

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

April 18, 2019

3:08 p.m.

MEMBERS PRESENT

Representative Zack Fields, Co-Chair
Representative Jonathan Kreiss-Tomkins, Co-Chair
Representative Andi Story
Representative Adam Wool

MEMBERS ABSENT

Representative Gabrielle LeDoux
Representative Sarah Vance
Representative Laddie Shaw

COMMITTEE CALENDAR

HOUSE BILL NO. 110

"An Act relating to the transfer of a title to a boat on the death of the owner; relating to the transfer of a title to a vehicle, including certain manufactured homes and trailers, on the death of the owner; allowing a person to act for the surviving spouse of a decedent to enforce liability against real property transferred at death; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 115

"An Act relating to absentee voting; and providing for an effective date."

- MOVED HB 115 OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20

"An Act relating to sexual assault; relating to the definitions of 'without consent' and 'consent'; relating to failure to report a violent crime; relating to sexual misconduct under the code of military justice; requiring law enforcement agencies to test sexual assault examination kits; requiring notification of completion of testing; relating to reports on untested sexual assault examination kits; and providing for an effective date."

- MOVED CSSSHB 20(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 110

SHORT TITLE: VEHICLES/BOATS: TRANSFER ON DEATH TITLE

SPONSOR(s): REPRESENTATIVE(s) SPOHNHOLZ

03/25/19 (H) READ THE FIRST TIME - REFERRALS
03/25/19 (H) STA, JUD
04/11/19 (H) STA AT 3:00 PM GRUENBERG 120
04/11/19 (H) Scheduled but Not Heard
04/18/19 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 115

SHORT TITLE: ABSENTEE VOTING

SPONSOR(s): REPRESENTATIVE(s) TUCK

03/27/19 (H) READ THE FIRST TIME - REFERRALS
03/27/19 (H) STA, JUD
04/02/19 (H) STA AT 4:00 PM GRUENBERG 120
04/02/19 (H) Scheduled but Not Heard
04/04/19 (H) STA AT 3:00 PM GRUENBERG 120
04/04/19 (H) Heard & Held
04/04/19 (H) MINUTE(STA)
04/09/19 (H) STA AT 3:00 PM GRUENBERG 120
04/09/19 (H) -- MEETING CANCELED --
04/18/19 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 20

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS

SPONSOR(s): REPRESENTATIVE(s) TARR

02/20/19 (H) PREFILE RELEASED 1/7/19
02/20/19 (H) READ THE FIRST TIME - REFERRALS
02/20/19 (H) STA, FIN
03/11/19 (H) SPONSOR SUBSTITUTE INTRODUCED
03/11/19 (H) READ THE FIRST TIME - REFERRALS
03/11/19 (H) STA, FIN
03/12/19 (H) STA AT 3:00 PM GRUENBERG 120
03/12/19 (H) Heard & Held
03/12/19 (H) MINUTE(STA)
03/14/19 (H) STA AT 3:00 PM GRUENBERG 120
03/14/19 (H) <Bill Hearing Canceled>
03/21/19 (H) STA AT 3:00 PM GRUENBERG 120
03/21/19 (H) Heard & Held
03/21/19 (H) MINUTE(STA)
04/09/19 (H) STA AT 3:00 PM GRUENBERG 120

04/09/19 (H) -- MEETING CANCELED --
04/18/19 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

MEGAN HOLLAND, Staff
Representative Ivy Spohnholz
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 110 on behalf of Representative Spohnholz, prime sponsor.

REPRESENTATIVE IVY SPOHNHOLZ
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 110.

MARLA THOMPSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 110.

MICHAEL MASON, Staff
Representative Chris Tuck
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information on HB 115 on behalf of Representative Tuck, prime sponsor.

EVAN ANDERSON, Civic Engagement Manager
Alaska Center Education Fund (ACEF)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 115.

VERI DI SUVERO, Executive Director
Alaska Public Interest Research Group (AKPIRG)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 115.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Offered information during the hearing on HB 115.

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, explained Amendment 1 to Version G of SSHB 20 and answered questions.

KATIE BOTZ
Juneau, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

KARISA CALLAHAN
Pasadena, California

POSITION STATEMENT: Testified in support of SSHB 20.

