

HOUSE FINANCE COMMITTEE  
May 17, 2022  
9:12 a.m.

9:12:55 AM

CALL TO ORDER

Vice-Chair Ortiz called the House Finance Committee meeting to order at 9:12 a.m.

MEMBERS PRESENT

Representative Dan Ortiz, Vice-Chair  
Representative Ben Carpenter  
Representative Andy Josephson  
Representative Sara Rasmussen

MEMBERS ABSENT

Representative Neal Foster, Co-Chair  
Representative Kelly Merrick, Co-Chair  
Representative Bryce Edgmon  
Representative DeLena Johnson  
Representative Bart LeBon  
Representative Steve Thompson  
Representative Adam Wool

ALSO PRESENT

Lauree Morton, Self, Juneau; Kelly Goode, Deputy Commissioner and Legislative Liaison, Department of Corrections; Kelly Howell, Special Assistant and Legislative Liaison, Department of Public Safety; John Skidmore, Deputy Attorney General, Criminal Division, Department of Law; Nancy Meade, General Counsel, Alaska Court System.

PRESENT VIA TELECONFERENCE

Keely Olson, Standing Together Against Rape, Anchorage; Kara Carlson, Deputy Director, Interior Alaska Center for Nonviolent Living, Fairbanks; Traci McGarry, Director, Child Advocacy Center and Child and Family Services, Nome; Kathleen Navarre, Alaska School Activities Association, Anchorage; Arika Paquette, Women in Safe Homes, Ketchikan; Jessica Stossel, Executive Director, Center for Nonviolent

Living, Fairbanks; Samantha Cherot, Public Defender, Alaska Public Defender Agency; James Stinson, Director, Office of Public Advocacy; Jay Pea, President, Save Standard Time, San Francisco; Dr. Andrew Binder, Sleep Specialist, California.

SUMMARY

HB 5 SEXUAL ASSAULT; DEF. OF "CONSENT"

HB 5 was HEARD and HELD in committee for further consideration.

HB 31 OBSERVE DAYLIGHT SAVING TIME ALL YEAR

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

Vice-Chair Ortiz reviewed the meeting agenda.

#hb5

HOUSE BILL NO. 5

"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."

9:13:26 AM

Vice-Chair Ortiz noted that the committee had last considered the bill on May 12, 2022.

Vice-Chair Ortiz OPENED public testimony.

9:14:12 AM

LAUREE MORTON, SELF, JUNEAU, spoke in favor of the bill. She stated that she currently worked for the Network on Domestic Violence and Sexual Assault. She was not identifying as a victim or survivor but as someone that "had lived through sexual assault." She informed the committee that "repare" was a Latin word that was the origin of rape. It meant to steal, seize, or carry away. She interpreted the word to mean a person was property and historically, if a woman was sexually assaulted a male

relative, father, brother, or husband had to seek justice in a court. Presently, a woman was considered a person, but the narrative had changed, and it was assumed a stranger would be the perpetrator, which meant that a woman had to act cautiously to avoid harm. She voiced that the belief was "bad girls were at the wrong place, at the wrong time, with the wrong dress or attitude." She stated that rapists could be a friend, brother, father, or husband. Currently in Alaska, it was a person's burden to say "no" and if a woman did not "fight back" and force was not used there was not a prosecutable crime. She maintained that prosecuting sex offences was an uphill struggle. The bill did not intend to make prosecuting sex crimes easier "it was meant to make it right." She hoped the committee would define consent as freely given and shorten the time rape kits were processed. She implored the committee to not lessen the current penalties for sexual assault crimes. She believed that it did not matter the motivation of the perpetrator; the victim had a life sentence, which was "not okay." She offered that it was past the time to move away from the culture where a woman had to resist to one where permission was needed. She thanked the committee for its time.

9:18:26 AM

AT EASE

9:23:23 AM

RECONVENED

The gavel was given to Representative Josephson as acting chair. He continued with public testimony for HB 5.

