

# SENATE JOURNAL

## ALASKA STATE LEGISLATURE

### TWENTY-THIRD LEGISLATURE -- FIRST SESSION

Juneau, Alaska

Tuesday

April 29, 2003

#### Ninety-ninth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:13 a.m.

The roll showed nineteen members present. Senator Davis was excused from a call of the Senate.

The prayer was offered by the Chaplain, Dr. Ken Friendly, of the Lighthouse Christian Fellowship, Anchorage. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Almighty God, thank You for this new day in which we can serve You by serving our state in the Senate. I ask that Your presence surrounds us, Your love affirms us, Your strength sustains us, Your courage empowers us, Your guidance directs us and Your joy uplifts us.

Give us a renewed conviction that we are here by Your appointment. As You have placed us in positions of responsibility, please provide us with exactly what we need this day. We commit the day to You and look expectantly for Your interventions and inspiration. You are the source of our vision, hope and perseverance. You have given the Senators oversight of the State; now give them insight to know and do Your will.

Bless the men and women of this Senate and all who work with and for them. Remind us that we are all working for You and for what's best for our State. In Jesus' name. Amen.

Senator Lincoln led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Ben Stevens moved and asked unanimous consent that the journal for the ninety-eighth legislative day be approved as certified by the Secretary. Without objection, it was so ordered.

### **Messages from the House**

#### **SB 123**

Message dated April 28 was read, stating the House passed and returned:

SENATE BILL NO. 123 am "An Act relating to adoptions and guardianships that include a subsidy payment by the state; eliminating annual review of the subsidy paid by the state after adoption of a hard-to-place child has occurred or a court has appointed a legal guardian for a hard-to-place child; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Message dated April 28 was read, stating the House passed and transmitted for consideration:

### **First Reading and Reference of House Bills**

#### **HB 92**

CS FOR HOUSE BILL NO. 92(JUD) am BY THE HOUSE JUDICIARY COMMITTEE, entitled:

"An Act relating to reports by members of the clergy who have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect."

was read the first time and referred to the Health, Education and Social Services and Judiciary Committees.

**HB 170**

HOUSE BILL NO. 170 BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act increasing certain motor vehicle registration fees; and providing for an effective date."

was read the first time and referred to the Finance Committee.

**HB 171**

HOUSE BILL NO. 171 am BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act repealing the charter school grant program; and providing for an effective date."

was read the first time and referred to the Finance Committee.

**Standing Committee Reports****SB 88**

The Resources Committee considered SENATE BILL NO. 88 "An Act relating to standards for forest resources and practices; and providing for an effective date." Signing do pass: Senator Ogan, Chair; Senators Dyson, Elton, Wagoner, Ben Stevens, Seekins. Signing no recommendation: Senator Lincoln.

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Rules Committee.

**SB 97**

The Judiciary Committee considered SENATE BILL NO. 97 "An Act relating to public interest litigants and to attorney fees; and amending Rule 82, Alaska Rules of Civil Procedure." Signing do pass: Senator Seekins, Chair; Senators Ogan, Therriault. Signing do not pass: Senators Ellis, French.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Law

Fiscal Note No. 2, indeterminate, Department of Administration

The bill was referred to the Rules Committee.

**HB 52**

The Judiciary Committee considered CS FOR HOUSE BILL NO. 52(JUD) "An Act relating to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense" and recommended the adoption of the State Affairs Senate Committee Substitute offered on page 782. Signing do pass: Senator Seekins, Chair; Senator Ogan. Signing no recommendation: Senators Therriault, French.

The following previously published fiscal information applies:

Fiscal Note No. 3, zero, Department of Administration

Fiscal Note No. 4, zero, Department of Public Safety

The bill was referred to the Rules Committee.

**HB 187**

The Finance Committee considered HOUSE BILL NO. 187 "An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date." Signing do pass: Senators Green, Wilken, Cochairs; Senators Taylor, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, Department of Environmental Conservation

The bill was referred to the Rules Committee.

**Introduction and Reference of Senate Bills**

**SB 203**

SENATE BILL NO. 203 BY THE SENATE RULES COMMITTEE BY REQUEST, entitled:

"An Act relating to certain administrative hearings; and establishing the office of administrative hearings and relating to that office."

was read the first time and referred to the State Affairs, Judiciary, and Finance Committees.