CARMEN LOWRY, Executive Director
Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

CARLY WELLS
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

LEIGH BOLIN, President
National Association of Social Workers (NASW) - AK Chapter;
Manager
Child Advocacy Center of Bristol Bay
Dillingham, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

KEELEY OLSON, Executive Director
Standing Together Against Rape (STAR)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

ANGILIA TRUJILLO
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

PATTY OWEN, Director
Alaska Public Health Association (APHA)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SSHB 20.

DIANE CASTRO, Executive Director
Council on Domestic Violence and Sexual Assault (CDVSA)

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing of SSHB 20.

ACTION NARRATIVE

[3:08:32 PM](#)

CO-CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:08 p.m. Representatives Wool, Story, Fields, and Kriess-Tomkins were present at the call to order.

HB 110-VEHICLES/BOATS: TRANSFER ON DEATH TITLE

[3:09:43 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 110, "An Act relating to the transfer of a title to a boat on the death of the owner; relating to the transfer of a title to a vehicle, including certain manufactured homes and trailers, on the death of the owner; allowing a person to act for the surviving spouse of a decedent to enforce liability against real property transferred at death; and providing for an effective date."

[3:09:57 PM](#)

MEGAN HOLLAND, Staff, Representative Ivy Spohnholz, Alaska State Legislature, made opening remarks on behalf of Representative Spohnholz, prime sponsor of HB 110. She mentioned a PowerPoint Presentation and indicated the bill sponsor's imminent arrival.

[3:11:23 PM](#)

REPRESENTATIVE IVY SPOHNHOLZ, Alaska State Legislature, as prime sponsor, introduced HB 110. She paraphrased the sponsor statement, which read as follows [original punctuation provided, with some formatting changes]:

Sponsor Statement

House Bill 110

Nonprobate Vehicle Transfer Upon Death

"An Act relating to the transfer of the title to a vehicle, including certain manufactured homes and trailers, on the death of the owner; allowing a person to act for the surviving spouse of a decedent to make

a demand of the personal representative of the decedent's estate related to enforcing a liability against real property or an interest in real property transferred at death by a transfer on death deed; and providing for an effective date."

The process of probate in the state of Alaska can take anywhere from six months to several years¹, and can cost family members and beneficiaries thousands, potentially tens of thousands of dollars in legal and filing fees². While the State Legislature has already taken great strides to reduce the costs of probate, there is still much room for improvement.

House Bill 110 continues in spirit with the Uniform Real Property Transfer on Death Act (URPTDA), which unanimously passed both the House and Senate in 2014. URPTDA created the Transfer on Death (TOD) deed, which allows for nonprobate transfers of real property. TOD deeds allow Alaskans to select a beneficiary who will receive the property at their passing, and removes that property from the process of probate.

In 2016, the late Representative Max Gruenberg introduced legislation similar to HB 110 that created a mechanism for nonprobate transfers of vehicles. HB 110 is nearly identical, although it expands the concept to apply both to vehicles and boats that are issued titles through the state. Currently, 11 other states have TOD titles for vehicles, and several have TOD titles for boats.

HB 110 continues the ongoing effort to reduce the costs of probate for Alaskans and creates a streamlined service through the DMV through which they can designate beneficiaries for both cars and boats through a simple form. The TOD titles will be available for all boats and vehicles for which the DMV provides titles, which also includes some mobile manufactured homes under AS 45.29.102(66). The program will be self-sustaining through fees.

At no cost to the state, HB 110 will allow countless Alaskans to pass down boats, vehicles, and some manufactured homes to beneficiaries with more ease, and will help simplify and streamline the potentially

complicated, costly, and painful process of probate following the death of a loved one.

1. Alaska Court System Self-Help Services: Probate.
<http://www.courts.alaska.gov/shc/probate/probate-steps.htm>

2. "How Much is that Probate in the Window?" The Senior Voice:
<https://www.seniorvoicealaska.com/story/2018/11/01/finance-and-legal/how-much-is-that-probate-in-the-window/1839.html>

REPRESENTATIVE SPOHNHOLZ noted that AARP, the Alaska Automobile Dealers Association, and the Alaska Commission on Aging support HB 110. Further, she related that she had received no formal opposition to the proposed legislation, nor had there been any opposition to Representative Gruenberg's proposed legislation in 2016.

[3:14:01 PM](#)

CO-CHAIR KREISS-TOMKINS asked if HB 110 would apply also to trailers.

MS. HOLLAND answered that it would apply to vehicles titled through the [Division] of Motor Vehicles (DMV).