KEELY OLSON, STANDING TOGETHER AGAINST RAPE, ANCHORAGE (via teleconference), supported the bill and encouraged the committee to pass the legislation. She thanked the sponsor for the arduous work on the bill. She believed that the "clandestine approach" taken in the House Judiciary Committee (HJUD) to weaken sexual assault laws was "appalling." She stated that when watching the House Judiciary Committee, she had been horrified by some of the "willful ignorance" of some of the members and the types of questions they had asked. She contended that freely given consent was the law in multiple states and "force" was removed from the national definition of sexual assault in the Uniform Crime Act in 2013. The idea that there should be a law that consent should be freely given was not controversial. She relayed that out of one thousand sexual

assault cases in Alaska less than one-third were referred to the Department of Law (DOL) and one-third of that would be accepted for prosecution. She stressed the need to strengthen laws around sexual assault, not weaken them like the HJUD version of the bill. She indicated that the bill sponsor and the Department of Law had been working together to pass the bill in the current legislative session. She stressed that it fell to the House Finance Committee to move the bill forward. She thanked Representative Josephson for his insightful, thoughtful questions during the previous bill hearing. She wanted to ensure the state was moving forward not backward. In response to the question about why the state had highest rates of sexual assault, she would honestly answer the reason was the legislature lacked the will to adopt new laws that protected their constituents if HB 5 did not pass.

[9:28:50 AM](#)

KARA CARLSON, DEPUTY DIRECTOR, INTERIOR ALASKA CENTER FOR NONVIOLENT LIVING, FAIRBANKS (via teleconference), supported the legislation. She provided a definition of consent that meant a freely given reversible agreement specific to the conduct at issue. She explained that it meant agreement to cooperate in the act positively expressed by words or actions. She shared that when she was 15 years of age, without consent, she had been raped by an older man. She reported the rape to law enforcement and was subjected to a forensic exam. She stated that on the phone with law enforcement the assailant admitted to the sexual assault and that he had recorded the crime. Her assaulter had never been prosecuted. She spoke in support of the provisions in the bill and current penalties in statute. She shared that her assailant had coerced her into drinking alcohol. She supported the increased incapacitation sentences. She had spent her entire adult life working to support people who experienced sexual violence. She reminded the committee that Alaska had the highest rates of sexual assault in the nation, and she wanted the state to take a strong stand against it.

[9:30:44 AM](#)

TRACI MCGARRY, Director, CHILD ADVOCACY CENTER AND CHILD AND FAMILY SERVICES, NOME (via teleconference), favored the legislation. She shared that she was also testifying for Kawerak, a native non-profit organization in Nome. She

highlighted that Alaska had the highest rate of sexual assault including child abuse. She asked the committee to pass the legislation to address consent issues and the rape kit timeline. She emphasized the importance of consent. She stated the definition needed to be altered in Alaska law. She thanked the sponsor for introducing the legislation.

[9:32:26 AM](#)

KATHLEEN NAVARRE, ALASKA SCHOOL ACTIVITIES ASSOCIATION, ANCHORAGE (via teleconference), spoke in favor of HB 5. She highlighted that the association currently had two programs; Athletes as Leaders, and Coaching Boys into Men, which they were promoting throughout the state. She indicated that both evidence based programs included a curriculum component on consent and healthy relationships. She stated that consent was important in everyday life. She advocated for a consistent definition of consent in order to send the same message to young adults in Alaska through programs like those offered by the association.

[9:34:14 AM](#)

ARIKA PAQUETTE, WOMEN IN SAFE HOMES (WISH), KETCHIKAN (via teleconference), supported expedient passage of the bill. She favored the bill's definition of consent. She shared that in her experience with WISH she had thousands of interactions with students facilitating the Alaska Safe Children's Act Lessons in schools across Southeast Alaska. She indicated that the lesson included the bill's definition of consent. She shared that in the past she had classrooms of seventh and eighth graders that had never heard the word consent. In the current year, in every classroom every student was aware of the definition of consent. She was happy the state had supported education informing students of the updated version of consent. She hoped that in the following year she could tell the students that the definition was in Alaska statute. She supported the improved timeline of rape kit processing. She believed that quicker prosecutions and moving victims through the judicial process quicker could have a profound impact on the victim and communities. She was strongly opposed to a reduction in sexual assault crime penalties from an unclassified felony to a class B felony that was included by the House Judiciary Committee. She did not believe lessening penalties was the message that needed to be sent.