**SB 204**

SENATE BILL NO. 204 BY SENATOR ELLIS, entitled:

"An Act relating to donations for establishment of a state veterans' home."

was read the first time and referred to the State Affairs and Finance Committees.

**SB 205**

SENATE BILL NO. 205 BY SENATOR ELLIS, entitled:

"An Act relating to assignments of permanent fund dividends; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

**Consideration of the Calendar**

**Second Reading of Senate Bills**

**SB 147**

SENATE BILL NO. 147 "An Act relating to control of nuisance wild animals; and providing for an effective date" was read the second time.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated SENATE BILL NO. 147 will be on the April 30 calendar.

**SB 157**

SENATE BILL NO. 157 "An Act relating to inpatient psychiatric services for persons who are under 21 years of age and are either eligible for medical assistance or are in the custody of the Department of Health and Social Services" was read the second time.

Senator Dyson, Chair, moved and asked unanimous consent for the adoption of the Health, Education and Social Services Committee Substitute offered on page 781. Senator Ellis objected, then withdrew his objection. There being no further objections, CS FOR SENATE BILL NO. 157(HES) was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Senator Ellis objected.

President Therriault stated CS FOR SENATE BILL NO. 157(HES) will be on the April 30 calendar.

**Second Reading of House Bills****HB 124**

HOUSE BILL NO. 124 "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date" was read the second time.

Senator Cowdery, Chair, moved and asked unanimous consent for the adoption of the Transportation Senate Committee Substitute offered on page 875. Senator Ellis objected, then withdrew his objection. There being no further objections, SENATE CS FOR HOUSE BILL NO. 124(TRA) was adopted.

Senator Ben Stevens moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SENATE CS FOR HOUSE BILL NO. 124(TRA) was read the third time.

The question being: "Shall SENATE CS FOR HOUSE BILL NO. 124(TRA) "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS HB 124(TRA)  
Third Reading - Final Passage  
Effective Date

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Davis

and so, SENATE CS FOR HOUSE BILL NO. 124(TRA) passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

### **Third Reading of House Bills**

#### **HB 75**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN) was read the third time.

**Recess**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in recess to 6:00 p.m. Without objection, the Senate recessed at 12:01 p.m.

**After Recess**

The Senate reconvened at 6:16 p.m.

**Third Reading of House Bills (continued)****HB 75**

Senator Ellis called the Senate. The call was satisfied.

The question being: "Shall SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSSSHB 75(FIN)

Third Reading - Final Passage

**YEAS: 12 NAYS: 7 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Davis

and so, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN) passed the Senate.

Senator Ben Stevens moved for the adoption of the effective date clauses.



The question being: "Shall the effective date clauses be adopted?" The roll was taken with the following result:

SCS CSSSHB 75(FIN)  
Effective Date Clauses

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Davis

and so, the effective date clauses were adopted.

Senator Ben Stevens moved for the adoption of the constitutional budget reserve fund section. Senator Ellis objected.

The question being: "Shall the constitutional budget reserve fund section (Article IX, Section 17(c) Constitution of the State of Alaska) be adopted?" The roll was taken with the following result:

SCS CSSSHB 75(FIN)  
Adopt Budget Reserve Fund Section?

**YEAS: 12 NAYS: 7 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Green, Ogan, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Nays: Ellis, Elton, French, Guess, Hoffman, Lincoln, Olson

Excused: Davis

and so, the constitutional budget reserve fund section failed, and SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN)(brf sup maj fld S) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" was referred to the Secretary for engrossment.

**HB 76**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) am S was read the third time.

The question being: "Shall SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) am S "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

SCS CSSH B 76(FIN) am S  
Third Reading - Final Passage  
Effective Date

**YEAS: 19 NAYS: 0 EXCUSED: 1 ABSENT: 0**

Yeas: Bunde, Cowdery, Dyson, Ellis, Elton, French, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Stevens B, Stevens G, Taylor, Therriault, Wagoner, Wilken

Excused: Davis

and so, SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) am S passed the Senate.

Senator Ben Stevens moved and asked unanimous consent that the vote on the passage of the bill be considered the vote on the effective date clause. Without objection, it was so ordered and the bill was referred to the Secretary for engrossment.

