

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 22, 2018

3:31 p.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Chair  
Senator David Wilson  
Senator Cathy Giessel  
Senator John Coghill  
Senator Dennis Egan

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARINGS

Lieutenant Governor Successor

Commissioner Valerie Davidson - Juneau

- CONFIRMATION ADVANCED

Alaska Board of Fisheries

Orville Huntington - Huslia

- CONFIRMATION ADVANCED

SENATE BILL NO. 186

"An Act relating to voter registration; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 31(FIN)

"An Act relating to law enforcement training in domestic violence and sexual assault; relating to sexual assault investigation protocols; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date."

- MOVED SCS CSHB 31(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 186

SHORT TITLE: VOTER REGISTRATION & PFD APP REGISTRATION  
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/16/18	(S)	READ THE FIRST TIME - REFERRALS
02/16/18	(S)	STA, FIN
03/08/18	(S)	STA AT 3:30 PM BUTROVICH 205
03/08/18	(S)	Heard & Held
03/08/18	(S)	MINUTE(STA)
03/22/18	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: HB 31

SHORT TITLE: SEX ASSAULT TRAINING & EXAM KITS; DOM VIOL  
SPONSOR(s): TARR

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	STA, FIN
01/31/17	(H)	STA AT 3:00 PM GRUENBERG 120
01/31/17	(H)	Heard & Held
01/31/17	(H)	MINUTE(STA)
02/02/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/02/17	(H)	Heard & Held
02/02/17	(H)	MINUTE(STA)
02/07/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/07/17	(H)	Moved HB 31 Out of Committee
02/07/17	(H)	MINUTE(STA)
02/08/17	(H)	STA RPT 4DP
02/08/17	(H)	DP: WOOL, LEDOUX, BIRCH, KREISS-TOMKINS
03/13/17	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
03/13/17	(H)	Heard & Held
03/13/17	(H)	MINUTE(FIN)
03/15/17	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
03/15/17	(H)	Heard & Held
03/15/17	(H)	MINUTE(FIN)
03/31/17	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
03/31/17	(H)	Heard & Held
03/31/17	(H)	MINUTE(FIN)
04/04/17	(H)	FIN AT 9:00 AM HOUSE FINANCE 519
04/04/17	(H)	Moved CSHB 31(FIN) Out of Committee

04/04/17 (H) MINUTE (FIN)  
 04/05/17 (H) FIN RPT CS (FIN) NT 8DP 2NR  
 04/05/17 (H) DP: GARA, PRUITT, ORTIZ, THOMPSON,  
 GUTTENBERG, GRENN, SEATON, FOSTER  
 04/05/17 (H) NR: WILSON, TILTON  
 04/07/17 (H) TRANSMITTED TO (S)  
 04/07/17 (H) VERSION: CSHB 31 (FIN)  
 04/10/17 (S) READ THE FIRST TIME - REFERRALS  
 04/10/17 (S) STA, FIN  
 03/22/18 (S) STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

VALERIE DAVIDSON, Commissioner  
 Alaska Department of Health and Social Services  
 Juneau, Alaska

**POSITION STATEMENT:** Testified as appointee for lieutenant governor successor.

ORVILLE HUNTINGTON, appointee  
 Alaska Board of Fisheries  
 Alaska Department of Fish and Game  
 Huslia, Alaska

**POSITION STATEMENT:** Testified on his reappointment to the Board of Fisheries.

NORMAN VAN VACTOR, CEO  
 Bristol Bay Economic Development Corporation  
 Dillingham, Alaska

**POSITION STATEMENT:** Testified in support of Mr. Huntington.

GARY CLINE, representing self  
 Dillingham, Alaska

**POSITION STATEMENT:** Testified in support of Mr. Huntington.

GARY HOLLIER, representing self  
 Kenai, Alaska

**POSITION STATEMENT:** Testified in support of Mr. Huntington.

PAUL SHADURA II, representing self  
 Kenai, Alaska

**POSITION STATEMENT:** Testified in support of Mr. Huntington.

JOSIE BAHNKE, Director  
 Alaska Division of Elections

Office of the Lieutenant Governor  
Juneau, Alaska  
**POSITION STATEMENT:** Addressed SB 186.

LIBBY BAKALAR, Assistant Attorney General  
Civil Division  
Labor & State Affairs Section  
Alaska Department of Law  
Juneau, Alaska  
**POSITION STATEMENT:** Addressed an amendment for SB 186.

REPRESENTATIVE GERAN TARR  
Alaska State Legislature  
Juneau, Alaska  
**POSITION STATEMENT:** Sponsor of HB 31.

ORIN DYM, Forensic Laboratory Manager  
Alaska Department Public Safety  
Anchorage, Alaska  
**POSITION STATEMENT:** Answered questions related to HB 31.

RANDI BREAGER, Criminal Justice Planner  
Scientific Crime Detection Laboratory  
Alaska Department of Public Safety  
Anchorage, Alaska  
**POSITION STATEMENT:** Answered questions related to HB 31.

KEELEY OLSON, Standing Together Against Rape (STAR) and Alaska  
Network on Domestic Violence and Sexual Assault (ANDVSA)  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in support of HB 31.

NANCY PORTO, representing self  
Kirkland, Washington  
**POSITION STATEMENT:** Testified in support of HB 31.

CASSANDRE HUMPHREY, representing self  
Burbank, California  
**POSITION STATEMENT:** Testified in support of HB 31.

JANIS JOHNSON, representing self  
Valdez, Alaska  
**POSITION STATEMENT:** Testified in support of HB 31.

BESSIE ODAM, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 31.

SALLY PORTO, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 31.

JANE ANDREEN, representing self and the Alaska Women's Lobby

Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 31.

ALYSON CURREY, Legislative Liaison

Planned Parenthood Votes Northwest and Hawaii

Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 31.

DIANA RHOADES, Staff

Representative Tarr

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Explained an amendment for HB 31.

#### **ACTION NARRATIVE**

[3:31:11 PM](#)

**CHAIR KEVIN MEYER** called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Wilson, Giessel, Coghill, Egan, and Chair Meyer.

#### **CONFIRMATION HEARINGS** **Lieutenant Governor Successor** **Board of Fisheries**

[3:32:20 PM](#)

**CHAIR MEYER** announced the consideration of governor's appointees: Commissioner Valerie Davidson, lieutenant governor successor; Orville Huntington, appointee for the Alaska Board of Fisheries.