CO-CHAIR KREISS-TOMKINS clarified that he meant that which is trailed behind a car, such as a boat trailer or "other kinds of wheeled trailers."

MS. HOLLAND speculated that only that which is titled would be covered under HB 110.

REPRESENTATIVE WOOL proffered that some trailers do have license plates and, thus, are [titled]. He deferred to Marla Thompson, the director of the DMV for confirmation.

[3:15:14 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated, "Anything that has a title would qualify under this bill, and that would include any type of trailer or a mobile home."

[3:15:44 PM](#)

REPRESENTATIVE WOOL observed that HB 110 would add titled boats and trailers to the list of those things that can be transferred on death of the owner.

MS. HOLLAND responded that currently there is no mechanism for transfer on death for cars. She said HB 110 would create "the transfer on death title for cars and boats." She said there are things that currently can be "transferred on death outside of probate in the state of Alaska," including deeds, bank accounts, and brokerage accounts.

[3:17:07 PM](#)

REPRESENTATIVE STORY noted that the fiscal note lists \$60,000 for a software system, and she asked Ms. Holland if she thinks that is all that would be required.

MS. HOLLAND said she had spoken with Ms. Thompson about the fiscal note, because the original legislation of 2016 had a zero fiscal note. She explained that since 2016, the DMV has overhauled its software, and software engineers would be necessary to create the new forms - the two new types of titles that would be needed under HB 110. She explained that once the division creates the forms and necessary software, "it will be self-sustaining through fees." In response to a follow-up question, she offered her understanding that the Department of Administration cannot absorb the cost; therefore, it needs the \$60,000.

[3:19:05 PM](#)

CO-CHAIR KREISS-TOMKINS asked whether the proposed change to statute was recommended by the Uniform Law Commission.

MS. HOLLAND answered no. She stated that the Uniform Real Property Transfer and Death Act of 2009 (URPTDA), endorsed by the commission, created a transfer on death deed, but did not include boats and vehicles. She noted that 11 states have implemented transfer on death titles for vehicles, while 7 states have done so for boats. She said the commission has not put "its stamp of approval on it," but [HB 110] is "following in that spirit of finding ... more assets - more forms of personal property - that we can transfer outside of the process of probate in order to ... pass along more of that value to our beneficiaries."

CO-CHAIR KREISS-TOMKINS asked Ms. Holland whether it would be fair to summarize that Alaska has a lot of boats, thus the sponsor thinks it would be helpful to add them to the list of assets.

MS. HOLLAND answered, "I believe so."

CO-CHAIR KREISS-TOMKINS recalled prior legislation regarding the titling of boats. He referred to the aforementioned PowerPoint [not presented], and a slide that includes the sectional analysis, which notes that boats in Alaska are exempt from the title requirement under AS 05.25.055 if they are less than 24 feet. He asked the significance of that notation in the sectional analysis.

MS. HOLLAND explained she had wanted to show committee members which boats are required to be issued titles through the DMV. She surmised that "your average Joe's" boat is going to be less than 24 feet in length, and the intent of HB 110 is to "allow people to transfer those boats along." That said, she noted that there is a provision under Title V, which allows individuals with boats under 24 feet in length to apply for a title, if they wish to do so, which would allow them to take advantage of a transfer on death title.

[3:22:31 PM](#)

REPRESENTATIVE STORY asked how the public would know about the option to title boats under 24 feet in length.

MS. HOLLAND responded that she does not know, and she suggested the question could be asked of Ms. Thompson.

[3:23:06 PM](#)

MS. THOMPSON provided that the titling of the boat is a new process that the DMV initiated in January 2019, wherein boats of 25 feet or more are required [to register for] a title "if they're not documented somewhere else." She confirmed that "anybody can go ahead and title a boat." She said the division just refreshed its website information regarding titling, and it would add a separate section informing anyone visiting the website of the option to [title a boat 24 feet or less in length].

[3:23:57 PM](#)

REPRESENTATIVE WOOL asked if "a bunch of numbers on the bow of a boat" indicates that the boat is titled.

MS. THOMPSON answered no. She speculated that Representative Wool may be referring to a U.S. Coast Guard documented number. She said boat titles look similar to vehicle titles, and they include a number, but that number is not on the boat.

REPRESENTATIVE WOOL concluded that a boat would not have a license plate as would trailers or motorcycles.

