



Senator Huggins led the Senate in the Pledge of Allegiance.

### **Certification**

Senator Gary Stevens moved and asked unanimous consent that the journals for the fifteenth and sixteenth legislative days be approved as certified by the Secretary. Without objection, it was so ordered.

### **Introduction of Guests**

Senator Dyson introduced Canadian Consul General Jeffrey N. Parker, and Mr. Rudy Brueggemann, Political, Economic Relations, and Public Affairs Officer for the Canadian Consulate.

### **Communications**

The following report is on file in the Office of the Secretary of the Senate:

Annual Report, January 2005  
from Michael Black, Director, Division of Community Advocacy  
Department of Commerce, Community and Economic Development  
available at: [www.commerce.state.ak.us](http://www.commerce.state.ak.us)

### **Standing Committee Reports**

#### **SB 62**

The Finance Committee considered SENATE BILL NO. 62 "An Act making a supplemental appropriation for increased operating costs of the division of elections; and providing for an effective date." Signing do pass: Senators Wilken, Green, Cochairs; Senators Bunde, Stedman, Dyson. Signing no recommendation: Senators Hoffman, Olson.

The bill was referred to the Rules Committee.

**SB 72**

The following corrected fiscal information for SENATE BILL NO. 72 "An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date" was published today:

Fiscal Note No. 1, Office of the Governor

**Introduction and Reference of  
Senate Resolutions****SJR 4**

SENATE JOINT RESOLUTION NO. 4 BY SENATOR DYSON,

Proposing amendments to the Constitution of the State of Alaska relating to the budget reserve fund and to uses of money in the general fund available for appropriation at the end of each fiscal year; and providing for an effective date for the amendments.

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

**Introduction and Reference of Senate Bills****SB 24**

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 24 BY SENATORS GARY STEVENS, Davis, entitled:

"An Act relating to reemployment of and benefits for retired teachers and public employees and to teachers or employees who participated in retirement incentive programs and are subsequently reemployed as a commissioner; repealing secs. 5, 7, and 9, ch. 58, SLA 2001; providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001, and repealing sec. 13, ch. 58, SLA 2001, which is the delayed effective date for secs. 5, 7, and 9, ch. 58, SLA 2001; and providing for an effective date."

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

**SB 80**

SENATE BILL NO. 80 BY SENATOR DYSON, entitled:

"An Act establishing a sunset date for each department of state government; relating to the review of the functions of state agencies, certain instrumentalities of the state, and other persons and offices."

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

**SB 81**

SENATE BILL NO. 81 BY SENATOR OLSON, entitled:

"An Act repealing the sunset provision relating to senior care service; and providing for an effective date."

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

**SB 82**

SENATE BILL NO. 82 BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to child protection, including forensic interviews and transportation of children; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

Governor's transmittal letter dated January 25:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to child protection, including forensic interviews and transportation of children.

Under current AS 47.17.064, the Department of Health and Social Services (department) may take photographs of areas of trauma visible on a child, and have x-rays and medical examinations done, without first notifying the child's parents, if the department has reasonable cause to suspect that the child has suffered physical harm as a result of child abuse or neglect. This bill would amend AS 47.17.064 to permit the department, or certain persons authorized by the department, to conduct, without first notifying the child's parents, a forensic interview of a child suspected of suffering sexual abuse or physical harm as a result of child abuse or neglect.

Implicit in the existing statute is the recognition that the department has the authority to transport a child in order to take the photographs or to have the medical examination or x-rays done. This bill would amend AS 47.17.064 to make it explicit that the department has that authority, as well as the authority to transport a child for purposes of conducting a forensic interview authorized by the bill. The clear authority to transport the child for these procedures is key to ensuring that they can be conducted in an appropriate environment that is not threatening to the child.

The bill also would give the state and the department, its officers, its employees, and its agents certain immunity for certain actions taken related to the transportation of a child under AS 47.17.064.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 83**

SENATE BILL NO. 83 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child in need of aid proceedings and juvenile delinquency proceedings; and providing for an effective date."

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

The following fiscal information was published today:

Fiscal Note No. 1, zero, Department of Health and Social Services

Governor's transmittal letter dated January 25:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding, relating to eligibility for Permanent Fund dividends for certain children in the custody of the state, and relating to child in need of aid proceedings under AS 47.10 and juvenile delinquency proceedings under AS 47.12.

