

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

April 8, 2004

8:07 a.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative Jim Holm, Vice Chair
Representative John Coghill
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

Representative Bob Lynn

COMMITTEE CALENDAR

HOUSE BILL NO. 523

"An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

- HEARD AND HELD

HOUSE CONCURRENT RESOLUTION NO. 26

Relating to investments in Alaska by corporate America in which the permanent fund invests.

- HEARD AND HELD

CS FOR SENATE BILL NO. 309(JUD) am

"An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

- HEARD AND HELD

HOUSE BILL NO. 239

"An Act directing the Department of Public Safety to establish an Internet-based identification and tracking system relating to controlled substances that are prescribed for human use; and

relating to the manner in which prescriptions for controlled substances may be filled by a pharmacist."

- BILL HEARING POSTPONED

PREVIOUS COMMITTEE ACTION

BILL: HB 523

SHORT TITLE:VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
02/26/04	2748	(H)	READ THE FIRST TIME - REFERRALS
02/26/04	2748	(H)	STA, JUD, FIN
02/26/04	2748	(H)	FN1: ZERO(LAW)
02/26/04	2748	(H)	FN2: (GOV)
02/26/04	2748	(H)	GOVERNOR'S TRANSMITTAL LETTER
04/08/04		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HCR 26

SHORT TITLE:PFUND: ENCOURAGE INVESTMENTS IN ALASKA

SPONSOR(S): REPRESENTATIVE(S) WOLF

Jrn-Date	Jrn-Page		Action
01/20/04	2340	(H)	READ THE FIRST TIME - REFERRALS
01/20/04	2340	(H)	STA
04/08/04		(H)	STA AT 8:00 AM CAPITOL 102

BILL: SB 309

SHORT TITLE:BLOOD PATHOGENS TESTING OF PRISONERS

SPONSOR(S): SENATOR(S) WAGONER

Jrn-Date	Jrn-Page		Action
02/09/04	2114	(S)	READ THE FIRST TIME - REFERRALS
02/09/04	2114	(S)	STA, JUD
03/04/04		(S)	STA AT 3:30 PM BELTZ 211
03/04/04		(S)	Moved SB 309 Out of Committee
03/04/04		(S)	MINUTE(STA)
03/05/04	2428	(S)	STA RPT 3DP
03/05/04	2428	(S)	DP: STEVENS G, COWDERY, STEDMAN
03/05/04	2428	(S)	FN1: ZERO(COR)
03/17/04	2536	(S)	JUD RPT CS 4DP SAME TITLE

03/17/04	2537	(S)	DP: SEEKINS, FRENCH, OGAN, THERRIAULT
03/17/04	2537	(S)	FN1: ZERO(COR)
03/17/04		(S)	JUD AT 8:00 AM BUTROVICH 205
03/17/04		(S)	Moved CSSB 309(JUD) Out of Committee
03/17/04		(S)	MINUTE(JUD)
03/19/04	2569	(S)	RULES TO CALENDAR 3/19/2004
03/19/04	2569	(S)	READ THE SECOND TIME
03/19/04	2569	(S)	JUD CS ADOPTED UNAN CONSENT
03/19/04	2569	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/19/04	2570	(S)	READ THE THIRD TIME CSSB 309(JUD)
03/19/04	2570	(S)	RETURN TO SECOND FOR AM 1 UNAN CONSENT
03/19/04	2570	(S)	AM NO 1 ADOPTED UNAN CONSENT
03/19/04	2570	(S)	AUTOMATICALLY IN 3RD READING
03/19/04	2570	(S)	PASSED Y18 N- E2
03/19/04	2570	(S)	WAGONER NOTICE OF RECONSIDERATION
03/19/04	2577	(S)	COSPONSOR(S): DYSON
03/22/04	2604	(S)	RECON TAKEN UP - IN THIRD READING
03/22/04	2604	(S)	RETURN TO SECOND FOR AM 2 UNAN CONSENT
03/22/04	2604	(S)	AM NO 2 ADOPTED UNAN CONSENT
03/22/04	2604	(S)	AUTOMATICALLY IN THIRD READING ON RECON
03/22/04	2604	(S)	PASSED ON RECONSIDERATION Y19 N- E1
03/22/04	2604	(S)	COSPONSOR(S): LINCOLN
03/22/04	2607	(S)	TRANSMITTED TO (H)
03/22/04	2607	(S)	VERSION: CSSB 309(JUD) AM
03/24/04	3043	(H)	READ THE FIRST TIME - REFERRALS
03/24/04	3043	(H)	STA, JUD
04/08/04		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

LAURA GLAISER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the division during
the hearing on HB 523.

