster CLOSED public testimony for HB 31.

He indicated he would set HB 31 aside. He asked members to submit any amendments to the bill to his staff, Jane Pierson by Monday, April 3, 2017.

HB 31 was HEARD and HELD in committee for further consideration.

#hb141

HOUSE BILL NO. 141

"An Act relating to allocations of funding for the Alaska Workforce Investment Board; and providing for an effective date."

2:07:26 PM

Co-Chair Foster relayed that the bill was last heard on Monday, March 16, 2017 when public testimony was closed. There were no amendments from committee members.

2:07:49 PM

MARY SCHLOSSER, STAFF, REPRESENTATIVE FANSLER, briefly reminded the committee that HB 141 allocated funding for the Alaska Workforce Investment Board, which had 10 benefactors under the Alaska Technical and Vocational Education Program (TVEP).

2:09:11 PM

Vice-Chair Gara reviewed the fiscal notes. He relayed that the fiscal impact note from the Department of Education (DEED) FN1 (EED) in the amount of \$478.8 thousand in Designated General Funds (DGF) was allocated to Student and School Achievement in FY 2018. He turned to the fiscal impact note from the University of Alaska (UA) FN4 (UA) in the amount of \$5386.6 million DGF allocated to Budget Reductions/Additions System Wide in FY 2018. He moved to the new Department of Labor and Workforce Development (DOL) fiscal impact note in the amount of \$4210.1 million DGF that was allocated to Workforce Development in FY 2018. He addressed another new fiscal impact note from DOL in the amount of \$2034 million allocated to the Alaska Vocational Technical Center (AVTEC) in FY 2018. He pointed to another

new fiscal note from DOL in the amount of \$408.9 thousand DGF allocated to Unemployment Insurance in FY 2018.

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Representative Wilson asked whether the fiscal notes reflected the reductions in the governor's amended budget because the state did not receive as much unemployment as expected. Ms. Schlosser responded in the affirmative. Representative Wilson deduced that the fiscal notes reflected the "new amounts in the governor's budget that were adjusted." She wondered how the fiscal notes were maintained at the same level in the out years when unemployment increased.

[2:12:08 PM](#)

PALOMA HARBOUR, ADMINISTRATION SERVICES DIRECTOR, DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, explained that the fiscal note simply reflected that the program was extended for five years. The out-year amounts would change based on the amount in the fund but was impossible to predict. The amounts would be "trued up" each year. She affirmed that the fiscal notes reflected the governor's amended TVEP amounts based on a lower fund balance than originally projected.

[2:13:01 PM](#)

Co-Chair Seaton MOVED to report HB 141 out of Committee with individual recommendations and the accompanying fiscal notes. [The bill was set aside for further consideration and no action was taken].

Representative Wilson OBJECTED.

Representative Wilson explained her objection. She felt that many changes had taken place with the "whole program" and unemployment that affected the bill. She had also "been approached by some different schools" engaged in training that were not listed as benefactors in the bill. She opined that an action to report the bill out of committee was premature.

Vice-Chair Gara asked whether the funding from the Unemployment Insurance Trust Fund in the fiscal notes for FY 19 were accurate and would need adjusting in future

years. Ms. Harbor answered affirmatively and confirmed that it would be adjusted each year based on the fund balance. Vice-Chair Gara commented that previously changes to the educational institutions covered under the bill were attempted, but the more institutions that were covered the less funding each institution received. He noted that amendments were due, and none were received. He preferred to move the bill out of committee unaltered.

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Co-Chair Foster acknowledged that there were many other entities that would like to be on the benefactor list and some present benefactors that wanted more funding. He thought that discussions regarding funding recipients would be "extensive." He related that whether the matter was revisited in a future session or the bill was moved out of committee was a "policy call." The department wanted to "advance a clean bill" during the current session.

[2:15:47 PM](#)

Representative Tilton reported that she had also been contacted by a some of the institutions and asked to hold the bill for further discussion.