The bill would add language to AS 25.23.180 to permit parents to relinquish their parental rights to a child while retaining certain privileges, such as ongoing communication or visitation with the child. This proposed amendment is in response to a recent Alaska Supreme Court decision holding that current law prohibits a parent from retaining any rights or privileges in a relinquishment. In some cases, ongoing contact with the parent is in the child's best interest, particularly in cases involving adoption by relatives or family acquaintances. Before the Supreme Court's decision, retention of privileges in relinquishments was a common practice. The proposed amendment would authorize retained privileges in appropriate cases.

The bill would add language to AS 43.23.005 to allow children who are placed temporarily by the Department of Health and Social Services (DHSS) outside of the state--in out-of-state treatment facilities, for example--to maintain their eligibility for Permanent Fund dividends. Some children require long-term treatment of a nature that is currently unavailable in this state; such children are at risk of losing their Permanent Fund dividend eligibility if they remain placed out of state for more than a year and are unable to return to the state to meet permanent fund dividend eligibility requirements. These Alaskan children should not lose the privilege of dividend eligibility as a result of being placed by the DHSS in a treatment program that is only available out-of-state.

The bill would add language to AS 47.10.020 to clarify that the court may issue any orders necessary to aid the DHSS in its investigation of an allegation of child abuse or neglect. Orders to aid DHSS are not prohibited by existing law; however, the proposed clarification would resolve any ambiguity regarding the ability of judges to issue such orders.

The bill also would add a new provision to permit courts to dispense with unnecessary and costly expert witness appearances in child in need of aid cases involving parents who cannot be located or identified. Under existing federal law, in order for a court to authorize the out-of-home placement of, or termination of parental rights to, an Indian child, the court must consider the testimony of a qualified expert witness. In cases involving a parent whose whereabouts remain unknown despite a diligent search, this federal law would appear to require that an expert witness be called solely to support the self-evident finding that placement of a child with the parent who cannot be found is likely to place the child at risk of harm. The proposed addition to AS 47.10 would permit a court to conclude, as a matter of law, that the testimony of a qualified expert witness would support a finding that placing the child with an absent parent would place a child at substantial risk of serious harm. This provision will satisfy federal legal requirements.

Finally, the bill would amend the definition of the term “mental health professional” for purposes of child in need of aid and juvenile delinquency proceedings. In order to authorize placement of children in secure residential psychiatric treatment facilities, courts must hear the testimony of a “mental health professional.” The current definition of that term, contained in AS 47.30.915, excludes professionals who may be licensed to practice in other states, but not in Alaska. The testimony of such professionals is often critical in cases involving Alaska children who are already placed out of state by DHSS. Thus, expansion of the existing definition is necessary to ensure that Alaska children who are placed outside of this state receive the psychiatric treatment they need.

Each of the provisions of this bill constitutes a step toward making Alaska’s children safer, healthier, and more secure, without unreasonably expanding governmental powers.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski  
Governor

**SB 84**

SENATE BILL NO. 84 BY THE SENATE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the confidentiality of investigations, court hearings, and public agency records and information in child-in-need-of-aid matters and certain child protection matters; relating to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters; amending Rules 3 and 22, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

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



The following fiscal information was published today:

Fiscal Note No. 1, Department of Law

Fiscal Note No. 2, Department of Health and Social Services

Governor's transmittal letter dated January 25:

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will provide greater public access to child-in-need-of-aid (CINA) hearings and records and other information that has been historically closed to the public.

The issues surrounding public disclosure in CINA matters can quickly become complicated, but the goal of this bill is simple: shed more light on the child protection system and the system will improve. I believe that public support of the approach taken in the bill will grow when the tragic circumstances affecting so many young lives are more fully understood, along with the daily challenges faced by those who work so hard to protect children.

Concerns have been raised during the past several years about the state's confidentiality laws in CINA matters. These confidentiality laws were created to protect the privacy interests of children and their families in CINA matters, but they also have the practical effect of limiting public oversight and understanding of goals and activities of our child protection agencies. This bill seeks to address these issues by increasing public access in the following ways:

Court hearings in CINA cases that are now closed to the public would be open to the public, with limited exceptions. For example, the court may close a CINA hearing to the public when a parent or child has not had an opportunity to obtain legal representation; when a child would otherwise be emotionally damaged by an open hearing or would be inhibited in testifying; or when an open hearing would substantially compromise a criminal investigation.

Information from state agency CINA records would be made available to the public in three situations: when a parent or guardian in a CINA case makes a public disclosure concerning the Department of Health and Social Services' involvement with the family; when the alleged perpetrator named in a report of harm under AS 47.17 has been charged with a crime arising from the harm; or when there is a report of harm under AS 47.17 that has resulted in a fatality or near fatality of a child. In such instances, the bill would allow the Department of Health and Social Services to release information about its response to the report of harm.