[9:37:58 AM](#)

Acting-Chair Josephson asked the Department of Corrections to review the fiscal note.

KELLY GOODE, DEPUTY COMMISSIONER AND LEGISLATIVE LIAISON, DEPARTMENT OF CORRECTIONS, reviewed the published zero fiscal note for the Department of Corrections (DOC), Alaska Institution Director's Office (FN8 (COR)). She reported that should the bill pass, it was expected that the department would accomplish any changes using existing resources.

Acting-Chair Representative Josephson returned to public testimony.

[9:40:37 AM](#)

JESSICA STOSSEL, EXECUTIVE DIRECTOR, CENTER FOR NONVIOLENT LIVING, FAIRBANKS (via teleconference), encouraged the passage of the legislation. She shared that she had worked with many victims during her career and reported that "there was nothing more devastating and life changing as the violation of a sexual assault." She relayed how difficult it was for a victim to "fight the law to prove that a victim said "no." She felt that the current statutory language was the wrong message to send communities and victims. She urged the state to strengthen the definition of consent. She favored the shortened time for testing rape kits to 6 months rather than one year, which increased the suffering of the victims.

[9:42:27 AM](#)

Acting-Chair Josephson CLOSED public testimony. He returned to the review of fiscal notes.

KELLY HOWELL, SPECIAL ASSISTANT AND LEGISLATIVE LIAISON, DEPARTMENT OF PUBLIC SAFETY, reviewed the Department of Public Safety's (DPS) two fiscal notes. She began with the published zero fiscal note allocated to Alaska State Trooper Detachments (FN9 (DPS)). She explained that the changes made in the current version of the bill were currently part of the sexual assault response and investigation duties of the Alaska State Troopers. She noted some additional training was necessary to educate the troopers on the statute changes. The department expected

that the troopers could accomplish the tasks using existing resources.

Acting-Chair Josephson asked to hear the department's second fiscal note.

Ms. Howell reviewed DPS's published fiscal impact fiscal note allocated to Laboratory Services (FN14 (DPS)). She indicated that the fiscal note addressed the sexual assault examination kit provisions reducing the amount of time the state crime lab must test a kit from one year to six months. The fiscal note reflected the personnel staffing cost of achieving that goal. She reported that the governor had shortened the time to 90 days and added funding in the FY 2023 budget request. Therefore, the fiscal note addressed a 90-day turnaround time for testing sexual assault kits.

[9:45:15 AM](#)

Acting-Chair Josephson noted that Vice-Chair Ortiz had returned to the committee. He asked to hear the fiscal note from the Department of Law.

JOHN SKIDMORE, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, spoke to the published fiscal impact fiscal note for the Department of Law allocated to Criminal Justice Litigation (FN13 (LAW)). He explained that the fiscal note reflected the need for additional positions. Two positions were needed to develop training and practice materials and then conduct trainings for prosecutors and law enforcement across the state to prosecute under the new definitions. The definition of consent was a significant change in the law, and the bill expanded the scope of the criminal statutes, therefore, it would likely result in additional case referrals and additional cases filed. It is also expected the new definition of consent would result in additional litigation associated with sexual assault cases. The Criminal Division also anticipates the need for four additional prosecutors and four associated support staff across the state to handle the expected increase in sexual assault cases and additional litigation. He delineated that three prosecutors and associate staff will be placed in the offices that received the highest number of referrals for sexual assault: Anchorage, Bethel, and Fairbanks. The fourth attorney and support staff combination will be

placed in Special Prosecutions, also located in Anchorage, to assist offices across the state with these offenses.