[3:32:41 PM](#)

**VALERIE DAVIDSON**, Commissioner, Alaska Department of Health and Social Services, Juneau, Alaska, testified as appointee for lieutenant governor successor and commented as follows:

I am not planning on going anywhere, the lieutenant governor is not planning to go anywhere, but a statutory requirement is that the state has a third person named as successor in the event something happens so that Alaska is prepared should something happen to the governor or lieutenant governor.

COMMISSIONER DAVIDSON provided the committee with her background information in Alaska. She said she takes service to the community and the state very seriously.

[3:37:03 PM](#)

CHAIR MEYER addressed Commissioner Davidson's resume and noted that she had spent time in a program for fetal alcohol spectrum disorders, a preventable disorder that he has an interest in. He asked what prevention work is being done for fetal alcohol spectrum disorders.

COMMISSIONER DAVIDSON detailed her background in addressing fetal alcohol spectrum disorders issues when she worked for Senator Binkley, Yukon-Kuskokwim Health Corporation, and currently as commissioner.

[3:43:25 PM](#)

SENATOR WILSON pointed out that the current governor and lieutenant governor are both independents and asked what her party affiliation is.

COMMISSIONER DAVIDSON replied that her party affiliation is non-partisan. She explained that she chose her non-partisan affiliation to allow her the flexibility to choose a ballot in elections. She noted that there were some years when she chose a Republican ballot and some years she had chosen a Democratic ballot.

SENATOR WILSON asked what Commissioner Davidson viewed the lieutenant governor's position as outside of the normal statutorial and constitutional roles.

COMMISSIONER DAVIDSON answered as follows:

I think one of the biggest responsibilities is supervising the director of the Division of Elections to ensure that every Alaskan can vote in an election,

have their ballot count, and to ensure fair and impartial elections.

COMMISSIONER DAVIDSON added that the division provides information for the decennial census redistricting process. She noted that the lieutenant governor also oversees the following:

- State regulations publication.
- The use of the Alaska State Seal.
- Signature authentication for foreign governments when required.
- The commissions for the state's notaries public.
- The state's online notice system.
- The publication of the Alaska Constitution.
- Stands in on behalf of the governor.

[3:47:27 PM](#)

SENATOR WILSON asked if Commissioner Davidson would redefine the role of lieutenant governor if she was lieutenant governor.

COMMISSIONER DAVIDSON replied that she was not sure if she would redefine the lieutenant governor's role because the process would be a "heavy lift" for the lieutenant governor's office as well as for the Division of Elections, especially going into an election cycle. She continued as follows:

I know that in the last election cycle almost 3000 employees were hired to be able to, as temporary employees, to be able to handle ensuring that we have fair and impartial elections. I don't really see a substantial change if I were to assume this role. I will be honest that when the governor and lieutenant governor first asked me about this I was absolutely honored and of course would happily step in to assume that role should something happen.

[3:49:20 PM](#)

CHAIR MEYER pointed out that one of the lieutenant governor's responsibilities is approving initiatives. He noted that Commissioner Davidson has a legal background that would allow her to work closely with the Department of Law to determine if initiatives were legal. He asked if Commissioner David was concerned that the state has seen an increase in initiatives.

COMMISSIONER DAVIDSON answered as follows:

The lieutenant governor oversees not only initiatives but also referendums and recalls, and you are correct, the lieutenant governor and the Division of Elections do rely upon the Department of Law to be able to provide that legal analysis and I just want to be clear to you and the rest of the committee that I am not stepping into an attorney general-like role in this position. I very much respect the office of the attorney general, likewise in this position that I am currently in as commissioner of the Department of Health and Social Services. We have had conversations about a variety of things over this term about what policy direction I would like us to go in litigation, but I also respect that the attorney general makes that decision on behalf of the state.

[3:52:00 PM](#)

CHAIR MEYER opened and closed public testimony

[3:52:10 PM](#)

CHAIR MEYER found no objection and read the following statement:

In accordance with AS 39.05.080, the Senate State Affairs Committee has reviewed the appointee and recommends the appointment be forwarded to a joint session for consideration; this does not reflect an intent of any members to vote for or against the confirmation of the individual during any further sessions.

[3:52:43 PM](#)

CHAIR MEYER announced that the next confirmation hearing is to consider Mr. Orville Huntington's reappointment to the Alaska Board of Fisheries.

[3:53:00 PM](#)

ORVILLE HUNTINGTON, appointee, Alaska Board of Fisheries, Alaska Department of Fish and Game, Huslia, Alaska, noted that he has served two terms on the board and was seeking reappointment. He stated that if he was reappointed to the board that this reappointment would be his last.

[3:54:10 PM](#)

SENATOR WILSON asked if user-type or geographical location is more important in terms of serving on the board.

MR. HUNTINGTON replied that serving on the board is a combination of both. He continued as follows:

You get a lot more information from the local fishermen in that area where we are meeting but the problem is, they are always conflicted-out, so it does seem to be the user-type of who they represent when they come onboard. I found that all the board members that I have ever worked with have been fairly unbiased, we are all open minded and we try our best to represent everyone for the State of Alaska because these laws are so important.

CHAIR MEYER noted that Mr. Huntington is known as a "tie breaker" on the board because he is a subsistence representative versus a sport or commercial representative. He pointed out that one of the board's future meeting was voted to be in Anchorage and then somehow the meeting was changed to the Kenai Peninsula. He asked why the board meeting was changed to the Kenai Peninsula.

MR. HUNTINGTON replied that he was not sure. He surmised that the venue change was due to a board member stepping down. He said he has always been open to changing board meeting venues. He noted that he understood the financial constraints on holding meetings in rural areas but supported having some meetings in an area where the people fish.

[3:57:49 PM](#)

CHAIR MEYER asked how he voted on moving the meeting from Anchorage to the Kenai Peninsula.

MR. HUNTINGTON explained that he did not have a preference either way and initially voted with the board membership in favor of Anchorage.

SENATOR GIESSEL remarked that she was pleased to hear that the Board of Fish meeting was scheduled for the Kenai Peninsula. She addressed her question for Mr. Huntington as follows:

My question has to do with legislation that is promoting an interesting idea that being that board

members are often conflicted-out, that is to say maybe the vote or the subject is on commercial fishing in a certain area and a board member has a permit in that area, and so they have to actually leave the table and go sit in the audience; I think this particularly happens on the Board of Game, but apparently the Board of Fisheries may have the same issue. The proposal by one of the House members was that this be modified so that the board member who had a permit in a certain area which was under discussion would be able to continue to sit at the table and share the expertise that they have. In your case, you are bringing expertise on the subject of subsistence and we would want you to be able to offer that to the board as they discuss the subject of subsistence, for example, and then on the vote you would recuse yourself. Do you have an opinion about that idea?