Other provisions of the bill would allow for the release of information to agencies or individuals when necessary to locate permanent placements for children in CINA cases, protect the safety of children, or enhance agency review of CINA cases. Also included is a provision for immunity for the state and municipalities, and their agencies, officers, and employees, relating to the disclosure or nondisclosure of information in CINA cases and certain child protection matters.

If enacted into law, the substantive changes in the bill would take effect July 1, 2005. The bill also would require a report to the public and the Legislature by December 1, 2006. The report will assess these new procedures in CINA cases and make recommendations to address any additional statutory changes necessary to improve our CINA confidentiality laws.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

### **Unfinished Business**

#### **Reconsideration of Senate Bills**

##### **SB 56**

Senator French requested that the reconsideration on CS FOR SENATE BILL NO. 56(JUD) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall CS FOR SENATE BILL NO. 56(JUD) "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date" pass the Senate?" The roll was taken with the following result:

CSSB 56(JUD)

Third Reading - On Reconsideration

Effective Date

**YEAS: 18 NAYS: 0 EXCUSED: 2 ABSENT: 0**

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, French, Green, Huggins, Kookesh, Olson, Seekins, Stedman, Stevens B, Stevens G, Therriault, Wagoner, Wilken

Excused: Guess, Hoffman

and so, CS FOR SENATE BILL NO. 56(JUD) passed the Senate on reconsideration.

Senator Gary 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.

#### **Unfinished Business (continued)**

##### **SB 12**

Senators Bunde, Seekins, Wagoner, Elton, Kookesh, Huggins, Gary Stevens, Olson, Stedman, Ben Stevens, Cowdery moved and asked unanimous consent to be shown as cosponsors on SENATE BILL NO. 12 "An Act relating to the prohibition or elimination of financial relationships with persons that conduct business in countries that support or ignore slavery and trafficking in persons." Without objection, it was so ordered.

##### **SB 10**

Senator Bunde moved and asked unanimous consent to be shown as a cosponsor on SENATE BILL NO. 10 "An Act relating to liability for destruction of property by unemancipated minors; and providing for an effective date." Without objection, it was so ordered.

Senator French moved and asked unanimous consent to be excused from the Senate, not subject to a call, on January 31 to plane time. Without objection, Senator French was excused.

Senator Dyson moved and asked unanimous consent to be excused from a call of the Senate from evening plane time, February 10 through morning plane time, February 14. Without objection, Senator Dyson was excused.

Senator Therriault moved and asked unanimous consent to be excused from a call of the Senate on January 28. Without objection, Senator Therriault was excused.

Senator Davis moved and asked unanimous consent to be excused from a call of the Senate on January 31 and February 2 through plane time, February 3. Without objection, Senator Davis was excused.

Senator Green moved and asked unanimous consent to be excused from a call of the Senate on January 31 to morning plane time. Without objection, Senator Green was excused.

#### **Announcements**

Announcements are at the end of the journal.

#### **Engrossment**

##### **SB 56**

CS FOR SENATE BILL NO. 56(JUD) "An Act relating to criminal law and procedure, criminal sentences, and probation and parole; and providing for an effective date" was engrossed, signed by the President and Secretary and transmitted to the House for consideration with a Senate Letter of Intent.

**Adjournment**

Senator Gary Stevens moved and asked unanimous consent that the Senate stand in adjournment until 11:00 a.m., January 27, 2005. Without objection, the Senate adjourned at 11:37 a.m.

Kirsten Waid  
Secretary of the Senate

January 2005

**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>Jan 26</b>	<b>Wednesday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
+ SB 14	MUNICIPAL ELECTIONS		
+ SB 51	PUBLIC ASSISTANCE PROGRAMS		
<b>Jan 28</b>	<b>Friday</b>	<b>Fahrenkamp 203</b>	<b>1:30 PM</b>
	No Meeting Scheduled		

**FINANCE**

<b>Jan 26</b>	<b>Wednesday</b>	<b>Senate Finance 532</b>	<b>9:30 AM</b>
	-- Note Time Change --		
+	Department of Administration: Public Employee's & Teacher's Retirement Systems Overview		
<b>Jan 27</b>	<b>Thursday</b>	<b>Senate Finance 532</b>	<b>9:30 AM</b>
	-- Note Time Change --		
+	Department of Revenue: Role of ASPIB & Treasury Division Department of Administration: Tier Redesign Project Report		
<b>Jan 28</b>	<b>Friday</b>	<b>Senate Finance 532</b>	<b>9:00 AM</b>
+	Continuation of Tier Redesign Project Report (if needed)		

