

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 5, 2020

3:30 p.m.

MEMBERS PRESENT

Senator Joshua Revak, Chair
Senator John Coghill, Vice Chair
Senator David Wilson
Senator Scott Kawasaki

MEMBERS ABSENT

Senator Mia Costello

OTHER LEGISLATORS PRESENT

Representative Geran Tarr

COMMITTEE CALENDAR

SENATE BILL NO. 133

"An Act relating to testing of sexual assault examination kits; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 97

"An Act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs to be spent on art."

- HEARD & HELD

SENATE BILL NO. 183

"An Act relating to vehicles abandoned on private property."

- HEARD & HELD

SENATE CONCURRENT RESOLUTION NO. 11

Relating to awarding the Alaska Decoration of Honor to Gabriel David Conde.

- MOVED SCR 11 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 133

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS: TESTING

SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/21/20 (S) PREFILE RELEASED 1/10/20
01/21/20 (S) READ THE FIRST TIME - REFERRALS
01/21/20 (S) STA, FIN
03/05/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 97

SHORT TITLE: ART IN PUBLIC BUILDINGS & FACILITIES

SPONSOR(s): SENATOR(s) WILSON

03/25/19 (S) READ THE FIRST TIME - REFERRALS
03/25/19 (S) STA, FIN
04/18/19 (S) STA AT 1:30 PM BUTROVICH 205
04/18/19 (S) Scheduled but Not Heard
03/05/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 183

SHORT TITLE: ABANDONED VEHICLES; PRIVATE PROPERTY

SPONSOR(s): SENATOR(s) KIEHL

02/12/20 (S) READ THE FIRST TIME - REFERRALS
02/12/20 (S) STA
03/05/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SCR 11

SHORT TITLE: DECORATION OF HONOR AWARD: GABRIEL CONDE

SPONSOR(s): STATE AFFAIRS

02/26/20 (S) READ THE FIRST TIME - REFERRALS
02/26/20 (S) STA
03/05/20 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

BETTY TANGEMAN, Staff
Senator Joshua Revak
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes in SB 133, version U,
on behalf of the sponsor.

SENATOR GRAY-JACKSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SB 133.

JACOB TATUM, Staff

Senator Elvi Gray-Jackson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, presented a PowerPoint on SB 133, "Senate Bill 133 Rape Kit Reform."

DAVID KNARIS, Chief

Scientific Crime Detection Laboratory

Department of Public Safety

Anchorage, Alaska

POSITION STATEMENT: Testified on the backlog of sexual assault kits and the positive impact of SB 133.

CARMEN LOWRY, Executive Director

Alaska Network on Domestic Violence and Sexual Assault

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 133.

KATIE BOTZ, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 133.

BENJAMIN BROWN, Chair

Alaska State Council on the Arts

Department of Education and Early Development

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 97.

ANDREA NOBLE, Executive Director

Alaska State Council on the Arts

Department of Education and Early Development

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 97.

BETTY TANGEMAN, Staff

Senator Joshua Revak

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Explained the changes in SB 183, version M, on behalf of the sponsor.

SENATOR JESSE KIEHL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 183.

DAVID CAMPBELL, Deputy Chief
Juneau Police Department (JPD)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 183.

DUSTIN ELSBERRY, Staff
Senator Joshua Revak
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SCR 11 on behalf of the sponsor.

ACTION NARRATIVE

[3:30:17 PM](#)

CHAIR JOSHUA REVAK called the Senate State Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Wilson, Coghill, Kawasaki, and Chair Revak.

SB 133-SEXUAL ASSAULT EXAMINATION KITS: TESTING

[3:31:15 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 133, "An Act relating to testing of sexual assault examination kits; and providing for an effective date." He noted there was a committee substitute and solicited a motion.

[3:31:32 PM](#)

SENATOR COGHILL moved to adopt the committee substitute (CS) for SB 133, work order 31-LS1248\U, as the working document.

SENATOR REVAK objected for an explanation.

[3:32:11 PM](#)

BETTY TANGEMAN, Staff, Senator Joshua Revak, Alaska State Legislature, Juneau, Alaska, explained that version U would change the effective date of SB 133 from July 1, 2020 to July 1, 2021 to allow the crime lab time to assess and build up its capacity to meet the six-month processing time mandated by the bill.

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CHAIR REVAK removed his objection and the committee substitute (CS) for SB 133, version U, was adopted.

[3:33:30 PM](#)

SENATOR GRAY-JACKSON, Alaska State Legislature, Juneau, Alaska, said SB 133, which is a companion bill to HB 182. SB 133 will change the mandate time for testing of all sexual examination kits collected in Alaska from 12 months to within six months. She thanked Representative Tarr for introducing HB 182 to bring this much needed change to fruition. She said this logical next step will help reduce the current backlog and provide the necessary resources to ensure that a backlog does not reoccur. She offered her view that SB 133 will also help deliver justice to the many survivors by helping them close a traumatic chapter in their lives.