[3:59:50 PM](#)

MR. HUNTINGTON replied that the proposed legislation is a good idea, even if the board member cannot vote the individual is the most knowledgeable about the fishery in the area where the board is meeting. He continued as follows:

I think we would benefit from them at least sitting at the table and telling us they don't have to influence us in any way, but just providing information would be good for the board process.

SENATOR WILSON asked when he was self-employed as a commercial fisherman.

MR. HUNTINGTON answered that he had commercially fished in Galena, but the endeavor was not economically feasible.

SENATOR WILSON remarked that he valued Mr. Huntington's expertise on the board as a wildlife biologist. He said Mr. Huntington brings a different perspective to the actual user-group as well.

[4:01:47 PM](#)

CHAIR MEYER opened public testimony.

[4:02:16 PM](#)

NORMAN VAN VACTOR, CEO, Bristol Bay Economic Development Corporation, Dillingham, Alaska, testified in support of Mr. Huntington. He opined that Mr. Huntington is a huge asset to the state, a dedicated public servant, and the state needs people like Mr. Huntington.

[4:02:57 PM](#)

GARY CLINE, representing self, Dillingham, Alaska, testified in support of Mr. Huntington. He said he may not always agree with Mr. Huntington but remarked that Mr. Huntington uses the best information available to make the soundest decision.

[4:04:03 PM](#)

GARY HOLLIER, representing self, Kenai, Alaska, testified in support of Mr. Huntington. He noted that he has attended many board meetings and asserted that Mr. Huntington is an asset to the board.

[4:04:41 PM](#)

PAUL SHADURA II, representing self, Kenai, Alaska, testified in support of Mr. Huntington. He noted that Mr. Huntington has been a board member since 2012 and has shown his skills in considering the resource first and the ramifications of management and policy decisions on the regional economies and traditional users. He said Mr. Huntington exemplifies diversity and has the scientific background to make decisions based upon the best available science. He added that Mr. Huntington has the personal experience of working with Alaskans that rely on the fisheries resources for subsistence and the multiple years of supporting the economy while supplying food for residents and nonresidents.

[4:07:51 PM](#)

CHAIR MEYER closed public testimony.

[4:08:28 PM](#)

CHAIR MEYER found no objection and read the following statement:

In accordance with AS 39.05.080, the Senate State Affairs Committee has reviewed the appointee and recommends the appointment be forwarded to a joint session for consideration; this does not reflect intent of any members to vote for or against the confirmation of the individual during any further sessions.

SB 186-VOTER REGISTRATION & PFD APP REGISTRATION

4:09:04 PM

CHAIR MEYER announced the consideration of SB 186. He noted that the committee last heard SB 186 on March 8 and there were numerous questions posed by committee members that the Division of Elections has returned to address.

4:10:11 PM

JOSIE BAHNKE, Director, Alaska Division of Elections, Office of the Lieutenant Governor, Juneau, Alaska, announced that the division had an amendment to offer for SB 186.

CHAIR MEYER noted that there were two amendments for the bill, one from the Division of Elections and another from Senator Coghill. He asked that Senator Coghill move his amendment.

4:11:15 PM

SENATOR COGHILL moved Amendment 1, [30-GS2097\A.1]:

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR COGHILL

TO: SB 186

Page 1, following line 2:

Insert a new bill section to read:

**"\* Section 1.** AS 15.07.050(a) is amended to read:

(a) Registration may be made

(1) in person before a registration official or through a voter registration agency;

(2) by another individual on behalf of the voter if the voter has executed a written general power of attorney or a written special power of attorney authorizing that other individual to register the voter;

(3) by mail;

(4) by facsimile transmission, scanning, or another method of electronic transmission that the director approves; or

(5) by requesting to be registered as a voter on [COMPLETING] a permanent fund dividend application form under AS 43.23.015."

Page 1, line 3:

Delete "Section 1"

Insert "Sec. 2"

Renumber the following bill sections accordingly.

Page 1, line 6:

Delete "completing"

Insert "requesting registration on [COMPLETING]"

Delete "with"

Insert "form and including"

Page 1, line 7:

Delete "included"

Page 2, line 1:

Delete "submit a"

Insert "request to be registered on a"

Following "application":

Insert "form submitted"

Page 2, line 4:

Delete "declines to"

Insert "who requests to be registered does not"

Page 2, line 5:

Delete "[AN"

Insert "[SUBMIT AN"

Page 2, line 11, following "notify":

Insert ",""

Page 2, line 12, following "applicant":

Insert "who requested registration of the applicant's registration status"

Page 2, lines 13 - 14:

Delete "of the applicant's registration status"

Page 2, lines 25 - 26:

Delete "[IF AN APPLICANT DOES NOT DECLINE TO BE REGISTERED AS A VOTER WITHIN"

Insert "If an applicant requests [DOES NOT DECLINE] to be registered as a voter, the [WITHIN"

Page 2, line 28:

Delete "FORM.] The"

Insert "[FORM. THE]"

Page 3, following line 1:

Insert a new bill section to read:

"\* **Sec. 6.** AS 43.23.015(b) is amended to read:

(b) The department shall prescribe and furnish an application form for claiming a permanent fund dividend. The application must include

(1) notice of the penalties provided for under AS 43.23.035;

(2) a statement of eligibility and a certification of residency;

(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to request that the applicant be registered as a voter, to furnish information required by AS 15.07.060(a)(1) - (4) and (7) - (9), and to attest [AN ATTESTATION] that the [SUCH] information is true."

Renumber the following bill sections accordingly.

Page 3, lines 3 - 5:

Delete "Except for a permanent fund dividend application where the applicant declines to provide the information required under AS 15.07.060(a)(1) - (4) and (7) - (9), the [THE] "

Insert "The"

Page 3, line 11, following "who":

Insert "requested to be registered to vote and"

Page 3, line 19:

Delete "secs. 1 - 5"

Insert "secs. 1 - 7"

Page 3, line 27:

Delete "Sections 1 - 5"

Insert "Sections 1 - 7"

Page 3, line 28:

Delete "sec. 8"

Insert "sec. 10"

[4:11:27 PM](#)

CHAIR MEYER objected for discussion purposes.