MS. THOMPSON confirmed that is correct.

[3:25:08 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the deadline for amendments for HB 110 to be submitted would be Monday, 4/22/19, at 5 p.m.

[3:25:25 PM](#)

REPRESENTATIVE STORY returned to the issue of the \$60,000 listed on the fiscal note. She referred to the second sentence [of the second paragraph of the fiscal analysis], which read: "This estimate is based on prior reconfiguration for similar changes and assumes 600 programming hours at a cost of \$100 per hour." She asked, "And that is in-kind, since that's not listed here?"

[3:26:10 PM](#)

MS. THOMPSON explained that the fiscal note reflects programming time for Information Technology (IT) staff or contractors needed to complete the necessary work. She said, "This is very similar to the amount of work that was required to create a title. This is a different type of title for vehicles and for boats, and so there is work to be done." She echoed Ms. Holland's statement that the DMV had recently converted from an older system. She said the fiscal note for HB 110 has no training hours included that are not related to IT work.

CO-CHAIR KREISS-TOMKINS noted that within the PowerPoint is mention of a small fee for a transfer on death title, and he asked how much that would be.

MS. HOLLAND said that fee would be determined by the DMV.

CO-CHAIR KREISS-TOMKINS asked Ms. Thompson, "Given that there would be a fee, presumably determined by regulation, why does the fiscal note not reflect any revenue in future years?"

MS. THOMPSON answered the DMV currently charges \$15 for a title fee, and since there was no mention of a different fee, she did not "add anything different." The fee would be \$15. In response to a request for clarification, she said the current title fee is \$15, and that amount is the same for all types of vehicles, "A, B, or C."

[HB 110 was held over.]

HB 115-ABSENTEE VOTING

[3:29:48 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 115, "An Act relating to absentee voting; and providing for an effective date."

[3:30:23 PM](#)

MICHAEL MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor, informed the committee that earlier that day he had presented HB 115 to the Alaska Commission on Aging, and following that presentation, the commission informed him that it would endorse the bill, which would put in place a permanent absentee voting system in Alaska.

[3:31:28 PM](#)

CO-CHAIR KREISS-TOMKINS opened public testimony on HB 115.

[3:31:36 PM](#)

EVAN ANDERSON, Civic Engagement Manager, Alaska Center Education Fund (ACEF), stated that ACEF believes democracy in Alaska is strongest when there is full participation across the electorate. He said permanent absentee voting would be "a major win" for students, "people of varying abilities," and the elderly. He surmised that the chances someone will vote again are higher if his/her [absentee] ballot is delivered automatically. He mentioned there are 11 other states that do this, and he remarked that Alaskans "stand on the shoulders" of its civil rights heroes, such as Elizabeth Peratrovich. He concluded by stating his support for HB 115.

[3:33:46 PM](#)

VERI DI SUVERO, Executive Director, Alaska Public Interest Research Group (AKPIRG), related that AKPIRG protects consumers and ensures the best possible governance in Alaska. She said AKPIRG supports permanent absentee voting, "because every American has the fundamental right to vote and have that vote counted." She talked about the ability to do most things via computer or smart phone; therefore, she reasoned that there is "no reason that signing up to receive a ballot shouldn't be easy and accurate and accessible." She opined that permanent absentee voting would ensure that Alaska's electorate receives the best process for voting possible. She said there are eight states, as well as Washington, D.C., that maintain a permanent absentee ballot list. She expressed support of HB 115.

CO-CHAIR KREISS-TOMKINS, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 115.

[3:35:56 PM](#)

REPRESENTATIVE STORY expressed appreciation for the information from Barbara Jones, Municipal Clerk, Municipality of Anchorage, about ensuring that a voter does not vote absentee and then show up at the polls to vote again. She questioned whether this [method] was in place in other parts of the state.

[3:36:59 PM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, stated that since Anchorage [uses] "an all by-mail system," its security measures are different. She said, "The State of Alaska would still need to be producing precinct registers, and those precinct registers would be marked ... 'applied for by-mail ballot' or 'applied for absentee ballot'." She added, "If someone was to show up and vote at the polls, and insist on voting, we would require them to vote a question ballot; that would be the division's policy to ensure that if they already voted a by-mail ballot and sent it in, ... there would not be duplicate voting going on."

[3:38:08 PM](#)

REPRESENTATIVE WOOL asked for clarification as to how that would work.