**Citations**

Honoring – Wasilla High School Girls' Basketball Team, 2003 Region III 4A Champions  
Representative(s) Kohring  
Senator(s) Green, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Honoring – The Service High School Rifle Team

Representative(s) Meyer

Senator(s) Cowdery, Therriault, Bunde, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

Honoring – Andre Hogg, Eagle Scout

Representative(s) Heinze

Senator(s) Therriault, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

In Memoriam – Muriel "Ruth" Lofstedt

Senator(s) Wagoner, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Ben Stevens, Gary Stevens, Taylor, Wilken

In Memoriam – Noel Kathleen Grant Smith

Senator(s) Taylor, Therriault, Bunde, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Seekins, Ben Stevens, Gary Stevens, Wilken

Representative(s) Wilson

Senator Ben Stevens moved and asked unanimous consent that the citations be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Senator Ben Stevens moved and asked unanimous consent that the following citation be made a special order of business. Without objection, it was so ordered.

### **Special Order of Business**

Honoring – Gloria Fernandez, Woman of Distinction

Senator(s) Wilken, Therriault, Cowdery, Davis, Dyson, Elton, Green, Guess, Hoffman, Lincoln, Seekins, Ben Stevens, Gary Stevens, Taylor

Senator Ben Stevens moved and asked unanimous consent that the citation be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

**Announcements**

Announcements are at the end of the journal.

**Engrossment****HB 75**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 75(FIN)(brf sup maj fld S) "An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 76**

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 76(FIN) am S "An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**HB 124**

SENATE CS FOR HOUSE BILL NO. 124(TRA) "An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date" was engrossed, signed by the President and Secretary and returned to the House for consideration.

**Enrollment****SB 43**

CS FOR SENATE BILL NO. 43(FIN) "An Act extending the termination date of the State Medical Board" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 9:00 a.m., April 29, 2003.

**Adjournment**

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., April 30, 2003. Without objection, the Senate adjourned at 6:52 p.m.

Kirsten Waid  
Secretary of the Senate

April 2003

**Announcements**

Americans with Disabilities Act Notice - Persons with disabilities who require special accommodation or alternative communication formats to access committee meetings may contact the appropriate committee office or the Legislative Information Office in their community. Reasonable advance notice is needed to accommodate the request. For further information, call the ADA Coordinator at 465-3854 Voice/465-4980 TDD.

**STANDING COMMITTEES**

+ indicates teleconference  
 = indicates bill previously heard/scheduled

**COMMUNITY & REGIONAL AFFAIRS**

<b>Apr 30</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 183	MUNICIPAL ECONOMIC DEVELOPMENT		
<b>May 02</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

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**FINANCE**

<b>Apr 29</b>	<b>Tuesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
= SB 65	CORRECTIONAL FACILITY EXPANSION		
	<Bill Hearing Postponed>		
	HB 187	EXTEND BOARD OF STORAGE TANK ASSISTANCE	
	SB 146	COMMEMORATIVE VETERANS LICENSE PLATE	
= SB 86	INTEREST ON DELINQUENT TAXES		
= HB 59	CLEANUP OF ILLEGAL DRUG SITES		
	Bills Previously Heard/Scheduled		
<b>Apr 30</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
SB 117	ELIMINATING LONGEVITY BONUS PROGRAM		
	<No Public Testimony>		
	<Testimony by Invitation Only>		
= HB 112	AIDEA : BONDS & MUNICIPAL TAX EXEMPTION		
= SB 142	DNR LEAD RESOURCE DEVELOPMENT PROJECTS		
	Bills Previously Heard/Scheduled		

**FINANCE (continued)**

**Apr 30      Wednesday                      Senate Finance 532              5:30 PM**  
 -- Time Change --

+ SB 117 ELIMINATING LONGEVITY BONUS PROGRAM  
 <Public Testimony>  
 Bills Previously Heard/Scheduled

**May 01      Thursday                              Senate Finance 532              9:00 AM**

= SB 72 EXTEND REGULATORY COMMISSION OF ALASKA  
 SB 180 SAFETY CODE TASK FORCE  
 = SB 148 PFD: ALLOWABLE ABSENCE FOR MILITARY SVC  
 Bills Previously Heard/Scheduled

**May 02      Friday                                      Senate Finance 532              9:00 AM**

+ SB 100 APPROP: CAPITAL PROJECTS  
 <Teleconference on above Bill>  
 \*\*\* Public Testimony \*\*\*  
 Bills Previously Heard/Scheduled

**May 02      Friday                                      Senate Finance 532              4:00 PM**

-- Time Change --  
 = SB 100 APPROP: CAPITAL PROJECTS  
 Bills Previously Heard/Scheduled