SENATOR COGHILL said he does not entirely agree with an earlier statement by the director that the form would be better off to have someone opt-in. He pointed out that the ballot measure meant to register people to vote during the process of applying for their Permanent Fund dividend (PFD). He noted that page 1 in the initiative gives six reasons for the intent of the initiative and specified that the fourth reason says:

In the intent that the permanent fund dividend applicants who wish to register to vote or update their voter registration must submit information to the state the second time using a different form.

He commented on the initiative's language as follows:

It starts off with the kind of permission and I think that's a big deal to me, but it says it can relieve the voters of a burden by having them complete that on a permanent fund dividend application; I think that's okay and I think that the opt-in/opt-out is two very different ways of looking at it and here's how I see the difference. The way that it was written is you would be automatically registered unless you opted out and the division is asking for.

[4:13:53 PM](#)

At ease.

[4:14:59 PM](#)

CHAIR MEYER called the committee back to order.

SENATOR COGHILL continued as follows:

There were two things that I was going to refer to, the ballot measure itself and the intent. The intent, as people read it, was to relieve qualified voters who apply for a PFD from the burden of having to complete additional paperwork. I think an opt-in still does that and so it's well within the reason of our initiative.

I was going to read the constitution to you on that particular issue because we have court cases, I get that, but we also have a constitution and I'm willing to challenge it, it says in Article XI, section 6, about halfway down, it says, "It's not subject to veto and may not be repealed by the Legislature within two years of the effective date, it may be amended at any time;" very explicit language in the constitution, very clear, very plain, it may not be repealed, but it may be amended and I see this as an amendment, you can look at their answer, they see this as a "more than that," it would probably go to court and I have a legal opinion that says we think that it might and we think that it might not, so that's an open question.

If you look at the initiative language the opt-out doesn't even come until page 3, and it's at the top of page 3 and subsection 3, "If applicant does not decline to be registered and failure to respond to the notification on subsection (b)." So, for those who see the intent have to dig pretty deep to get to that.

[4:17:05 PM](#)

He continued as follows:

Now, it is true that in the ballot measure language they combine two things in the last sentence, "New voters will receive a notification in the mail to either declare a political affiliation or opt out of the voter registration process." So, it does say that after two pretty good significant paragraphs, but it also says for a small change our state can reap huge benefits and these benefits are three:

1. Make government more efficient and save taxpayer dollars.
2. Voter databases become more accurate and secure.
3. Every eligible voter gets an equal opportunity to have their voice heard in our democracy.

That's what people are going to pay attention to, so I think it is well within our reason. So, the courts have several different tests that they are going to go through, I get that. I just wanted to make the case that the burden should, the burden of the willingness to vote, still belongs to the voters. There should not be a presumption on a government that they are registered to vote, there should be a presumption that the individual chooses to vote.

The next thing we are going to talk about is sending notices back and forth, all you have to do is say, "I want to register to vote," just like you do on your car registration, it's just a simple, "I want to register to vote;" this way you have to actually get information back and they are trying to change that to say, "I want to opt out," it's an awkward way of doing it.

So, to me the burden if you will or the least restrictive means to the individual would be to just opt-in. The least restrictive to the government is you've got to opt-out. I just error on the side or I fall on the side of having the least restrictive means to the individual, that's just me, so that's my argument.

[4:19:13 PM](#)

CHAIR MEYER asked if he had a legal opinion.

SENATOR COGHILL replied that his legal opinion said, "We think it may and we think it may not." He opined that his amendment may not be a problem.

SENATOR GIESSEL asked Senator Coghill to explain Amendment 1.

SENATOR COGHILL summarized that the amendment changes the opt-out in the bill to an opt-in. He conceded that the amendment might be litigated but emphasized that an individual should have the right to say, "I want to vote," instead of saying, "I'm already registered, I don't want to be registered." He opined that his amendment is a better civics concept where the burden is placed on the voter to register rather than a presumption that goes to the state.

[4:24:29 PM](#)

LIBBY BAKALAR, Assistant Attorney General, Alaska Department of Law, Juneau, Alaska, addressed Amendment 1 as follows:

I have reviewed the memo from legislative counsel and I agree with it overall. The germane sentence in Mr. Bullard's memo is that, "There exists a possibility that requiring an applicant to opt-in could be interpreted by a court as so significant a change to the initiated law that it functions as a repeal of 15PFVR," which is the ballot initiative that was enacted in the 2016 general election. In my view, that outcome is more likely than not because the core intent behind the initiative was to create an automatic voter registration process, the opt-out provisions are sort of the heart of that process and I think that the Supreme Court would more likely than not reach the conclusion that this type of amendment prior to March of 2019 would constitute an unconstitutional repeal of the bill.

So, Mr. Bullard has correctly identified the core legal issue. I think that yes, he is saying "maybe, maybe not." I think more "maybe yes" based on what I'm reading and specifically in section 5 of the initiative what I understood the sponsors' intent to be. My understanding from working with the sponsors' post enactment that this is really all about the opt-out process and with respect to Senator Coghill's concerns about where the burden falls on the state versus the government, this is something that the people enacted, the people voted for it. So, we have no choice really but to assume this is what the people want is to have this automatic opt-out process. Now, I think were Senator Coghill's amendment to be adopted I think the amendment is sufficiently deviant from the

core of the intent of the initiative that a court, if this were litigated, would more likely than not find this to be affectively a repeal of the measure, that's my legal opinion.

[4:26:58 PM](#)

SENATOR COGHILL responded to Ms. Bakalar's response

We had this conversation and as you can see from the legal opinion a lot of it is what-if language, it's not very emphatic and so I get that and I don't see it going to the heart of it because the heart of it was to make it easier for people to register; in fact, if you go back and listen to all of the advertisements that happened, it was really centered on, it makes it easy for you to register to vote and it should be on the your PFD and then to simply say, "Okay, I want to register on the PFD," seems cleaner, clearer, and less expensive. So, I don't think it goes outside of the realm of either the ballot measure language or the actual legislative intent in the language of the thing. So, it does change some of it, but I think our constitutional duty is very, very clear, that we may amend it at any time. I think this is a proper amendment, it does speak to a court issue, but it doesn't change, I think, the core of the expectation of the initiative. So, that's just my argument, we just fundamentally disagree on this, it's a reasonable argument both ways, but that's where I fall.