SENATOR GRAY-JACKSON said SB 133 has a modest fiscal impact, but these resources will be used to address the alarming rate of sexual assault in Alaska, which is four times the national average. She said SB 133 is supported by many public safety and health professionals who attest to the value of this next step in sexual assault kit reform. This bill will protect women from being future victims and also help law enforcement close cold cases, she said.

SENATOR GRAY-JACKSON explained that perpetrators of crimes of this nature are often serial offenders, so the value of the data collected in the database and the Combined DNA Index System (CODIS) is important.

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JACOB TATUM, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, Juneau, Alaska, presented a PowerPoint, "Senate Bill 133 Rape Kit Reform," on behalf of the sponsor.

MR. TATUM explained that sexual assault kits are vital tools for law enforcement to prosecute offenders and deliver justice for victims. Due to the scope and sensitivity of the evidence collected, the processing of sexual assault kits has been a recurring problem, but it can be solved. He referred to a 2019 report in members' packets from the Department of Public Safety (DPS) that illustrates the progress that the department has made. The report identified 1,696 sexual assault kits that have not yet been tested in 2019. Any backlog is unacceptable, but progress is being made, he said. From 2017 to 2018, the backlog in the number of untested sexual assault kits was reduced from 3,484 to 2,568.

He highlighted that in 2019, the legislature appropriated \$2.57 million in the capital budget to directly address sexual assault kit backlogs. Further, the 2018 passage of House Bill 31 established law enforcement training for those officers working with victims of sexual assaults. It also established ways to anonymously report sexual assaults. In 2019, the legislature passed HB 49, which created victim notification requirements and established the current one-year timeline for sexual assault kit testing. He said SB 133 would reduce that turnaround time to test sexual assault kits to six months.

[3:38:16 PM](#)

MR. TATUM stated that addressing the backlog of sexual assault kits is part of a broader national effort. He noted that the Joyful Heart Foundation is an organization that spearheaded this effort. He reviewed slide 2, Joyful Heart Foundation - 6 pillars:

1. Annual Statewide inventory of untested kits: A recurring count of all untested rape kits enables stakeholders to understand the scope of the problem and make progress.
2. Mandatory testing of backlogged kits: Eliminate the existing backlog by requiring law enforcement agencies to submit all previously untested rape kits to the lab and requiring the kits to be tested.
3. Mandatory testing of new kits: Prevent future backlogs by requiring law enforcement agencies to promptly submit all newly collected kits to the lab, and requiring the lab to test these kits within a specific time frame.
4. Statewide tracking system: ensure that hospitals, law enforcement, and labs are using the same system to track rape kits. Build in a mechanism for survivors to check the status of their kits throughout the process, from collection through analysis.
5. Victims' rights to notice. Grant victims the right to receive information about the status and location of their rape kit, and require that victims be informed if their kit will not be tested and prior to destruction.

6.Funding for reform: Appropriate state funding to address these issues.

He reported that these six pillars have all been addressed by the legislature in the last few years.

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MR. TATUM reviewed the chart on slide 2 that shows legislative action taken from 2014 to 2020:

2014	Launch Rape Kit Reform Initiative
2015	Introduce [House Bill] 117, requiring a statewide audit of all untested rape kits, legislative hearings lead to request for audit of the crime lab
2016	Continued work with crime lab staff and public safety officials on reforms like instituting a tracking system for all untested kits [Senate Bill 55]
2018	Reforms pass establishing law enforcement and anonymous reports for victim centered approach, require law enforcement to have training on sexual assault response, require audit on untested kits to be annual [House Bill 31]
2019	Reforms pass requiring timely testing of rape kits and victim notification [HB 49]
2020	[HB 182/SB133] to shorten timeline for testing - 60 days or 6 months?

[3:42:30 PM](#)

MR. TATUM reviewed slide 3, Why Timing of Testing is Important. This slide contained a quote from a Channel 11, KTVA report, "Alleged serial rapist known to authorities roamed Anchorage freely for months." The Mosley case identified gaps in the law that allowed Mr. Mosley to sexually assault at least four victims over the course of nine years. He read:

Mosley is in custody now, but he was allowed to roam Anchorage freely for more than eight months after Anchorage police detectives learned his DNA implicated him in three sexual assaults and forwarded charges to the Department of Law.

During that time, a fourth woman was raped.

He said commonsense reforms, including SB 133, should help foster an environment where there are fewer victims and help victims feel more comfortable reporting sexual assaults.