MS. FENUMIAI explained that in order to ensure duplicate voting doesn't occur, notation needs to be made in the precinct register showing when people have voted by mail or voted early. With that notation made, the polling place worker would then tell the voter who comes to the precinct voting location that he/she must use a question ballot. All ballots that come back to the regional offices are logged, reviewed, and entered into the voter registration system; therefore, there is a method to determine whether a by-mail ballot was received before the question ballot.

REPRESENTATIVE WOOL asked how the division knows a mailed ballot is from a particular voter.

MS. FENUMIAI answered that three identifying items must be on the back of the by-mail envelope in order for the by-mail ballot to be counted: a witness, a voter "indentifier," and the voter's signature.

[3:41:15 PM](#)

REPRESENTATIVE STORY said it was interesting to learn that the State of Colorado received 60 percent return rates in [by-mail] voting. She observed that information she read showed that Alaska's rate was 18 percent.

REPRESENTATIVE WOOL said while he personally does not want a future where voting by mail is the only option, he supports getting more people to vote.

[3:42:14 PM](#)

CO-CHAIR KREISS-TOMKINS opined that HB 115 is "great," as well as "simple" and "straightforward." He explained that he would put aside HB 115 and bring it back at the end of the meeting when a quorum was present to vote on moving HB 115 out of committee.

HB 20-SEXUAL ASSAULT EXAMINATION KITS

[3:42:32 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20, "An Act relating to sexual assault; relating to the definitions of 'without consent' and 'consent'; relating to failure to report a violent crime; relating to sexual misconduct under the code of

military justice; requiring law enforcement agencies to test sexual assault examination kits; requiring notification of completion of testing; relating to reports on untested sexual assault examination kits; and providing for an effective date."

[Before the committee, adopted as a working document on 3/21/19, was committee substitute (CS) for SSHB 20, Version 31-LS0253\G, Radford, 3/21/19.]

[3:43:08 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, noted that everyone appeared to be on board with the sections of the bill related to rape kits, including the year timeline, sending kits within 30 days, victim notification, and updating of the audit report. She indicated other issues had been added relating to sexual assault in the second degree and the definition of consent - both of which "needed more work." Representative Tarr said because the definition of "without consent" involves the use of force, in the case of an incapacitated person, when jurors do not see evidence of force, they "often don't perceive it as sexual assault." She indicated that an amendment was available that would "make it more clear in those circumstances" and avoid loopholes. She said in a prior meeting there was a discussion about the varying standards regarding "mental state." She said, "The default 'mental state' is reckless disregard." She mentioned "the reasonable person standard." The aforementioned amendment would clean up that language for clarification. In response to Co-Chair Kreiss Tomkins, she mentioned SB 35, heard in the Senate Judiciary Standing Committee, where "this conversation was happening there, too." She indicated that the language of the amendment had been vetted with advocates, as well as with the Department of Law (DOL). She emphasized the importance of clarity of language for the purpose of evaluating the law.

[3:48:07 PM](#)

REPRESENTATIVE WOOL asked whether "incapacitated" and "mentally incapable" are considered temporary or permanent states.

REPRESENTATIVE TARR answered it could be both.

REPRESENTATIVE WOOL asked whether incapacitation was considered just on the part of the victim or when both the victim and [the person who assaults him/her] may be incapacitated.

REPRESENTATIVE TARR suggested, "It depends on who the defendant is in that particular case." She indicated that human behavior "on both sides" could be a challenge.

[3:50:26 PM](#)

CO-CHAIR KREISS-TOMKINS opened public testimony on SSHB 20, Version G.

[3:50:44 PM](#)

KATIE BOTZ testified in support of SSHB 20. She asked the committee not to bog down the bill but to keep it strong. [Due to technical difficulty, part of Ms. Botz' testimony was indiscernible.] She questioned, "How much more does the victim needs to be revictimized?" She asked the committee to show victims that they have value as human beings.

[3:52:50 PM](#)

KARISA CALLAHAN said she is originally from Montana, and she indicated that is an area that ranks high in the number of sexual assaults; she is an assault survivor. She stated it is important in recovery to have the support of community. She said in the absence of rape test kits, sometimes justice is not possible. She expressed her emotional response to this subject and urged the committee to support HB 20, to bring healing to the community.