REPRESENTATIVE KELLY WOLF
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HCR 26.

SENATOR TOM WAGONER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HCR 26.

PORTIA PARKER, Deputy Commissioner
Office of the Commissioner - Juneau
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 309.

ACTION NARRATIVE

TAPE 04-58, SIDE A

Number 0001

CHAIR BRUCE WEYHRAUCH called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Holm, Seaton, Coghill, Gruenberg, and Weyhrauch were present at the call to order. Representative Berkowitz arrived as the meeting was in progress.

HB 523-VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

[Contains discussion of HB 414.]

Number 0070

CHAIR WEYHRAUCH announced that the first order of business was HOUSE BILL NO. 523, "An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

CHAIR WEYHRAUCH announced that he would be leaving [soon after the start of the meeting]; therefore, he would be handing the gavel over to Representative Holm.

Number 0075

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, noted that there is a sectional analysis [in the committee packet]. In response to a question from Chair Weyhrauch, she clarified that the sectional analysis relates to the committee substitute (CS) for HB 523, [Version 23-GH2021\H, Kurtz, 4/7/04]. She remarked that the title of the bill is kind of a sponsor statement in itself; therefore, she did not provide one for the committee.

Number 0201

REPRESENTATIVE GRUENBERG suggested Ms. Glaiser address the definition of political party.

MS. GLAISER directed the committee's attention to Section 42 of the bill, which defines political party as follows:

***Sec. 42.** AS 15.60.010(21) is amended to read:

(21) "political party" means an organized group of voters that represents a political program and that either nominated a candidate for statewide office [GOVERNOR] at the preceding general election or has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election at which a governor was elected;

MS. GLAISER noted that "statewide office" is identified as: governor, lieutenant governor, U.S. Senator, and U.S. Representative. Current law, she reviewed, says that the 3 percent is based on the governor's race. She explained that Jim Sykes argued that he garnered approximately 7 percent in the [U.S.] Senate race, so "he wanted a different marker." She indicated that [Section 42] was the division's proposal to deal with a lawsuit that resulted because of this issue.

Number 0346

REPRESENTATIVE SEATON posed the following scenario: A party nominates someone for governor and obtains "15 percent," thus [qualifying as] a political party. Two years later, the person running for that party only receives 2 percent. He surmised that the party would then cease to exist until another election at which it nominates someone who receives over 3 percent.

MS. GLAISER said she couldn't respond because she hasn't "looked at it that way." She explained, "We were trying to address the judge's concerns in that lawsuit."

REPRESENTATIVE SEATON opined that so much work was done on the language in [HB 414] so that [the previously stated scenario] wouldn't happen.

REPRESENTATIVE GRUENBERG suggested the committee could take the applicable section from HB 414 and [apply it to HB 523].

MS. GLAISER responded that the division would have no problem implementing that.

Number 0536

REPRESENTATIVE GRUENBERG moved to adopt the committee substitute (CS) for HB 523, Version 23-GH2021\H, Kurtz, 4/7/04, as a work draft.

Number 0549

REPRESENTATIVE BERKOWITZ objected for discussion purposes. He inquired as to the difference between the original bill and Version H.

MS. GLAISER reiterated that the changes are listed in the sectional analysis.

Number 0623

REPRESENTATIVE GRUENBERG mentioned a confidentiality section. He asked, "Is this information, even though it's not open to public inspection, ... available to the Child Support Enforcement Division?"

MS. GLAISER said she could check that out. She continued as follows:

This has been a policy of the Division of Elections, but we've had requests lately for copies of people's records with their signature. And when someone asked me that question, it ... gave me some concern, because we talk about theft of identity. And handing over a signature - that's what warranted this discussion and the addition to the bill.

The policy of the division has always been to share with other agencies, and there's usually a signature that's involved from somebody from an agency with a request; but I'd be happy to check with the Department of Law to make sure that that's still available.

REPRESENTATIVE GRUENBERG requested that Ms. Glaiser do so. He mentioned a bill heard recently in the House Judiciary Standing Committee, in which there was a provision that made employment security records available for law enforcement purposes, and there was a separate statute relating to making information available to [the Child Support Enforcement Division]. He indicated that he would like Ms. Glaiser to find any existing standardized language regarding this issue.

MS. GLAISER said, "Certainly."