[3:46:52 PM](#)

MR. TATUM reviewed slide 4, We MUST do Better:

- ▶ Require all rape kits be tested within six months
 - ▶ Fiscal note- additional technical staff needed
 - ▶ Time needed to scale up for meeting requirement
 - ▶ Difficulty in finding and retaining qualified staff
 - ▶ 2 year timeline from creating position to hiring to fully trained
 - ▶ New leadership - David Kanaris
 - ▶ Special Assistant - Randi Breager

He commented that passing SB 133 is one way to make progress since it will require that all rape kits be tested within six months. The committee substitute, version U, will also change the effective date to allow the division time to scale up.

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MR. TATUM displayed a two-minute video, "I Am Evidence":

MR. TATUM said SB 133 consists of one section and Mr. Kanaris can speak to the fiscal note.

[3:52:42 PM](#)

CHAIR REVAK noted that Representative Tarr had joined the committee.

[3:53:19 PM](#)

DAVID KNARIS, Chief, Scientific Crime Detection Laboratory, Department of Public Safety, Anchorage, Alaska, gave a brief history of the Scientific Crime Detection Laboratory (crime lab) in Alaska and how SB 133 might impact the backlog. He explained identified three backlog areas related to sexual assault kits. First, in 2015-2016, the lab used federal funding to determine that the Alaska State Troopers never submitted 568 sexual assault kits to the lab. Subsequently, those kits have all been tested using federal funds to outsource the kits to an East Coast lab. Second, several years ago, the lab received a legislative capital appropriation of \$2.75 million to test 2,500 remaining untested kits. He reported that this project is currently underway with about 1,000 sexual assault kits tested.

Third, the crime lab has ongoing casework ranging from property crimes, sexual assaults, kidnappings, and homicides. Since fiscal year (FY) 2012, there has been a steady increase in cases. In July 2012, the lab received 300 new cases, but last year it more than doubled to 651 cases. Since July 2019, the lab experienced a staggering 34 percent increase in DNA submissions, which means the crime lab anticipates receiving over 800 cases this year. The lab's DNA section has not had any staff increases except for the two positions authorized by passage of HB 49 in 2019.

MR. KNARIS advised that the FBI mandates DNA analysis training programs for a minimum of six months. It takes 12-15 months of training for someone to learn to do a complete DNA analysis. Further, because it is difficult to recruit experienced staff into Alaska, 80 percent of staff are trained from scratch by a current staff member. This adversely impacts the crime lab because it takes a forensic staff person away from his or her work to train new forensic staff. This impact is reflected in the DPS fiscal note to outsource that person's work, he said.

He said the current backlog is about 250 sexual assault kits. The intention of SB 133 is to reduce that backlog and the sexual assault kit processing time to within six months. He reported that he reviewed 17 other states' processing times and calculated the average testing time is 90 days. The six-month timeframe in SB 133 will allow 60 days for testing, peer and technical review, and report writing, plus an additional 30 days to pose questions to law enforcement.

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MR. KNARIS said state and national forensic needs assessments can help explain the increase in DNA submissions. In Alaska, it is partially attributed to a 34 percent increase in violent crimes from 2013 to 2017. In addition, the national focus on sexual assault kit backlog has brought policy reform to the forefront in Alaska. He said DNA provides the criminal justice system with a very powerful technology. Since a small DNA sample can provide substantial information, law enforcement personnel favor that technology over other forensic techniques. That might explain the reason for the increase in sexual assault kits coming to the lab, he said.

He referred to the fiscal note from the Department of Public Safety, Statewide Support, Laboratory Services. The crime lab has asked for two forensic scientist positions for a total cost of \$218,000 plus additional funding to outsource 288 sexual

assault kits in the first year and 144 kits in the second year at a cost of \$1,100 per kit to maintain turnaround times during the training period.

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CHAIR REVAK asked him to discuss the steps to test a sexual assault kit.

MR. KNARIS explained that first, the sexual assault kit is logged into the lab information management system and given a system bar code to maintain tracking and the chain of custody. This allows staff to identify the exact location of the kit at any time. Next, the analyst reads the forensic history to determine which samples are most probative. He noted that the sexual assault kit consists of numerous intimate samples and body hair samples. Once identified, the samples are processed to determine body fluids, which are used to extract the DNA. The analyst quantifies the amount of DNA, which is amplified and replicated. After the DNA is read and profiled, it must be checked against CODIS [Combined DNA Index System] and any known samples. After final testing, the analyst writes a report and does interpretation of the samples, which may also consist of mixtures of DNA. Then the work is double checked through a peer review process. The crime lab is nationally accredited so it must follow standardized procedures. Finally, the report and interpreted analysis are reviewed by a second analyst and subsequently released to the law enforcement agency.