**HEALTH, EDUCATION & SOCIAL SERVICES**

**Jan 26      Wednesday                      Butrovich 205              1:30 PM**  
 -- Meeting Canceled --

- + SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE
- + SB 22 MEDICAID COVERAGE FOR BIRTHING CENTERS

**Jan 28      Friday                                      Butrovich 205              1:30 PM**  
 No Meeting Scheduled

**JUDICIARY**

**Jan 26      Wednesday                      Butrovich 205              8:30 AM**  
 + Continuation of Overview if Necessary  
 + SB 65 OFFENSES BY MINORS/AGAINST TEACHERS

**Jan 27      Thursday                                  Butrovich 205              8:30 AM**  
 -- Meeting Canceled --  
 + Bills Previously Heard/Scheduled

**LABOR & COMMERCE**

**Jan 27      Thursday                                  Beltz 211                      1:30 PM**  
 + SB 42 NATUROPATHIC MEDICINE TASK FORCE  
 + SB 2 LIEN REQUIREMENTS

**RESOURCES**

**Jan 26      Wednesday                      Butrovich 205              3:30 PM**  
 + SJR 2 ENDORSING ANWR LEASING  
 + SB 32 WATER/SEWER/WASTE GRANTS TO UTILITIES  
 + SB 69 APPROP: GRANT TO ARCTIC POWER FOR ANWR

**Jan 28      Friday                                      Butrovich 205              3:30 PM**  
 No Meeting Scheduled

**STATE AFFAIRS**

**Jan 27**      **Thursday**                      **Beltz 211**              **3:30 PM**  
 No Meeting Scheduled

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**TRANSPORTATION**

**Jan 27**      **Thursday**                      **Butrovich 205**              **1:30 PM**  
 No Meeting Scheduled

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**FINANCE SUBCOMMITTEES****CORRECTIONS**

**Feb 03**      **Thursday**                      **Senate Finance 532**              **4:00 PM**  
 (For Corrections, Court System and H&SS)  
 Mental Health Trust Authority  
 Presentation  
 (Teleconferencing available upon  
 request with 24-hour notice)

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**COURT SYSTEM**

**Feb 03**      **Thursday**                      **Senate Finance 532**              **4:00 PM**  
 (For Corrections, Court System and H&SS)  
 Mental Health Trust Authority  
 Presentation  
 (Teleconferencing available upon  
 request with 24-hour notice)

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**HEALTH & SOCIAL SERVICES**

**Feb 03**      **Thursday**                      **Senate Finance 532**              **4:00 PM**  
 (For Corrections, Court System and H&SS)  
 Mental Health Trust Authority Presentation  
 (Teleconferencing available upon  
 request with 24-hour notice)

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**JOINT COMMITTEES**

**ADMINISTRATIVE REGULATION REVIEW**

**Feb 02**      **Wednesday**                      **Capitol 17**      **1:00 PM**  
 +              Committee Orientation and Regulatory  
                  Process Overview

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**LEGISLATIVE BUDGET & AUDIT**

**Jan 26**      **Wednesday**                      **Senate Finance 532**      **1:00 PM**  
 Approval of Request for Proposals for  
 Economic Analysis & Modeling - Alaska  
 Natural Gas Pipeline Project  
 Presentation by the Alaska Gasline Port Authority  
 Other Committee Business

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**LEGISLATIVE COUNCIL**

**Feb 03**      **Thursday**                      **Senate Finance 532**      **12:00 PM**  
 --Agenda to be Announced--

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**OTHER MEETINGS**

**CHILDREN'S CAUCUS**

**Feb 08**      **Tuesday**                      **Butrovich 205**      **12:00 PM**  
 +              Alaska Children's Justice Act Task Force  
                  Reviewing Practice, Policy, and Laws on  
                  Child Abuse.

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**JOINT LEGISLATIVE HEALTH CAUCUS**

**Jan 26**      **Wednesday**                      **Butrovich 205**      **12:00 PM**  
 -- Please Note Time --  
 "Your Health Depends on Research:  
 What's Going on in Alaska?!"

**JOINT SESSION**

<b>Feb 23</b>	<b>Wednesday</b> State of the Judiciary Chief Justice Alexander O. Bryner	<b>House Chamber</b>	<b>11:00 AM</b>
<b>Feb 24</b>	<b>Thursday</b> Address by U.S. Senator Ted Stevens	<b>House Chamber</b>	<b>11:00 AM</b>