Acting-Chair Josephson asked if the personal services costs could be used anywhere in the department or only in the Criminal Division. Mr. Skidmore replied that the appropriation was specifically for the Criminal Division and could not be used in the Civil Division or the Administrative Services Division. He furthered that the appropriation could be moved around in the Criminal Division, but the division was not in the habit of doing something other than what was stated in the fiscal note. He asserted that he intended to execute the appropriation exactly as noted.

[9:48:59 AM](#)

Acting Chair Josephson asked to hear from the Public Defender Agency.

SAMANTHA CHEROT, PUBLIC DEFENDER, ALASKA PUBLIC DEFENDER AGENCY (via teleconference), reviewed the published fiscal impact fiscal note for the Department of Administration (DOA) allocated to the Public Defender Agency (DPA) (FN12 (ADM)). She offered that the bill changed the definition of consent as it related to sexual assault and established a new crime, thus the agency anticipated an increased workload based on the additional cases that would be filed by DOL and more litigation throughout various stages of sexual assault cases. She shared that the public defenders handling sexual assault cases presently had the highest workload in the agency. The fiscal note reflected the request for six attorneys, two investigators, one paralegal, and one law office assistant in FY 2023, and beyond. The positions would be placed in Anchorage, Fairbanks, Bethel, and other areas based on the volume of the cases.

Acting-Chair Josephson noted that Representative Carpenter had joined the meeting.

[9:50:38 AM](#)

JAMES STINSON, DIRECTOR, OFFICE OF PUBLIC ADVOCACY (via teleconference), reviewed the published fiscal impact fiscal note for DOA allocated to the Office of Public Advocacy (OPA) (FN11 (ADM)). He communicated that his

comments mirrored Ms. Cherot's in terms of the need for the additional resources. He spoke to four more specific points. He discussed that the agency had a severe backlog of cases due to the COVID pandemic and had not received any new positions in the prior year. He elucidated that OPA's structure organized multiple independent law firms under one umbrella. Typically, he would add more resources for in-house attorneys if the job market was good, but it was not presently the case. He delineated that due to the attorney shortage, if he requested more attorney positions (PCN's) he would compete with the PDA for the small pool of available hires. Therefore, he focused the request on contract services. The fiscal note shored up the existing "lease spaces" that currently existed, added one Attorney IV Specialist that would work out of Anchorage, and updated the contract line. He had recently increased its "case caps," but OPA has not updated its hourly rate of pay for contract attorneys (\$65-\$95 an hour) since the early 1990s. He shared that any attorneys willing to take the cases at the low rates had informed OPA that they would not take any additional cases beginning in July 2022. In order to find contractors willing to accept these cases, OPA must increase the hourly rate of pay.

Acting-Chair Josephson remarked on the request for \$1 million more than the Public Defender Agency. He deemed that the request was unusual because he was requesting more for the agency's other shortfalls.

[9:53:49 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, reviewed the Court System's published indeterminate fiscal note (FN10 (CRT)). She commented that the agencies were expecting to file more cases for sexual felonies. The Court System was unable to determine the number of new cases or what the impacts would be.

Representative Rasmussen asked for a rough estimate of how much one case generally cost. Ms. Mead replied that it was impossible to estimate that information due to a tremendous variation in cases and the number would be invalid.

[9:55:09 AM](#)

AT EASE

[9:55:40 AM](#)

RECONVENED

Acting-Chair Josephson indicated that amendments for HB 5 were due as soon as possible.

HB 5 was HEARD and HELD in committee for further consideration.

#hb31

HOUSE BILL NO. 31

"An Act relating to daylight saving time; and providing for an effective date."

[9:56:34 AM](#)

Acting-Chair Josephson noted that it was the second hearing for HB 31.

[9:56:47 AM](#)

AT EASE

[9:57:09 AM](#)

RECONVENED

Acting-Chair Josephson asked the members if they had questions.