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CHAIR REVAK asked if only one testing of the sexual assault kits is required to acquire the necessary data.

MR. KNARIS responded that if the first round of testing yields a probative profile, which could mean testing 7-10 samples, then the answer is yes. If not, a second round of testing may be necessary to test clothing or bedding evidence. If so, it will result in a second report.

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SENATOR WILSON asked if his division has been able to meet the one-year requirement for testing kits.

MR. KNARIS answered yes. He estimated that the lab currently has about a nine-month backlog, including outsourcing the 200 sexual assault kits that were outsourced to allow the crime lab to train its two new analysts. He anticipated that these analysts

will be fully trained by May 2020. At that time, he predicted that the lab could meet the 12-month window.

SENATOR WILSON asked if the testing for those kits was funded under the federal Sexual Assault Kit Initiative (SAKI). He further asked about the funding for the 288 kits mentioned in the fiscal note.

MR. KNARIS said the sexual assault kits in question were for routine incoming cases.

SENATOR WILSON related his understanding that it takes about nine months to train a Forensic Scientist III. He asked how long it takes to recruit a forensic scientist.

MR. KNARIS answered that this year it took the crime lab about three months to establish the new positions within the state system and an additional two months to recruit the positions. He estimated that the crime lab finished its recruiting process in December 2019 and began training the forensic scientists. He envisioned that it would probably take less time for future recruitments since the hiring process has already been established. However, he did not think the next hiring process would take less than three months.

SENATOR WILSON asked if moving the effective date to a three-year timeline would make it more feasible for the crime lab to build up its in-house capacity to meet the 60-day turnaround in testing sexual assault kits.

MR. KNARIS estimated that under SB 133, as written, the crime lab should be able to meet its goal by the July 1, 2021 date. If the bill's effective date is extended by another year, the crime lab might be able to reduce its outsourcing costs, but it would still need the two new positions.

SENATOR WILSON reiterated that his suggestion was to move the effective date back, not to delete funding or the positions.

MR. KNARIS agreed that if the start date is moved to coincide with the scientists' training completion period, the lab could potentially meet the testing goal without outsourcing any of the sexual assault kits.

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SENATOR KAWASAKI said he was unclear about the timeline listed in the four-page report in members' packets. The report notes

that in 2019 there were 1,696 untested sexual assault kits, with 190 kits in storage pending review, and that 388 kits were submitted to the crime lab but remain as part of the backlog. He asked why this nine to 12-month backlog was not considered as part of the department's budget during the budget review process instead of introducing this bill to enhance the crime lab's role.

MR. KNARIS answered that the \$2.75 million capital appropriation in 2018 provided funding for the untested sexual assault kits. At the time, the state inventory consisted of 2,568 kits. Of those, approximately 1,200 sexual assault kits have been tested. Although a private forensic lab, [BODE Technology], will test the sexual assault kits, the state crime lab must still input the sexual assault kits into CODIS and provide the technical review. The current sexual assault kit backlog consists of 250 routine incoming cases, he added.

SENATOR KAWASAKI asked if the current backlog is nine months.

MR. KNARIS answered yes; the oldest case dates back about nine months, although there are significantly newer cases. He explained that the crime lab prioritizes high public safety threat or sexual assault of minor cases and the turnaround for those cases is significantly less.

SENATOR KAWASAKI asked what will happen to the inventory of 1,696 sexual assault kits when the money disappears. He recalled that significant funds were appropriated last year to clear the backlog.

MR. KNARIS answered that every sexual assault kit that is eligible for testing will eventually be tested and the results will be forwarded to law enforcement agencies. The sexual assault kits will remain at the crime lab into perpetuity by law.

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CHAIR REVAK opened public testimony on SB 133.

[4:12:54 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), Juneau, Alaska, stated that ANDVSA consists of 21 organizations that provide community-based services for shelter in crisis and intervention services for victims and survivors of domestic and sexual assault violence. She characterized SB 133 as a good bill that is well

informed from the law enforcement and victim perspectives. It lets victims know they will get answers if they undergo a sexual assault forensic exam, she said.

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KATIE BOTZ, representing self, Juneau, Alaska, spoke in support of SB 133. She said she is a survivor of sexual assault. Because of the taboos 20 years ago she did not even tell her parents she had been sexually assaulted. She recalled that the sexual assault kit exam was as traumatic as the rape itself. She said Alaska ranks number one in the nation for sexual assaults and she finds that and the lengthy processing time for sexual assault kits unacceptable. She asked the legislature to put money towards processing the sexual assault kits.

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At ease

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CHAIR REVAK reconvened the meeting and after determining there were no further testifiers, closed public testimony on SB 133.