[4:28:19 PM](#)

CHAIR MEYER asked Ms. Bakalar to verify that the initiative cannot be amended for two years.

MS. BAKALAR specified as follows:

You may amend it at any time, you may not repeal it before two years, but what the case law says is that some amendments are so significant that they "vitiates," is the word that the Supreme Court uses, so vitiates the initiative as to constitute effectively a repeal of the initiative.

CHAIR MEYER asked if she believes that the amendment effectively repeals the initiative.

MS. BAKALAR replied yes.

SENATOR COGHILL responded as follows:

I think that it falls right square in the intent and this idea of using a permanent fund dividend as a place to apply for a voter registration, that was the core intent, and this makes it so easy all you have to do is say, "Yes, I want to register to vote." So, that is the difference of opinion we have.

[4:29:15 PM](#)

CHAIR MEYER agreed with legal counsel and maintained his objection. He asked for a roll call vote.

A roll call vote was taken. Senators Wilson, Giessel, Egan, and Coghill voted in favor of Amendment 1 and Chair Meyer voted against it. Therefore, Amendment 1 passed by a 4:1 vote.

[4:30:34 PM](#)

CHAIR MEYER asked Director Bahnke to proceed with Amendment 2.

[4:30:56 PM](#)

SENATOR GIESSEL moved Amendment 2. She noted that the amendment does not have a legal drafting number and simply states on the top of the document: AM - to SB 186, 03/07/2018.

## AMENDMENT 2

OFFERED IN THE SENATE

TO: SB 186

Page 2, line 2, following "treat":

Delete "an eligible"

Insert "a"

Page 2, line 3, following "applicant":

Insert "under AS 43.23.016"

Page 2, line 9:

Delete "Upon"

Insert "The director shall establish procedures to allow a permanent fund dividend applicant under AS 43.23.015 to decline voter registration under AS 43.23.016 when applying for a permanent fund dividend under AS 43.23.015. The procedures may include a form prescribed by the director. For a permanent fund dividend applicant that does not decline voter registration through the permanent fund dividend application, upon[UPON]"

Page 2, lines 12 - 13:

Delete "[NOT ALREADY REGISTERED TO VOTE]"

Insert "not already registered to vote"

Page 3, line 5, following "(9)":

Insert "under the procedures developed by the director of the division of elections under AS 15.07.070(k)"

[4:31:20 PM](#)

CHAIR MEYER objected for discussion purposes.

MS. BAHNKE explained Amendment 2 as follows:

Page 2, line 2:

Delete "an eligible;" this is to provide an area of clarity and to streamline the voter registration process with regards to eligibility of a PFD applicant and a registered voter; this was needed because we don't know if one is eligible at the time they come in the door to apply for a PFD, so we saw as a necessary change to clarify that.

Page 2, line 3:

Following "applicant" we inserted reference to a PFD statute and that was for conformity by adding reference to AS 43.23.016.

Page 2, line 9:

Delete "Upon" then insert how the opt-out process will work in practice and sets opt-out standards for the director and allows the director to come up with procedures.

Page 2, lines 12-13:

We added this back in, it was originally deleted, but we added it back in, "not already registered to vote," because the division will want to provide newly registered voters a voter card, so it eliminated the necessity of a mailer but we want to add back in "not already registered to vote" because we still will want to mail them a new voter card.

Page 3, line 5:

Allows the division director to adopt regulations.

[4:33:23 PM](#)

SENATOR COGHILL commented as follows:

Because of the opt-in/opt-out debate, certainly the lines 8-14 are not going to work in this bill. So, what is necessary in this particular amendment for you to manage, for example, the not already registered vote. So, let's go through this and find out based on the amendment we just did, what is absolutely necessary for you to do to make it smoother or is there anything, based on the amendment, nothing, right at this point?

MS. BAKALAR responded as follows:

I do think the passage of the previous amendment will probably sort of moot the reason for this piece of the amendment, it's hard for me to visualize without a CS in front of me, I kind of need to look at the CS with both amendments together to see what works and what doesn't work because it's hard for me to picture it all in pieces; but, certainly this part of the

amendment that we are looking at that Senator Coghill has identified, lines 8-14 on page 1 of our amendment, certainly is implicated by the amendment that just passed and because it goes to the opt-out procedures if there is no opt-out procedure in the bill anymore then I don't know that this piece is needed because the whole reason for this piece was to facilitate and streamline the opt-out procedure. So, if the amendment is to do away with the opt-out then I don't necessarily, and again, I will qualify my response by saying I would need to see the CS and consult with Legislative Legal and my colleagues, etcetera, but I don't think this piece of the amendment would be necessarily needed anymore because it does go to the whole opt-out concept and if that concept is removed from the bill then I don't think we will likely need that piece.

[4:35:28 PM](#)

SENATOR COGHILL replied as follows:

Based on that, I would like to reject the amendment, but have them come back to things that they think they needed to have for the better operation because it looks like there are pieces in here that may be helpful to them, I just don't know the answer to that.

CHAIR MEYER suggested that he hold the bill in committee and order a committee substitute (CS) with the new Amendment 1. He confirmed that Amendment 1 changed the bill significantly. He opined that cleanup was needed for Amendment 2 and noted that the proposed amendment was different than what the division had previously offered.

SENATOR GIESSEL asked if she should withdraw her motion to adopt Amendment 2 or to make a motion to table Amendment 2.

CHAIR MEYER replied that the amendment would be left as moved with no action taken and be picked up when the committee has a CS.

[4:36:55 PM](#)

CHAIR MEYER held SB 186 in committee.

**HB 31-SEX ASSAULT TRAINING & EXAM KITS; DOM VIOL**

[4:37:09 PM](#)

CHAIR MEYER announced the consideration of HB 31.

[4:37:33 PM](#)

At ease.

[4:38:21 PM](#)

CHAIR MEYER called the committee back to order.

[4:38:42 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, Juneau, Alaska, sponsor of HB 31, provided an overview as follows:

We have been working on the issues related to how we process our sexual assault kits for the last few years, starting in 2014 when I was contacted by a national organization called "End The Backlog," and it was an issue that I was not familiar with but through their organization learned about this effort and basically across the country there are these sexual assault kits that have not been tested, there's a variety of reasons that's been the case in the past, but it's been thousands and thousands of kits and there's become a movement around reforming how we deal with these kits and basically using it as a tool to address serial sexual assaulters and that is what has been found to be very helpful in accomplishing.