REPRESENTATIVE GRUENBERG, in response to a question, said HB 414 passed out of the [House] Judiciary Standing Committee.

Number 0799

REPRESENTATIVE SEATON noted that the entire section regarding political parties was taken out [of HB 414 during its hearing in the Senate State Affairs Standing Committee].

Number 0825

REPRESENTATIVE BERKOWITZ removed his objection to adopting the committee substitute (CS) for HB 523, Version 23-GH2021\H, Kurtz, 4/7/04, as a work draft; therefore, Version H was before the committee.

Number 0834

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, to delete the current language in Section 42 and replace it with the language defining political party as found in HB 414 when it was in the Senate State Affairs Standing Committee.

VICE-CHAIR HOLM asked if there was any objection. No objection was stated and Conceptual Amendment 1 was treated as adopted.

Number 0895

REPRESENTATIVE GRUENBERG turned attention to page 4, lines [13-19], which read as follows:

(1) [,BUT IS NOT LIMITED TO, THE] publication of notice on three different days in a daily newspaper of general circulation, if [SUCH] a daily newspaper of general circulation is published in the house district where the precinct is located; however, if a daily newspaper of general circulation is not published in the house district where the precinct is located, public notice must include [,BY] posting written notice in a [THREE] conspicuous place [PLACES] in the designated precinct;

REPRESENTATIVE GRUENBERG stated that [the above provision] would cause a problem, because there are daily papers in Anchorage, Juneau, and Fairbanks, for example, that are "not published." He suggested that the criterion would be equally well served if the language read "circulated" instead of "published".

MS. GLAISER responded that [the division] would not have a problem with that.

Number 1001

REPRESENTATIVE COGHILL questioned whether the term "general circulation" is broad enough.

VICE-CHAIR HOLM noted that in his house district there is a paper, but there isn't a paper in the house district next to his. He added, "It's circulated there, but it's not published there."

REPRESENTATIVE GRUENBERG said that the question isn't where the paper is published, but whether a written posting is wanted in the house district. He stated that the subsidiary question is whether the written posting, if wanted, should be in one, two, or three places. Representative Gruenberg recollected that when the boundaries of a precinct are modified, established, or abolished, there must be a notification to the registered voters by postcard, for example.

MS. GLAISER offered her belief that is true.

REPRESENTATIVE GRUENBERG said he is not certain that just having a posting will do much except perhaps in a rural place where it may be helpful. He said he would like time to think about what to do with the aforementioned words on page 4, [lines 13-19, text previously provided].

Number 1130

REPRESENTATIVE HOLM stated he is curious why the number of conspicuous places was reduced from three to one.

MS. GLAISER replied that there are many areas where the notice had to be put on one board three times. She pointed out that in those areas where there are 16,000 voters, [there are notices in] a newspaper, as well as individual notification. She explained that the change had been made in an attempt to improve the process.

Number 1188

REPRESENTATIVE BERKOWITZ asked how often precinct boundary designations are modified.

MS. GLAISER answered that certainly during the [U.S.] Census and reapportionment there are times of incorporation and [borough] votes. She confirmed that they are not modified frequently, which was another reason why "this came up for discussion in the division." In response to a question from Representative Gruenberg, she said she is not certain whether precincts are always the same for local elections as well as for state elections, but she offered to find out.

REPRESENTATIVE GRUENBERG recollected that the legislation he introduced [in the past] not only required notification by postcard when boundaries changed, but also when the polling place changed. He drew attention to the language [on page 4, beginning on line 10], which read as follows:

The director shall give full public notice when precinct boundaries are designated an when the boundaries of a precinct are modified or when a precinct is established or abolished.

REPRESENTATIVE GRUENBERG asked, "Why not also when the polling place changes?"

MS. GLAISER said that could be added to the current law.

REPRESENTATIVE GRUENBERG asked Ms. Glaiser to consider that.

Number 1293

REPRESENTATIVE SEATON pointed to [page 4], line 21, which specifies notification to municipal clerks. He indicated that some house districts cover villages that [do not have municipal clerks]. He suggested it would be advantageous to expand the term municipal clerks. He noted that Seward has two weekly newspapers and the bill addresses newspapers of daily circulation, which doesn't include any of the local newspapers.

Number 1421

REPRESENTATIVE BERKOWITZ directed attention to Section 3, regarding confidential voter information. He noted, "We just passed some legislation that made certain information for victims of domestic violence confidential. He asked if there is a provision for that, and stated that if there is not, there should be one.

MS. GLAISER said she didn't know.