He stated he would hold SB 133 for future consideration. He asked members to provide amendments to his office by Monday March 9.

SB 97-ART IN PUBLIC BUILDINGS & FACILITIES

[4:20:03 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 97, "An Act repealing statutes that relate to art works in public buildings and facilities and that require a set percentage of construction costs to be spent on art."

[4:20:31 PM](#)

SENATOR WILSON speaking as sponsor, said this bill would repeal the one percent for art program. He read:

In 1975, the Alaska Legislature passed a bill requiring the expenditure of one percent of the capital construction costs of public buildings for the acquisition and permanent installation of artwork. Senate Bill 97 would repeal the "Percent for Art in Public Places" statute.

He said this program isn't managed by a single department or agency and expenditures are not tracked in any central

repository. The artists are awarded via public art commissions and perform the work. Artists are paid in the same manner as contractors, he said. He expressed concern that some artists are nonresidents.

SENATOR WILSON said SB 97 would remove the state mandate that requires the program, but it will not forbid art from being installed in state buildings. He reported that \$14 million was spent for this program between FY 2014 and FY 2018 in schools, court buildings, and state ferries, including \$700,000 for art at the state crime lab. He noted that the graph in members' packets details the spending.

SENATOR WILSON referred to AS 35.27.010. which reads, "The state recognizes its responsibility to foster culture and the arts and the necessity for the viable development of its artists and craftsmen." He said he disagrees with this statement because the state currently faces fiscal challenges. He asked if the state's priorities when building capital projects should focus on the art in buildings or whether it should focus on the quality and functionality of the buildings. He argued that the state simply cannot continue to subsidize art with its limited resources. He expressed concern that funding is not available for art programs in schools.

He said SB 97 includes a transition provision to allow the Alaska State Council on the Arts to continue to manage the art in public places fund until the balance in the fund has been exhausted.

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SENATOR WILSON delivered the following sectional analysis for SB 97:

Section 1: Conforming amendment to AS 44.27.052(a) to remove references to AS 44.27.060, the Art in Public Places Fund. (Page 1, lines 4-14, page 2, lines 1-6)

Section 2: Confirming amendment to AS 44.35.030 to remove reference to Art Works in Public Buildings and Facilities. (page 2, lines 7-11)

Section 3: Repeals the "Art Works in Public Buildings and Facilities" and the "Art in public places fund" statutes. (page 2, lines 12-13)

Section 4: Adds a transitional provision allowing the Alaska State Council on the Arts to continue to manage the art in public places fund until the balance of the fund is exhausted. (page 2, lines 14-19)

SENATOR WILSON concluded by paraphrasing the sponsor statement:

As we work towards a fiscally responsible budget, every expenditure is being carefully analyzed. During these challenging fiscal times, we must reduce funding for non-essential services and focus on our core priorities, such as public safety, education, and ensuring that the Permanent Fund Dividend is protected for generations to come. In 1975, the Alaska Legislature passed a bill requiring the expenditure of one percent of the capital construction costs of public buildings for the acquisition and permanent installation of artwork. Senate Bill 97 would repeal the "Percent for Art in Public Places" statute. At a time when all departments are facing reductions, we simply cannot continue to subsidize art with our limited resources. Ralph Waldo Emerson declared that "Beauty will not come at the call of the legislature.... It will come, as always, unannounced, and spring up between the feet of brave and earnest men." Alaskans highly value the beauty that creative minds produce to inspire us all. I have no doubt that the art of our great state will continue to flourish with support from individuals and private-sector charitable giving. I urge your support of Senate Bill 97.

[4:27:04 PM](#)

SENATOR COGHILL asked if he had considered any barriers to receiving art to be placed in public buildings.

SENATOR WILSON answered that his goal with SB 97 is to delete the requirement for a percentage of art during the construction phase, but not to eliminate the authority for art in buildings.

SENATOR COGHILL asked if a local group would have the ability to create a special art project in an airport or school.

SENATOR WILSON said it would be necessary to check the authority of each department because the program does not have a central source.

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BENJAMIN BROWN, Chair, Alaska State Council on the Arts, Department of Education and Early Development, Juneau, Alaska, agreed that the state is facing a fiscal crisis. He also pointed out that the Alaska State Council on the Arts has tried to be a part of the solution by leveraging nongovernmental funding to match the state's investment. The Alaska State Council on the Arts strongly supports the percent for art program, so he is speaking against the bill. He said he understood the sponsor's frugality in this challenging economic time.