[2:16:23 PM](#)

Co-Chair Foster asked what would happen if the bill was not adopted in the current year. Ms. Schlosser responded that if the legislature did not allocate the funds the money would remain in the fund. She added that the issue was time sensitive. Co-Chair Foster surmised that if the bill was not adopted the funds would not be distributed to any vocational school. Ms. Schlosser responded affirmatively. Co-Chair Foster commented that he was not objecting to changing recipients, but the action could "result in a Pandora's Box" allowing time to run out. He mentioned saving the discussion for the following session. He restated that the decision was up to the will of the committee.

[2:18:02 PM](#)

Representative Thompson asked what might happen if the money was not distributed. He wondered whether any of the institutions would close. Ms. Schlosser responded that many

of the smaller vocational schools received the "majority" of its funding through the program. She voiced that they would either close or "drastically" reduce services.

Representative Wilson believed that temporarily holding the bill in committee was not threatening adoption in the current session.

Vice-Chair Gara relayed from previous experience that the attempt to add more schools ended "in a long battle." He felt that the discussion was "legitimate" but worried that a "full policy debate" would threaten current action on the bill and jeopardize funding. He suggested delaying the discussion.

[2:20:26 PM](#)

AT EASE

[2:20:55 PM](#)

RECONVENED

Co-Chair Foster indicated he would set the bill aside.

HB 141 was HEARD and HELD in committee for further consideration.

#hb49

HOUSE BILL NO. 49

"An Act extending the termination date of the Board of Certified Direct-Entry Midwives; and providing for an effective date."

[2:21:42 PM](#)

REPRESENTATIVE SAM KITO III, SPONSOR, reminded the committee that the bill extended the Board of Certified Direct-Entry Midwives through 2021.

[2:22:42 PM](#)

Vice-Chair Gara asked whether the board was "comfortable" with its fees. Representative Kito responded in the affirmative.

Co-Chair Foster related that there was amendment. Amendment 1 was offered by Representative Kawasaki and Representative Wilson:

Page I, line 6:  
Delete "2021"  
Insert "2023"

Representative Wilson MOVED to ADOPT Amendment 1.

Co-Chair Seaton OBJECTED for discussion.

Representative Wilson spoke to the amendment. She explained that the amendment moved the extension to six years; from 2021 to 2023. She voiced that audits were costly and much of the discussion was focused on the board's fee issues that was the fault of the department. She thought that not granting a full 8-year extension punished the board and expressed confidence in the board's ability to carry out its duties.

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KRIS CURTIS, LEGISLATIVE AUDITOR, DIVISION OF LEGISLATIVE AUDIT, stated that the decision was a policy call. She reiterated that the maximum extension was 8 years. She reminded committee members that the division recommended a four-year extension because of recommendation number three identifying the fees as a barrier to entry.

Representative Wilson stated that the issue was not the board's fault. The board had attempted to increase its fees and were opposed by the department only to discover that the action was correct. She was comfortable with the 6-year extension. She agreed that the action was both a policy call and a financial call. She assured the committee that the board would carefully measure the impact the fees had on the profession.

CRYSTAL KOENEMAN, STAFF, REPRESENTATIVE SAM KITO III, relayed that the sponsor and the board supported the amendment.

Co-Chair Seaton WITHDREW his OBJECTION.

There being NO OBJECTION, Amendment 1 was ADOPTED.

Vice-Chair Gara reviewed the fiscal note. He reported that a previously published fiscal impact note from the Department of Commerce, Community and Economic Development, FN1 (DEC) in the amount of \$4.5 thousand was appropriated over the next five years.

Representative Wilson indicated that the funds in the fiscal note were comprised of program receipts.

[2:28:06 PM](#)

Co-Chair Seaton MOVED to report out CSHB 49 (FIN) out of Committee as amended with individual recommendations and the accompanying fiscal note.

CSHB 49 (FIN) was REPORTED out of committee with a "do pass" recommendation and with a previously public fiscal note: FN1 (CED).

[2:28:33 PM](#)

AT EASE

[2:29:28 PM](#)

RECONVENED

Co-Chair Foster noted that amendments for HB 111 were due by 5:00 PM on Thursday, April 6, 2017.

#

ADJOURNMENT

[2:30:16 PM](#)

The meeting was adjourned at 2:30 p.m.