VICE-CHAIR HOLM told Representative Berkowitz that Ms. Glaiser had earlier in the meeting been asked to research this issue.

MS. GLAISER said, "You'll be interested to know that the new voter registration systems that we've been looking at ... have the ability to hide records so they don't even print out, and a person can choose that." In response to a question, she confirmed that [the division] is currently upgrading.

Number 1540

VICE-CHAIR HOLM turned to Amendment 2, which read as follows [with some hand written changes]:

Page 1, line 5, following "**counting**,":
Insert "**voting electronically**,"

Page 20, following line 26:
Insert a new bill section to read:
"*** Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:
VOTING BY MAIL AND ELECTRONICALLY. Not later than January 31, 2005, the director of the division of elections shall provide a report to the legislature on the feasibility, costs, and benefits of authorizing a system of voting by mail and electronically."

Renumber the following bill sections accordingly.

Number 1565

REPRESENTATIVE BERKOWITZ asked if [Amendment 2] incorporates some of the concerns that were voiced during a previous electronic voting discussion regarding a "Minority bill."

VICE-CHAIR HOLM answered yes.

REPRESENTATIVE BERKOWITZ, in response to a question from Representative Gruenberg, clarified that he just wants [Amendment 2] compared to the work that has been done on the other bill.

Number 1597

MS. GLAISER responded that she doesn't see [Amendment 2] as "separate from the other piece of legislation." She revealed that she would be certifying elections through December and asked if the date could be extended. She stated that she is sure that the committee would want research done, and she said she doesn't know what [Chair Weyhrauch] would like.

VICE-CHAIR HOLM suggested that the committee set aside [Amendment 2].

Number 1660

REPRESENTATIVE BERKOWITZ announced that he would, at every opportunity, offer an amendment that "would remove the capability to keep track of people's party affiliation and publish that in any place, including voter registration."

REPRESENTATIVE COGHILL rebutted that he would oppose that amendment every time.

Number 1696

REPRESENTATIVE GRUENBERG noted that [HB 523] seems to be mainly "housekeeping/technical stuff." He directed attention to Section 1 of the bill, regarding AS 15.05.020. He announced that he and his staff would be looking to find out where problems have arisen in the past in court, regarding [that statute], and he asked for help from the division and others in advance of the next hearing on HB 523.

Number 1787

VICE-CHAIR HOLM announced that HB 523 was heard and held.

HCR 26-PFUND: ENCOURAGE INVESTMENTS IN ALASKA

Number 1796

REPRESENTATIVE HOLM announced that the next order of business was HOUSE CONCURRENT RESOLUTION NO. 26, Relating to investments in Alaska by corporate America in which the permanent fund invests.

Number 1815

REPRESENTATIVE KELLY WOLF, Alaska State Legislature, as sponsor of HCR 26, told the committee that approximately 7,000 nonprofit organizations exist within Alaska. He stated that Alaska is a young state that has businesses "starting and failing on a regular basis." He described HCR 26 as an opportunity to use the power the State of Alaska has in its Permanent Fund Dividend Corporation, without risking the funds in the permanent fund dividend (PFD). The proposed legislation, he explained, would give the opportunity for a small business or nonprofit [organization], with the support of the legislature, to approach the corporations in which the permanent fund holds stock and ask for financial support to start a business, or to ask for a contribution.

REPRESENTATIVE WOLF directed attention to Amendment 1, which read as follows [original punctuation provided]:

After Line 13 Add new section:

Whereas Alaska's own economic well being is tied to businesses in Alaska; and

Whereas Alaska's health and well being of our communities is assisted by one or more of the nearly 7000 nonprofit organizations in Alaska; and

Whereas by enactment of this resolution we recognize we, as members of Alaska's Legislature, are providing opportunity for Alaska's nonprofit and for profit sectors to declare their independence through encouraging them to recognize the powerful buying support the \$24,000,000,000 permanent fund represents;

Line 15 - after "to encourage investments in" change Alaska to Alaska's; Then add: nonprofit and for profit sectors

Page Two - Line 2 - After Corporation, Please delete:
"for public record." Then add: and make available at
public request.

Number 2076

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1, with a technical amendment, as follows:

Between "make" and "available"
Insert "it"

REPRESENTATIVE SEATON stated, "I'll object for discussion."

Number 2103

REPRESENTATIVE SEATON asked Representative Wolf to clarify the meaning of "Alaska's nonprofit and for profit sectors to declare their independence".