He explained that Alaska was the third state to adopt the percent for art program, following Hawaii and Washington. He related his own experiences, including that he has enjoyed the public art in schools created by the program. It made his educational experiences better. He has also worked in all three branches of government and the public art in the buildings he worked in made them better places for him to work. Art elevates the general public's experience in state facilities, he said. In fact, it is difficult to quantify what it would be like if the art were not there. He pointed out the art in this meeting room is not part of the art bank, but the program does loan art to legislators and under the bill that would go away.

He acknowledged that one percent of \$100 million, or \$1 million, could seem like a lot. However, he questioned whether the building would cost \$99 million if the program is deleted or if the \$1 million would go to carpet, desks, or windows. Further, he said he has not heard of any percent for art programs being repealed in any other state, territory, or jurisdiction in this country that has led to any meaningful savings in capital budgets. Instead, he suggested that deleting the requirement would be false economy that would simply lead to blander, more Soviet era gulag kind of buildings.

MR. BROWN suggested that just considering deleting the one percent for art requirement does not give the full picture of the program. He explained that a committee convenes a panel of experts to decide how the call for artists will go out. Most of the artists are Alaskans, but some non-Alaskans have been selected for projects. He asked members to look at the entirety of the projects and decide if the cost of these projects would shrink by one percent.

Second, if the capital budget is cut, the one percent for art would also be cut because one percent of nothing is zero. He characterized this as a self-policing program. He pointed out

that the program also designates one-half percent of art in rural projects.

MR. BROWN said he previously worked for U.S. Senator Ted Stevens, who was a tremendous supporter of the arts. He offered his view that Senator Stevens would not support this legislation if he were alive because of his beliefs about art. He pointed out some art projects in Washington, D.C, including that the Hart Building in Washington D.C., where U.S. Senator Murkowski's office is located, has an Alexander Calder sculpture that enhances the building. The Rayburn building, where Congressman Young's office is located, houses a statute of former Texas Congressman Sam Rayburn. He expressed concern about trying to take actions to save money that likely would not save money, but that ultimately would cause more harm than good. He recalled a song based on a verse in Ecclesiastes that reads, " ... A time to break down, and a time to build up;..." He remarked that building should be done in the right way.

[4:38:35 PM](#)

ANDREA NOBLE, Executive Director, Alaska State Council on the Arts, Department of Education and Early Development, Anchorage, Alaska, spoke in opposition to SB 97. She said she has served as the state's public art program director for ten years and worked closely with the Department of Transportation and Public Facilities on projects prior to joining the arts council.

She cautioned that repealing the program would not result in a reduction of state spending because the one percent is not in addition to capital construction budget or the operating budget. This means that construction budgets would not decrease and if art is not part of the project it would not happen. In lean times like these when there are not any capital projects, it means that "zero percent of zero is still zero." When there are capital projects, the percent for art funds are managed by the department or their designated project manager and she has worked with all state departments.

MS. NOBLE referred to a list in members' packets. She expressed an interest in identifying the specific projects listed for the 2018 Department of Education and Early Development (DEED). Although the council keeps an inventory of the completed art projects, she said she was not familiar with the ones listed. The art council's records indicate the artist, the amount spent, including care and maintenance. By the end of a project, the communities are engaged in ways they have not previously been engaged and many project managers report that the art was the

best part of the project. Further, art appreciates in value. She provided an example that illustrated the importance of art. Many travelers can identify the community simply due to the vibrant, distinctive public artwork. Not having the program would have the effect of ending some community collaboration in projects, she said.

MS. NOBLE said one critical component is selection of the committee, artists, and artwork. The arts council manages the public art process by following national standards and federal law governing intellectual property. She described the process, such that communities define and select their artwork, the council prepares the request for qualifications, meets with the committee, and engages community members in the selection process.

She mentioned that the arts council runs a reciprocal program that allows artists to work beyond their communities' borders and obtain needed opportunities. She mentioned Ray Troll from Ketchikan as an example of one artist whose work extends well beyond his community.

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MS. NOBLE said public art is state property, but artists' rights protect their intellectual work. The Visual Artists Rights Act of 1990 also governs any removal, care and upkeep of the art. Cutting the program would cost money because the art must be routinely maintained. These artworks are installed using construction industry standard installation, so removing art is not as easy as taking something off the wall.

She offered her view that the repeal of this program would severely impact Alaskan artists. The commission plays a significant role in the development of an artist's career. Sometimes an artist's first commission sets his or her career in motion. Projects are very competitive and completed work can be leveraged to participate in higher budget projects outside of Alaska. She said artists are part of a creative industry and part of a sector that is growing nationwide. She said art has meaning and impact, and these artists significantly influence citizens' daily lives. Cutting the program reduces an artist's ability to continue to create art and increase their earnings. She said this program also would affect other industries, including vendors, business owners, fabricators, electricians, welders, and engineers, who are all pulled into projects. Communities with economic development would be negatively affected too. The arts council has worked with the Anchorage

Economic Development Corporation. A barren landscape does not draw anyone to live and work in Alaska, she said.