[3:54:08 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), said ANDVSA comprises 24 community-based organizations providing services to victims and their families. She said ANDVSA supports SSHB 20. She expressed appreciation for Representative Tarr's survivor-centered approach to addressing sexual assault kit processes and backlogged kits. She said, "This bill represents very solid, trauma-informed processes." She said the specification of a timeline when victims will hear back regarding the kits is critical. She said giving reasons for untested kits is important, because "every kit represents a victim." She encouraged the committee's "favorable consideration" of SSHB 20.

[3:57:18 PM](#)

CARLY WELLS testified that she works with sexual assault victims in Alaska. She emphasized that passing SSHB 20 was "powerful and necessary." She reviewed that Alaska is the highest in the nation for sexual assault. She stated, "We're in the middle of an epidemic." She said the healing journey of victims is a long and difficult one, and the proposed legislation would "give some level of dignity back to them" by providing a timeline as to when kits will be tested. Another consideration, she relayed, is that a shorter timeline will prevent victims from getting a call four or five years in the future that can "seriously derail them in their journey." She indicated that the cost of testing the kits is not great, and doing so shows the state cares about these victims and getting answers for them in a reasonable amount of time to give them back their dignity. She concluded, "As someone who hears their stories day in and day out, I can tell you this bill is not just necessary but is incredibly needed in our state."

[3:58:46 PM](#)

LEIGH BOLIN, President, National Association of Social Workers (NASW) - AK Chapter; Manager, Child Advocacy Center of Bristol Bay, thanked the bill sponsor for her leadership in addressing sexual assault processes with a trauma-informed approach. She said she appreciates the timeframe specified under SSHB 20. She specified the following language in Section 11, which read:

*** Sec. 11.** AS 44.41.070 is amended by adding a new subsection to read:

(e) A sexual assault examination kit is ineligible for testing if the law enforcement agency or state department finds that the sexual assault examination kit

(1) was collected improperly;

(2) is not necessary to identify the perpetrator of the crime; or

(3) was collected from a person who does not wish to proceed with criminal charges.

MS. BOLIN offered her understanding that children "are not allowed to do anonymous kits or say they don't want to proceed"; therefore, she said it is important to specify that in the bill language.

[4:00:24 PM](#)

KEELEY OLSON, Executive Director, Standing Together Against Rape (STAR), testified in support of SSHB 20. She thanked the committee for its support of the proposed legislation. Regarding language referencing mental state, she said, "Removing that does make everything clearer; it changes to a default of acting recklessly or with reckless disregard." She said this is important, because it would make it more difficult for an offender to claim that he/she did not know that the victim was incapacitated. It would give more tools to the prosecution and to a sitting jury to evaluate the evidence and decide whether the perpetrator should have known - which is not the current standard.

[4:02:16 PM](#)

ANGILIA TRUJILLO said she is a forensic examiner, who is testifying on her own behalf. She said she agrees with the previous testifier's remarks about specifying in the bill language that minors do not have the option to have their rape kits remain anonymous. She said she concurs with the issue regarding the mental state and incapacitation, and she believes the bill will "strengthen the ability of the trier of facts to come to a more judicial accounting for the (indisc.) to come forward." She said as a prior examiner, she has seen cases that could not go forward, which put victims in "a state of not knowing where they're going to go" and finding themselves having to revisit the trauma 12 to 15 years later. She said she hopes SSHB 20 will pass.

[4:04:09 PM](#)

PATTY OWEN, Director, Alaska Public Health Association (APHA), stated that domestic violence and sexual assault are primary issues in Alaska that are the focus of APHA. She stated that APHA supports SSHB 20 and thanks Representative Tarr for her leadership. She related that APHA responds to this public health challenge and supports the efforts, policies, and programming embraced by the following: the Council on Domestic Violence and Sexual Assault (CDVSA); ANDVSA; and the Alaska Native Women's Resource Center. She stated that APHA believes that under SSHB 20, the backlog of sexual assault kits will be addressed, and kits will be processed in a timely manner. She said, "We agree with the changes that have been outlined."