We started out with a bill related to an audit that was the first piece of information that we needed to try and understand the extent of the problem in Alaska. At the same time the Federal Department of Justice started offering some grants because this issue took on a national impact and so they were offering these grants so then at that time the governor's office applied for one of the grants so there are kind of two things happening at once then, once those grant dollars were received by the state, the Sexual Assault Kit Initiative (SAKI) was formed and we have been working closely with them and trying to unravel where the problems are in Alaska and what we can do to address those issues. There are several different things that we could choose to work on at this time, but we have confined it to a few items

right now because these are things that we can make changes to pretty immediately and continue working with the SAKI for more long term changes that we think will result in a much better system that functions well and makes sure it keeps the public safe.

[4:40:50 PM](#)

REPRESENTATIVE TARR explained the bill's components as follows:

This particular bill addresses three components. One is the audit and that piece was thankfully put into Senate Bill 55, so we got the first audit last year but it continues and has that same provision in it so that we can get an annual update of the status of the kits and the progress in Alaska, and that audit I would say was really helpful for us this year because what it did was help us define sort of the universe of untested kits, how many are out there, where are they and kind of get everybody on the same page because now we can actually come up with a plan of how we are going to address the backlog of untested kits. So, the audit provision remains, and I think that's an important way for the state to get updated, the Legislature to get updated on the progress and on an annual basis have a number that we are working off of, so we know progress is being made. We've worked closely with the department on that provision and my understanding is that they feel like that could be easily implemented as an ongoing thing that because we did it through Senate Bill 55: again, thank you to Senator Coghill for that last year, that infrastructure is in place to continue that on an annual basis and at some point that may not be necessary, but I think it's going to be a multi-year effort here for us to continue to working on this and it will keep us getting accurate information. So, one piece is the audit.

[4:42:06 PM](#)

She continued as follows:

A second piece is related to sexual assault training for law enforcement officials. Most folks in Alaska go through either the academy in Anchorage or the trooper academy unless there is someone who perhaps comes in,

does a lateral transfer or something, but most of our folks are going to come through those two academies, but right now what the statute says is it requires that 12 hours for training on domestic violence, but it doesn't specify that there is also training required on sexual assault response, even though that is happening in practice. The recommendation to include this actually came in from the folks who are working on this, that way it is clear that it should be both domestic violence and sexual assault, there are ways that those can be the same information because, of course, a domestic violence situation could involve a sexual assault, but there are also instances where that is different and what we want to ensure that we have a good victim-centered approach and so that if someone is assaulted it doesn't matter whether it happened in northern Alaska or southeast Alaska, that there's going to be a strong victim-centered approach and that everybody is going to get the same response and treatment.

[4:43:17 PM](#)

REPRESENTATIVE TARR continued as follows:

The third provision is related to the actual options for a victim to report. About a year ago the Federal Department of Justice released a "white paper" on this very provision and there's a couple of ways to look at this, and this sort of took me a little bit to wrap my head around because when you start working on this and see what some of the results have been in other states, there's a strong motivation to say everything single kit needs to be tested because that individual could be a dangerous criminal and we want to get them off of our streets; however, we have to make sure that we have a victim-centered approach and it isn't always the case that a victim wants to engage in law enforcement and so we really do have to make sure that we have an opportunity for them to have the kit taken or evidence collected because it has to be done in a timely fashion if it's not done in about 72 hours then your evidence collection isn't going to be useful. Unfortunately, you have someone who just experienced a very traumatic situation, that has to go in for an invasive medical procedure to do the examination and

collect the evidence and might not be the right time for them to make the decision about where they want to go, do they want to pursue a case with law enforcement or do they want to just make sure they don't have health issues as a result of the assault or STD testing, things like that. Because you have that limited window of time when you can do the collection, having a couple of different options is the best way to make sure that the individual who experienced the assault can choose what works for them.

So, what we put in, and you will notice in the original version there were actually three different opportunities for a victim and in working with the department and through the SAKI that has been going on, we've been able to decide that this number-two can come out and as you look at it, what looks like number-three, one and three would be the two that remained, so you would have the option of getting the evidence collected and choosing to engage with law enforcement right at that moment and you would have the second option of an anonymous report and that allows you to choose at a later date whether you want to engage with law enforcement or not, and we are told that often the individual does choose to move forward, but needs a little bit of space from that whole experience to be able to get a support network around them, but able to work with the people who are trained to provide that kind of response, the trauma response, and once they feel more secure, more safe, more stable, that they know that that's something that they can move forward with then make that choice, but you haven't missed that window of opportunity when you can actually collect as evidence that would be usable. So, those are the two options that are allowed for that.

[4:46:09 PM](#)

REPRESENTATIVE TARR summarized as follows:

So, those are the three parts that are in the bill now. Some of the other provisions that people may want to consider in the future are a timeline within which all of the kits have to be tested, that was one thing we considered. Also, from the folks who have been working on this nationally, they are really pushing

for a way for a victim to be able to track where their kit is, so that is something that we might consider at a later date. So, there are a couple of those other pieces out there that you may have heard of in the conversation, that's why I wanted to mention them today, but these ones are confined to the items that the department has said they can do at this time without a fiscal impact which is really important to the work we are all trying to accomplish in developing our sustainable fiscal plan, but can be meaningful and I think that is really important. I know that Senator Meyer, and I thank you for your leadership on sexual assault issues and always acknowledging April as Sexual Assault Awareness Month, this is something that we try to work together on and so I'm encouraged that there is an option here where we can make meaningful changes that could have a positive impact, but also aware of our fiscal situation right now, don't have a big price tag attached to them.

4:47:20 PM

CHAIR MEYER asked if 3,400 kits remain untested.

REPRESENTATIVE TARR answered yes. She explained that batches of kits were being sent out to be tested, but there was a backlog in the facilities that do the testing because a lot of states were trying to move forward as well. She conceded that testing will take some time and noted hundreds of thousands of dollars is needed for all the kits to be tested. She said federal grants dollars would be used but noted that an audit would be helpful to assist in the process. She said prosecutions may occur because of the testing. She stated that the process would be ongoing, and her hope was that everyone will work together.