MS. NOBLE turned to construction of memorials, which is of interest to her. She said she has held conversations nationally on the topic. She wondered who will make Alaska's memorials if fewer artists live here because they cannot afford to do so. She expressed concern that Alaska's memorials will be built by artists from outside Alaska, who do not know the relationship veterans have with this place. Finally, if the statute for the contemporary art bank is repealed, the council would not be able to purchase the artwork.

[4:49:14 PM](#)

CHAIR REVAK held SB 97 in committee.

SB 183-ABANDONED VEHICLES; PRIVATE PROPERTY

[4:49:32 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 183, "An Act relating to vehicles abandoned on private property."

CHAIR REVAK solicited a motion for the proposed committee substitute (CS).

[4:49:38 PM](#)

SENATOR COGHILL moved to adopt the committee substitute (CS) for SB 183, work order 31-LS0587\M, as the working document.

CHAIR REVAK objected for discussion purposes.

[4:50:15 PM](#)

BETTY TANGEMAN, Staff, Senator Joshua Revak, Alaska State Legislature, Juneau, Alaska, on behalf of the committee, explained that version M changes the timeframe in SB 183 from 30 days to 45 days to allow private property owners the ability to deal with abandoned vehicles on their property while still giving vehicle owners adequate time to retrieve their vehicle. She said the sponsor wants to ensure that people who travel for work or family obligations receive adequate notice. People often receive monthly bills so this would give them an additional buffer to retrieve their vehicles.

[4:51:00 PM](#)

CHAIR REVAK removed his objection and version M was adopted.

[4:51:46 PM](#)

SENATOR JESSE KIEHL, Alaska State Legislature, Juneau, Alaska, sponsor of SB 183, said this bill intends to shorten a long process required to dispose of abandoned vehicles. He explained that vehicles are often intentionally left on someone else's property by owners who have no intention of ever coming back for them. When vehicles are abandoned on private property, it takes seven months for the property owner to get the title to the vehicle. He described the process. First, the owner must wait six months to obtain the address of record, must send a legal notice, and then wait 30 days to allow the vehicle owner to remove it. At that point, if the owner has not taken action to remove the vehicle, the property owner can obtain the title to the vehicle and remove it at his or her expense.

The committee substitute, version M, would increase the timeframe to 45 days before the legal notice is sent, which seems to be a reasonable amount of time for the vehicle owner to reclaim the vehicle. At the end of the entire process, the property owner is still stuck with the cost to dispose of the vehicle.

[4:54:26 PM](#)

CHAIR REVAK asked if he could obtain the title to his in-laws' car if it was parked on his property for 31 days.

SENATOR KIEHL answered that if they leave their vehicle parked in his driveway for 45 days, he will need to send his in-laws a legal notice at their address of record. Then after 30 days has lapsed, he could obtain the title to the vehicle.

[4:55:10 PM](#)

SENATOR KAWASAKI asked what type of consent is required for a person to park on private property. For example, he asked if the person could leave a note saying the car broke down. He commented that the person could be attending a legislative session and be out of town for some time.

SENATOR KIEHL answered that if the person obtained consent to leave the vehicle, the vehicle owner would receive the legal notice and have an opportunity to remove it. If the parties exchanged a verbal agreement, the vehicle owner would have cause to recover, but that isn't generally the case with abandoned vehicles.

[4:56:44 PM](#)

SENATOR WILSON recalled that the state has an abandoned property statute. He asked why the owner couldn't just ask the state to pay to have the vehicle removed after the notice time lapsed.

SENATOR KIEHL replied that is one option, but some municipalities do not use that route and it remains a burden on the property owner to remove the vehicle. He cautioned that vehicles abandoned in rights-of-ways throughout Alaska could "eat up" the fund. This bill pertains to vehicles abandoned on private property, he said.

SENATOR WILSON said some people suggest that vehicles should be towed from private property to public property. He asked if the property owner could move the vehicle to a highway right-of-way.

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SENATOR KIEHL replied that hypothetical solution makes a private problem a public problem. This bill is focused on property owners who want to handle abandoned vehicles in the most responsible manner. It would provide an opportunity to do so in a little over two months.