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**HEALTH, EDUCATION & SOCIAL SERVICES**

**Apr 30      Wednesday                              Butrovich 205                      1:30 PM**

+ SCR 10 CHARTER SCHOOL TASK FORCE  
 + Bills Previously Heard/Scheduled

**May 02      Friday                                      Butrovich 205                      1:30 PM**

+ Bills Previously Heard/Scheduled

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**JUDICIARY**

**Apr 30      Wednesday                              Beltz 211                              1:00 PM**

+ SB 160 CIVIL LIABILITY FOR DEFIBRILLATOR USE  
 + HB 34 REPEAL SUNSET OF NEGOTIATED REG.MAKING  
 + SB 152 CONCEALED HANDGUNS  
 + HB 249 RESTRAINT OF TRADE: ATTY FEES AND COSTS  
 + Bills Previously Heard/Scheduled

**JUDICIARY (continued)**

**May 02 Friday Beltz 211 1:00 PM**  
 + HB 114 ISSUANCE OF SEARCH WARRANTS  
 + HB 49 EXPAND DNA DATABASE  
 + SB 30 ABORTION: INFORMED CONSENT; INFORMATION  
 + Bills Previously Heard/Scheduled

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**LABOR & COMMERCE**

**Apr 29 Tuesday Beltz 211 1:30 PM**  
 + SB 175 LIABILITY:RECREATIONAL ACTIVITY/BOATS/AIR  
 + SB 176 CIVIL LIABILITY FOR LIVESTOCK ACTIVITIES  
 + HB 214 PUNITIVE DAMAGES AGAINST EMPLOYERS  
 + HB 184 INDIVIDUAL DEFERRED ANNUITIES  
 Bills Previously Heard/Scheduled

**May 01 Thursday Beltz 211 1:30 PM**  
 += SB 13 INSURANCE DISCRIMINATION BY CREDIT RATING  
 + SB 186 CHARITABLE GAMING/ELECTRONIC GAMING  
 + SB 178 STATE LOTTERY  
 Bills Previously Heard/Scheduled

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**RESOURCES**

**Apr 30 Wednesday Butrovich 205 3:30 PM**  
 + SB 155 HUNTING SAME DAY AIRBORNE  
 + Bills Previously Heard/Scheduled

**May 02 Friday Butrovich 205 3:30 PM**  
 + SB 149 REPEAL CERTAIN TIMBER SALE REQUIREMENTS  
 + Bills Previously Heard/Scheduled

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**STATE AFFAIRS**

**Apr 29 Tuesday Beltz 211 3:30 PM**  
 + HB 14 PERMANENT FUND ALLOWABLE ABSENCES  
 HB 45 SECOND VERSE OF ALASKA'S STATE SONG  
 HCR 7 UNIFORM RULES: EXECUTIVE SESSIONS  
 SB 145 REEMPLOYMENT OF RETIRED TEACHERS  
 Bills Previously Heard/Scheduled



**STATE AFFAIRS (continued)**

**May 01 Thursday Beltz 211 3:30 PM**  
 + SJR 18 CONST. AM: PF APPROPS/INFLATION-PROOFING  
 + SB 195 CERTIFICATES OF PARTICIPATION FOR JAILS  
 Bills Previously Heard/Scheduled  
 HB 127 ROADSIDE MEMORIALS

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**TRANSPORTATION**

**Apr 29 Tuesday Butrovich 205 1:30 PM**  
 += SB 125 STATE CONTRACTS  
 += HB 81 MOTOR VEHICLE EMISSIONS INSPECTION  
 Bills Previously Heard/Scheduled

**May 01 Thursday Butrovich 205 1:30 PM**  
 Bills Previously Heard/Scheduled

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**JOINT COMMITTEES**

**LEGISLATIVE BUDGET & AUDIT**

**Apr 29 Tuesday Terry Miller 104 8:00 AM**  
 -- Location Change --  
 Audits and Other Committee Business

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**LEGISLATIVE COUNCIL**

**May 02 Friday Capitol 208 12:00 PM**  
 Information Technology Subcommittee  
 Information Technology & Alaska's Future

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**OTHER MEETINGS**

**CHILDREN'S CAUCUS**

**Apr 29 Tuesday Fahrenkamp 203 12:00 PM**  
 + How Child Abuse is Being Addressed:  
 AK Children's Alliance and Children's  
 Advocacy Center Working Group