REPRESENTATIVE WOLF explained that the proposed resolution encourages nonprofit groups to independently seek private funds, without using state funds. He revealed that there are "several hundred million dollars" of corporate monies that go unasked for each year. He stated, "The opportunity for nonprofits here in the state of Alaska to use the power of [the] Permanent Fund Dividend Corporation is second to none."

REPRESENTATIVE SEATON said he is confused by the language and is uncertain how to amend it.

VICE-CHAIR HOLM announced that HCR 26 would not be moved out of committee today.

REPRESENTATIVE COGHILL suggested "incorporating the amendment."

Number 2220

REPRESENTATIVE SEATON removed his objection.

REPRESENTATIVE GRUENBERG opined that representatives from the Alaska Permanent Fund Corporation would want a chance to respond to Amendment 1.

VICE-CHAIR HOLM responded, "It's my understanding they did not want to testify on this, because ... they're testifying through

their letter and that's all they're going to do." He said he suspects the corporation will not change its policies based upon [HCR 26].

Number 2288

REPRESENTATIVE WOLF indicated that Amendment 1 would include the for profit businesses with the nonprofit ones in the chance to "reap the benefit" [in regard to requesting funds from corporations in which the state's permanent fund is invested].

REPRESENTATIVE COGHILL changed his earlier remark to suggest instead that the committee leave the amendment on the table.

REPRESENTATIVE GRUENBERG asked that [Representative Wolf] consult Legislative Legal and Research Services regarding the language.

REPRESENTATIVE SEATON announced that he would maintain his objection.

[HCR 26 was heard and held.]

SB 309-BLOOD PATHOGENS TESTING OF PRISONERS

Number 2348

VICE-CHAIR HOLM announced that the last order of business was CS FOR SENATE BILL NO. 309(JUD) am, "An Act relating to testing the blood of prisoners and those in custody for bloodborne pathogens."

TAPE 04-58, SIDE B

Number 2359

SENATOR TOM WAGONER, Alaska State Legislature, as sponsor of HCR 26, stated that, currently, the State of Alaska allows for the testing of prisoners with bloodborne pathogens at the request of rape victims only. The proposed legislation would allow correctional officers who have been exposed to blood or other bodily fluids to request testing of the prisoner responsible for the exposure. He indicated that [exposing correctional officers to infected blood or other bodily fluids] is one of the few weapons prisoners have in the penal system to retaliate against the personnel who operate the prison.

SENATOR WAGONER noted that AS 18.15 would be amended to include five new sections: AS 18.15.400, which would authorize the process of testing; AS 18.15.410, which would provide a consent provision; AS 18.15.420, which would address testing without consent; AS 18.15.440, which would address confidentiality issues and provide penalties for disclosure; and AS 18.15.450, which would define "the new term in this section."

SENATOR WAGONER revealed that, last year, 41 correctional officers were potentially exposed to bloodborne pathogens. In most of the cases, exposure was intentional. Current treatment to exposure to unknown pathogens consists of a daily "cocktail," which includes large amounts of several broad-spectrum medications. He explained that the treatment, which can take up to two weeks, can result in lost time for each person taking the treatment. Additionally, the treatment costs the state between \$2,000-\$3,000 for each "application" for the two-week session.

SENATOR WAGONER pointed out that both the Department of Corrections and the Division of Risk Management have given SB 309 a zero fiscal note. Notwithstanding that, Senator Wagoner suggested that with 40 people undergoing the treatment at \$2,000-\$3,000 per person and being off work for up to two weeks, SB 309 would save the state money. He explained that, at this time, the amount that would be saved is an unknown quantity, which is why the fiscal note doesn't reflect the savings.

SENATOR WAGONER indicated that the Department of Corrections had requested some minor technical changes to the bill, and he noted that Commissioner Marc Antrim is available to answer questions. The phrase "correctional facility" was changed to "the department" throughout the bill, and the section dealing with "old blood" was removed. He explained that the preference is to use new blood to test for bloodborne pathogens.

Number 2174

REPRESENTATIVE GRUENBERG suggested that if a prisoner who is infected bites a guard, the guard's spouse or significant other may need to get the information regarding the prisoner's health, for medical purposes. He noted that there's no provision in the confidentiality section of the bill for disclosure when medically necessary to protect "a third ... innocent person."

Number 2114

SENATOR WAGONER surmised that if a guard was bitten, for example, he/she would not have any intimate contact with his/her spouse until a test result was complete.