[5:00:05 PM](#)

DAVID CAMPBELL, Deputy Chief, Juneau Police Department (JPD), Juneau, Alaska, explained that about 18 months ago the City and Borough of Juneau struggled with abandoned vehicles. In one year, the JPD received almost 900 calls reporting abandoned vehicles. Once reported, the case is assigned to a community service officer who works with the property owner and vehicle owner to get the vehicle moved. When that fails, and it often does, JPD recommends that property owners resolve the issue by going to the Division of Motor Vehicles to obtain title to the abandoned vehicle. The owner can then bring the abandoned vehicle to the recycle center and drop it off free of charge. It now takes six to seven months for the property owner to go through this process, which he views as too long. As a police officer, he encourages people to clean up their sites quickly because the abandoned vehicle can attract more abandoned vehicles. Often vehicles are abandoned in shopping mall lots or other businesses, which creates a significant problem for these private property owners. The Juneau Police Department supports the committee substitute for SB 183, version M, increasing the timeframe to 45 days.

[5:04:12 PM](#)

CHAIR REVAK asked him to walk through the noticing procedure.

DEPUTY CHIEF CAMPBELL responded that the JPD's community service officer spends a lot of time trying to identify vehicle owners using the vehicle identification number (VIN) and trying to get them to comply with the law. He stated that the recycling center will not accept a vehicle unless the owner takes it in.

[5:05:47 PM](#)

SENATOR WILSON asked if the private notices posted on lots such as Safeway or Fred Meyer stores apply.

DEPUTY CHIEF CAMPBELL responded that in Juneau none of the tow operators manage their own lots. Therefore, the abandoned vehicles must sit on the private property until the vehicle is retitled and towed to the recycling center.

SENATOR WILSON asked if it is it feasible to move the vehicles to the public right-of-way.

DEPUTY CHIEF CAMPBELL replied vehicles end up in the highway rights-of-way when homeowners tow abandoned vehicles off their property. The community service officers monitor the abandoned vehicles in Juneau, so if someone tows an abandoned vehicle to the Egan or other highway right of way, an officer will inform the property owner that he or she cannot do so. In his experience the large retailers try to do the right thing by obtaining the title and providing notice, which currently takes six to seven months to resolve, he said.

[5:08:13 PM](#)

CHAIR REVAK held SB 183 in committee.

SCR 11-DECORATION OF HONOR AWARD: GABRIEL CONDE

[5:08:29 PM](#)

CHAIR REVAK announced the consideration of SENATE CONCURRENT RESOLUTION NO. 11, Relating to awarding the Alaska Decoration of Honor to Gabriel David Conde.

[5:08:47 PM](#)

DUSTIN ELSBERRY, Staff, Senator Joshua Revak, Alaska State Legislature, Juneau, Alaska, presented SCR 11 on behalf of the sponsor. He read the following sponsor statement:

This resolution awards the Alaska Decoration of Honor to SPC. Gabriel David Conde, a paratrooper stationed at Joint Base Elmendorf Richardson who lost his life

in the line of duty on April 30, 2018 while honorably serving our state and country in Afghanistan.

The Alaska Decoration of Honor is awarded to military service members from Alaska, or those service members deployed while stationed in Alaska, who are killed serving our nation abroad. The Legislature must authorize the award by resolution, so the decoration can be presented to the recipients' survivors.

Conde was raised in Colorado and graduated from Berthoud High School in 2014. He was known there as an intelligent and adventurous student, who competed in track and field for the school's team, the "Spartans." After graduation, he attended the Colorado School of Mines for a year, before heeding his personal call to military service by enlisting in the U.S. Army. His unit is part of the 4th Infantry Brigade Combat Team of the 25th Infantry Division, which is also known as "The Spartans" for their fierceness in battle, their love of their homeland, and their devotion to duty.

This "spartan" was killed by small arms fire in eastern Afghanistan's Tagab District, only a few weeks away from rotation back to Alaska. This was Conde's first overseas deployment, during which he, along with his comrades, supported Operation Freedom Sentinel. The mission of the United States and its allies to maintain a limited military presence to train, advise and assist Afghan forces and to conduct counter-terrorism operations against the remnants of Al Qaeda.

Passage of SCR 11 will allow Conde's family to receive the decoration in honor of their loved one's sacrifice. While it is our fervent hope that all those in uniform will return home safely, the reality is that a few will not. It is our obligation, and our privilege, to authorize this decoration in honor of one of these national heroes, SPC. Gabriel David Conde.

[5:11:11 PM](#)

CHAIR REVAK opened public testimony and after determining no one wished to testify, closed public testimony on SCR 11.

[5:11:39 PM](#)

SENATOR COGHILL moved to report SCR 11 from committee with individual recommendations and attached fiscal note.

CHAIR REVAK found no objection and SCR 11 was reported from the Senate State Affairs Standing Committee.

[5:12:11 PM](#)

At ease

[5:13:22 PM](#)

CHAIR REVAK reconvened the meeting.

[5:14:06 PM](#)

There being no further business to come before the committee, Chair Revak adjourned the Senate State Affairs Standing Committee meeting at 5:14 p.m.