4:49:01 PM

CHAIR MEYER thanked Representative Tarr for her leadership in sexual assault exam kits. He continued as follows:

Often times we get asked what are our favorite bill that we ever got passed and mine was when we were able to drop the statute of limitations on rape and sexual assault; unfortunately, that was in 2001 or 2002, so anything prior to that we cannot go after. With these kits and with DNA, we are able to go back 10, 15, 20 years or more.

SENATOR WILSON asked if the legislation assists current practice and specified as follows:

During my time as a director of a DVSA program, we started a program in the Mat-Su and working with the SART team there, we already had these protocols in place in terms of anonymous reporting, I just didn't know if that was part of the statute. Is this just needed to help that, sort of? I'm trying to understand the need for anonymous reporting in statute versus what is currently in practice. I didn't know if there was an issue that's happening out there or not, and that's sort of a DPS type of question, I know that they still funded folks who wanted to have SART kits ran for the anonymous process. I didn't know if that was a new issue that was now coming up or not.

[4:50:28 PM](#)

REPRESENTATIVE TARR replied as follows:

What we hope to accomplish is to have a standard statewide policy. What has been explained to me, and that also relates to why we want to put the 12 hours of training in, is that there's over 200 law enforcement agencies in the State of Alaska, in some cases people are doing things a little bit different from the next and by having that standard policy it will ensure that everybody is getting that opportunity.

SENATOR WILSON said his other question related to getting the actual number of untested rape kits. He conceded that his question may be better posed to the Department of Public Safety (DPS). He said his last question addressed the audit language in Senate Bill 55 and asked if the audit would be only for one year or for an annual audit.

REPRESENTATIVE TARR replied yes and noted that committee members were provided with a report given to the Legislature on November 1, 2017 regarding the single-year audit. She continued as follows:

This is where it states that there are 3,484 sexual assault kits inventoried; 3,219 were in the possession

of the 7 largest agencies and that is the number we are working off of right now. The SAKI grant allows a portion of the grant money to be used to test kits and under these grants 571 sexual assault kits were identified as eligible for testing and those are the ones that are going to be sent outside to the contractor.

[4:53:03 PM](#)

CHAIR MEYER opened invited testimony.

SENATOR WILSON asked Mr. Dym from DPS to specify the number of sexual assault kits that remain untested.

[4:53:39 PM](#)

ORIN DYM, Forensic Laboratory Manager, Alaska Department Public Safety, Anchorage, Alaska, answered questions relating to HB 31 as follows:

We did provide the number in our report and what I can say is we have sent 300 kits so far to the contract vendor for analysis, we have not received any of those kits back yet, so they are not yet completed. We have another 132 kits staged, ready to go. Our vendor did request that we delay sending those because they ran out of space to put the kits. We have 432 kits scheduled to go to the vendor. We will be waiting to see whether or not we run out of money with those kits as to whether or not we can continue to send kits.

SENATOR WILSON asked how testing for sexual assault kits is prioritized.

[4:55:17 PM](#)

RANDI BREAGER, Criminal Justice Planner, Scientific Crime Detection Laboratory, Alaska Department of Public Safety, Anchorage, Alaska, answered questions relating to HB 31 as follows:

We established a triage protocol to identify how we were going to send kits and in what order knowing that we might possibly run out of funds before we can test all 571 eligible kits. We prioritized first based on cases that have an unknown suspect or a stranger assault, essentially. Our next priorities where all

sexual abuse of minor cases. The next step was any suspect that had more than ten incidences in their criminal history and that goes beyond sexual assault, so they could have a number of different other crimes attributed to them. Our next one was known suspects but not in [Combined DNA Index System (CODIS)] yet, and then our final category is a mix of the remaining kits.

SENATOR WILSON pointed out that only 571 sexual assault kits were eligible and inquired what occurred with the remaining kits and would the state have to test the remaining kits.

MS. BREAGER replied as follows:

No, that's a great clarification point. So, the 571 kits are actually only Department of Public Safety-Alaska State Trooper kits. What we did with this grant was we applied first isolating Alaska State Trooper cases because they are within the jurisdictional control of the Department of Public Safety and we are utilizing it as sort of a pilot project if you will because it is taking an immense amount of resources for personnel and time to organize this project and we knew the smaller departments would not have the resources to dedicate to that level of a project. So, we are hoping by us going through this process that we will be able to provide policy recommendations, best practices, templates, etcetera, for all of the smaller departments to copy and implement, they could choose to apply for grant funds on their own or we can continue to have conversations about what it might look like for the state to help with that.

CHAIR MEYER asked Ms. Breager if she had anything to add.

MS. BREAGER replied that Representative Tarr did an excellent job explained the bill step-by-step and she did not have anything else to add. She noted that Representative Tarr worked closely with the Department of Public Safety throughout the process and she did a great job summarizing the feedback from multiple agencies.

[4:58:19 PM](#)

CHAIR MEYER opened public testimony.

[4:58:56 PM](#)

KEELEY OLSON, Standing Together Against Rape (STAR) and Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), Anchorage, Alaska, testified in support of HB 31. She disclosed that there were 413 sexual assault kits submitted in 2017 and approximately 235 occurred in Anchorage.

[5:00:31 PM](#)

NANCY PORTO, representing self, Kirkland, Washington, testified in support of HB 31. She disclosed that she grew up in Alaska and noted that she testified at a committee meeting in 2016 regarding her sexual assault that occurred in 2013. She revealed that she consented to a full rape kit examination, but the kit has not been fully processed and results have not been received from the biological evidence portion of her exam. She provided committee members details of her sexual assault and examination results. She disclosed that she continues to inquire about her examination but eventually leaves messages and no callbacks occur. She asked the committee to support the bill to provide closure for herself and others.

[5:03:12 PM](#)

CASSANDRE HUMPHREY, representing self, Burbank, California, testified in support of HB 31. She disclosed that she is the sister of Nancy Porto and supports the need for action regarding sexual assault kit processing. She disclosed personal information on family members and friends who have been sexually assaulted in Alaska, noting that none have received justice. She asserted that Alaska's system on sexual assault has failed her sister and emphasized that victims need to know that their crimes will get a real response from the justice system and hopefully in turn, sexual crimes will eventually decrease in Alaska.

[5:07:04 PM](#)

JANIS JOHNSON, representing self, Valdez, Alaska, testified in support of HB 31. She asserted that the sexual assault kit backlog compromises prosecution and allows perpetrators to continue at large and repeat their assaults and reoffend. She said not processing sexual assault examination kits was devastating to victims and the backlog needs to be addressed. She asserted that law enforcement agencies need to be accountable for the kits that have not been processed so that the justice department can prosecute.