[4:06:36 PM](#)

DIANE CASTRO, Executive Director, Council on Domestic Violence and Sexual Assault (CDVSA), testified that CDVSA supports the concept of SSHB 20. She explained that CDVSA comprises the Department of Corrections (DOC), the Department of Public Safety (DPS), the Department of Education & Early Development (DEED), the Department of Health and Social Services (DHSS), the Department of Law (DOL), and four public members who meet only quarterly; therefore, it is difficult to come out in full support of legislation, because there are amendments that could occur. Notwithstanding that, she said CDVSA met in March [2019] and agrees that revising the language of SSHB 20, as the previously discussed amendment would do, would be "a good step forward." She said CDVSA believes that strengthening the consistency and timing of testing will increase the number of victims who come forward to report, because they would be surer that something would be done. She talked about working toward the reduction and eventual elimination of domestic violence and assault, and she said SSHB 20 "takes us one step forward in that direction."

[4:09:21 PM](#)

REPRESENTATIVE WOOL stated support for SSHB 20, [Version G].

[3:09:40 PM](#)

REPRESENTATIVE STORY mentioned "Section 4" and referred to language in [the sectional analysis] regarding "reasonable effort" being made to notify the victim that testing has occurred. She inquired as to the definition of "reasonable effort."

[4:10:20 PM](#)

REPRESENTATIVE TARR said the choice of the word "reasonable" was to allow flexibility for the types of communication available to law enforcement around the state.

REPRESENTATIVE STORY recollected that one of the previous testifiers had expressed a hope that the communication could happen sooner than one year. She offered her understanding that it would cost approximately \$600,000 to "speed up the time."

REPRESENTATIVE TARR answered yes, but explained that amount also covered funding for the database. She said the first priority would be to use any funds available to shorten the timeline. She indicated that the portion of the \$600,000 allotted to the

timeline would be \$440,000. She said it would be up to the finance committees to determine the prioritization of funds. She related that the Joyful Heart Foundation would like states to reduce the time down to 30 days. That said, she noted that the time used to be 18 months, so progress is being made and must continue. She said she attended a banquet during National Crime Victims Week, and she questions whether people are getting the justice they deserve when they have to wait so long. She stated, "I just don't know if there's the will of the legislature to go to the six-month deadline this year."

REPRESENTATIVE STORY expressed appreciation to the bill sponsor for continuing the effort to reduce the timeline and for bringing forward SSHB 20.

REPRESENTATIVE TARR said unfortunately some individuals are "serial sexual assaulters," and "when we don't move quickly, we allow dangerous people to be out in our community potentially committing more crimes."

[4:15:23 PM](#)

CO-CHAIR FIELDS moved to adopt Amendment 1 to Version G of SSHB 20, labeled 31-LS0253\G.1, Radford, 4/17/19, which read as follows:

Page 1, line 14, through page 2, line 3:

Delete all material and insert:

"(3) the offender engages in sexual penetration with another person

(A) who [THE OFFENDER KNOWS] is mentally incapable; and

(B) who is in the offender's care"

Page 2, lines 7 - 8:

Delete "when [WHO] the offender knows or recklessly disregards that the person"

Insert "who [THE OFFENDER KNOWS]"

Page 2, lines 17 - 20:

Delete all material and insert:

"(2) the offender engages in sexual contact with a person

(A) who [THE OFFENDER KNOWS] is mentally incapable; and

(B) who is in the offender's care"

Page 2, lines 24 - 25:

Delete "when [WHO] the offender knows or
recklessly disregards that the person"

Insert "who [THE OFFENDER KNOWS]"

Page 2, lines 29 - 30:

Delete "when [WHO] the offender knows or
recklessly disregards that the person"

Insert "who [THE OFFENDER KNOWS]"

Page 3, lines 7 - 8:

Delete "when [WHO] the offender knows or
recklessly disregards that the person"

Insert "who [THE OFFENDER KNOWS]"

Page 4, line 16:

Delete "person"

Insert "victim"

[4:15:35 PM](#)

CO-CHAIR KREISS-TOMKINS announced that there being no objection, Amendment 1 was adopted.

[4:15:46 PM](#)

CO-CHAIR FIELDS moved to report CSSSHB 20, Version 31-LS0253\G, Radford, 3/21/19, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection CSSSHB 20(STA) was reported from the House State Affairs Standing Committee.

HB 115-ABSENTEE VOTING

[4:16:08 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the final order of business would be a return to HOUSE BILL NO. 115, "An Act relating to absentee voting; and providing for an effective date."

[4:16:11 PM](#)

REPRESENTATIVE WOOL moved to report HB 115 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 115 was reported from the House State Affairs Standing Committee.

4:16:59 PM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:17 p.m.