Representative Carpenter asked to briefly explain why he chose Daylight Savings Time (DST) over Standard Time.

Vice-Chair Ortiz replied that there had been discussions both nationwide and in Alaska regarding ending changing clocks in the spring and fall. He relayed that his constituents preferred longer daylight time in the summer evenings mostly for economic reasons such as tourism and fishing. Currently, Alaska had long daylight hours. He offered the bill in support of his constituents. Representative Carpenter asked if there was any analysis whether children would benefit from the change or if families preferred morning daylight. He wondered whether there was a dilemma about whether the time change would affect children and families negatively. Vice-Chair Ortiz observed that children were already going to school in the dark in his district. If HB 31 passed, children would go home with daylight hours remaining. He was unaware of any

studies about being able to go to school in the light versus the dark.

[10:02:10 AM](#)

Representative Rasmussen asked when the tourism business started in Southeast Alaska. Vice-Chair Ortiz answered that it began in early May. Representative Rasmussen observed that given how much daylight was experienced by May, she was unsure if an additional hour was necessary for extending tourist activities. Vice-Chair Ortiz remarked that extending daylight into the summer impacted tourism later in the season. He noted that the tourism season was solid until around the 24th of September and businesses were impacted in their ability to do flight seeing and ocean activities; they were curtailed due to lack of daylight. He noted that typically cruise ships stayed in Ketchikan until 10:00 P.M.

[10:05:04 AM](#)

Acting-Chair Josephson asked if the proposal meant Alaska would still remain four hours from New York. Vice-Chair Ortiz answered that part of the year the state would have a three hour difference and part of the year it would be at a four hour difference. Acting-Chair Josephson asked if the state would be on Seattle time. Vice-Chair Ortiz answered in the affirmative but noted that the bill would be enacted when several West Coast states adopted permanent DST that also had to be approved by the federal government.

[10:06:07 AM](#)

Acting Chair Josephson opened public testimony.

JAY PEA, PRESIDENT, SAVE STANDARD TIME, SAN FRANCISCO (via teleconference), opposed the bill for several reasons. He pointed out that in federal law, the Uniform Time Act, Title 15 forbade permanent Daylight Savings Time, and it could not be implemented without federal approval. Permanent Standard Time was pre-approved by the federal government. He underlined that Arizona, Hawaii, and all 5 US territories avoided the biannual time change by staying on permanent Standard Time. He spoke to the health issues. He maintained that many studies showed that permanent daylight time impacted health and stated that some countries tried it to ill effects. He voiced that permanent

daylight time was like "forcing ourselves to wake earlier in the dark." He discussed current sunrises and sunsets in Anchorage and did not think the extra evening daylight was necessary. He did not support the legislation.

[10:09:11 AM](#)

DR. ANDREW BINDER, SLEEP SPECIALIST, CALIFORNIA (via teleconference), opposed the legislation. He acknowledged that it was universally agreed that many people loathed the biannual time change. He stated that it created sleep disorders. He listed some reasons his patients hated changing clocks. He declared that "permanent Daylight Savings Time was a crime against human physiology." People suffering with insomnia and mood disorders were exacerbated by waking in the dark and needed to sleep more on weekends. The body's internal clock was set by sunlight. He believed that it was "dangerous for adolescents who were "prone to circadian misalignment." He opined that Arizona and Hawaii lacked problems with tourism. He doubted there was a sleep specialist who would defend permanent DST. He supported permanent Standard Time.

Acting Chair Josephson CLOSED public testimony.

Representative Rasmussen commented that the bill would move daylight to 11:00 A.M. in Anchorage in the winter. She did not want her kindergarten aged son to have morning recess in the dark at 10:45 A.M. She did not support the concept.

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

Acting Chair Josephson notified members amendments for both bills heard during the meeting were due as soon as possible. He recessed the meeting [the meeting never reconvened].

#

ADJOURNMENT

[10:13:43 AM](#)

The meeting was adjourned at 10:13 a.m.