5:08:50 PM

BESSIE ODAM, representing self, Anchorage, Alaska, testified in support of HB 31. She said victims of sexual assault deserve justice and they deserve the protection of the law. She asserted that proper procedures must be taken to ensure that victims of sexual violence are able to get the closure they need and deserve.

5:09:45 PM

SALLY PORTO, representing self, Anchorage, Alaska, testified in support of HB 31. She disclosed that her two daughters spoke earlier. She emphasized that no action has been taken over the past five years by state authorities to resolve her daughter's sexual assault.

5:12:48 PM

JANE ANDREEN, representing self and the Alaska Women's Lobby, Juneau, Alaska, testified in support of HB 31. She provided the committee with her background in sexual assault training. She revealed that she was sexually assaulted in Minnesota in the 1970s and detailed her rape examination and police interview. She disclosed that she has never received any word on whether an arrest was made or what the results of her examination were. She explained that her sexual assault incident led her to move to Alaska and to work in the areas of domestic violence and sexual assault. She detailed her history in Alaska regarding domestic violence and sexual assault as follows:

While in Homer as the director of South Peninsula Women's Services, we worked with South Peninsula Hospital to bring the first SART training to Alaska, and then when I took over as the director of the State Council on Domestic Violence and Sexual Assault in 1994, I was able to play a role in helping to expand that team approach across the state. I've dedicated a lot of my life to this issue and wanting to make it be much more victim centered and much more empowering as well as to be an affective tool in making arrests and holding offenders accountable.

After I retired from the state about 18 months ago, I was working with one of the local programs on contract doing a needs assessment and as part of that I looked into the statewide data that we have and I just wanted

to share for 2015, our Alaska victimization survey that is conducted by the University of Alaska Justice Center reported that 7662 adult Alaska women were raped in 2015, at that same time we look at the uniform crime report which is the reports that were made to law enforcement, there were 895 confirmed reports. So, you go from 7662 down to 895, and of those 895, only 130 arrests were actually made; this is a crime that represents between 10-20 percent of our violent crimes that are reported in Alaska every year, and yet we have the lowest conviction rate, we need this tool. I often wonder, because rapists are repeat offenders more often than not, how many other women were affected by that man who attacked me and what we could do if we could get this backlog cleared off.

I really want to commend Representative Tarr for the work that she is doing and dedication, and also for the work that I know you have done individually and as a legislature, but for these reasons I think it is really important to support this bill and move these kits forward.

[5:16:37 PM](#)

ALYSON CURREY, Legislative Liaison, Planned Parenthood Votes Northwest and Hawaii, Juneau, Alaska, testified in support of HB 31. She expressed her appreciation for Representative Tarr's leadership on the issue. She thanked those that testified and shared their personal stories. She asserted that the bill would clearly have a direct and positive impact for victims of sexual assault in Alaska who are waiting for closure and justice.

[5:17:55 PM](#)

CHAIR MEYER closed public testimony.

[5:18:15 PM](#)

SENATOR GIESSEL moved to adopt Amendment 1, version 30-LS0271\0.2.

#### **AMENDMENT 1**

OFFERED IN THE SENATE

TO: CSHB 31 (FIN)

Page 3, line 3:

Delete "three"

Page 3, line 8, following "system;":

Insert "or"

Page 3, lines 9 - 15:

Delete all material.

Renumber the following paragraph accordingly.

Page 3, line 28, through page 4, line 25:

Delete all material and insert:

"\* **Sec. 6.** AS 44.41 is amended by adding a new section to read:

**Sec. 44.41.070. Report on untested sexual assault examination kits.** (a) By September 1 of each year, each law enforcement agency and state department charged with the maintenance, storage, and preservation of sexual assault examination kits shall conduct an inventory of untested sexual assault examination kits and report, in writing, to the Department of Public Safety the number of untested sexual assault examination kits in the possession of the agency or department and the date on which each sexual assault examination kit was collected.

(b) By November 1 of each year, the Department of Public Safety shall prepare and transmit a report to the president of the senate and the speaker of the house of representatives that contains

(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.

(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.

(d) In this section, "untested sexual assault examination kit" means a sexual assault examination kit with evidence that

(1) has been collected but that has not been submitted to a laboratory operated or approved by the Department of Public Safety for either a serological or DNA test; or

(2) has been collected and submitted to a laboratory operated or approved by the Department of Public Safety but that has not had a serological or DNA test conducted on the evidence.

**\* Sec. 7.** This Act takes effect July 1, 2018."

CHAIR MEYER objected for discussion purposes.

[5:18:33 PM](#)

DIANA RHOADES, Staff, Representative Tarr, Alaska State Legislature, Juneau, Alaska, explained Amendment 1 for HB 31 as follows:

Earlier this year, Representative Tarr met with victim advocates and the Department of Public Safety to talk about as we mentioned the three reporting options and the need to remove the middle reporting option, we call it the "medical option." What this bill would do was on page, "delete 'three,'" so it is basically removing the middle option, the "medical option," and then it actually updates the information about the "reporting option" so that the original language had the one-time audit and this would make it be an annual audit, and then it just changes the dates in the bill, the bill says 2017 and it updates those dates.

CHAIR MEYER asked if the bill has a zero fiscal note.

MS. RHOADES answered yes.

CHAIR MEYER asked if the amendment would change the fiscal note.

MS. RHOADES answered no.

[5:20:01 PM](#)

CHAIR MEYER removed his objection to Amendment 1. He announced that without objection, Amendment 1 was adopted.

SENATOR WILSON noted that legislators can just ask for a report and questioned the need for statutorial reporting.

MS. RHOADES answered as follows:

It's just to make it clear that we have that reporting requirement so that it was one of the recommendations from across the country that it is very clear that there is this reporting requirement instate and it's by November 1 of each that the information should be collected and reported.

[5:21:53 PM](#)

SENATOR GIESSEL moved to report SCS CSHB 31(STA), version 30-LS0271\0 as amended, from committee with individual recommendations and attached zero fiscal note.

5:22:07 PM

CHAIR MEYER announced that there being no objection, the motion carried.

5:23:38 PM

There being no further business to come before the committee, Chair Meyer adjourned the Senate State Affairs Committee at 5:23 p.m.