REPRESENTATIVE GRUENBERG proffered that the guard may not be totally responsible as a human being, or there may have been some sort of "incidental saliva contact" with the prisoner. He suggested one example may be that the prisoner's saliva lands on an open cut that the guard has, and the guard may not be instantly aware of that occurrence. He said he thinks some thought should be given to allowing the information to be given, if necessary, to protect a third person.

SENATOR WAGONER suggested that may be something that the department could pursue in the next few days. Notwithstanding that, he stated, "I don't think we can child-proof the world." He added that if the person who is infected doesn't know it, he doesn't know how the third party would become aware of any infection.

REPRESENTATIVE GRUENBERG responded that the correctional official may independently have an [acquired immunodeficiency syndrome (AIDS)] test done and find out about it that way. He pointed out that if that person is not married, he/she may have had contact with several people.

SENATOR WAGONER suggested that the Department of Corrections could address that issue and formulate an amendment.

Number 2002

VICE-CHAIR HOLM mentioned "prisoners that sit next door to another prisoner." He asked if they have a right to know that "this person over here has AIDS."

SENATOR WAGONER replied that he thinks that would really be expanding the scope of the bill. He stated his intent was to protect the guard and the people who work in the institutions because they are the ones who are directly involved in "this type of contamination."

[Vice-Chair Holm returned the gavel to Chair Weyhrauch.]

Number 1895

CHAIR WEYHRAUCH noted that the correctional officer has to get a physician to say whether significant exposure occurred, or not.

He asked, "Why shouldn't it be a determination of the correctional officer who was exposed, rather than some physician?"

SENATOR WAGONER answered that he thinks it's the physician's job to make a diagnosis and determine if there was enough exposure to require treatment or blood testing. In response to questions from Chair Weyhrauch, he explained that Section 1 in the bill not only addresses getting a blood sample from the infected prisoner, but also getting blood from the correctional officer. It also would give legal authority to the correctional institution to test the prisoner who exposed the correctional officer to the bloodborne pathogen.

Number 1758

PORTIA PARKER, Deputy Commissioner, Office of the Commissioner - Juneau, Department of Corrections (DOC), told the committee that, currently, a lot of the procedures in place are in compliance with the Occupational Safety and Health Administration (OSHA). The proposed legislation, she said, "codifies and adds a few more protections and ... guidelines in the statutes" She stated that DOC supports SB 309. Ms. Parker said the department usually doesn't have any problem getting a blood sample. She outlined the steps the department would take, as proposed in SB 309, and highlighted that the bill would facilitate obtaining a blood sample through a court order when a prisoner does not give consent.

CHAIR WEYHRAUCH asked if getting a court order would mean that the confidentiality provisions would no longer apply.

MS. PARKER said she doesn't think that's true. She explained that the name of the prisoner is not exposed.

Number 1652

REPRESENTATIVE GRUENBERG noted that there is some language in the bill that could prohibit the correctional officer from telling his/her spouse. He said he wants to be certain that anyone who may have been secondarily exposed also be informed and have access to the information. He also expressed the need to know how this would relate to juvenile correctional centers, which are under the direction of the Department of Health & Social Services (HESS). Representative Gruenberg pointed out that the bill specifies a physician, rather than a nurse

practitioner, for example. He questioned whether nurse practitioners should also be included.

Number 1658

REPRESENTATIVE SEATON returned to the question regarding why a third party - the physician - has to determine whether the exposure is significant enough. He asked if there has ever been a case in which a physician has said the exposure was not significant enough, thus making it impossible for the correctional officer to obtain results.

Number 1524

The committee took a brief at-ease.

[During the at-ease, the visiting high school students filed into the room. When the committee came back to order, the legislators introduced themselves.]

SENATOR WAGONER recapped the bill for the students.

CHAIR WEYHRAUCH explained that the House State Affairs Standing Committee has jurisdiction over the Department of Corrections, which is why the committee is hearing SB 309.

SENATOR WAGONER noted that there is a zero fiscal note. He said the next committee of referral would be the House Judiciary Standing Committee.

CHAIR WEYHRAUCH, for the benefit of the students, reviewed the remaining course that the bill would take.

REPRESENTATIVE HOLM defined what a fiscal note is.

REPRESENTATIVE GRUENBERG explained the importance and reason behind which committee hears a bill. He suggested that SB 309 should go to the House Health, Education and Social Services Standing Committee, because it focuses on public health issues.

SENATOR WAGONER said he thinks the legal ramifications are more important.

[SB 309 was heard and held.]

ADJOURNMENT

Number 1238

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:23 a.m.