

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

February 9, 2005

1:32 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gary Wilken, Vice Chair
Senator Kim Elton
Senator Donny Olson
Senator Lyda Green

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 84

"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."

MOVED CSSB 84(HES) OUT OF COMMITTEE

SENATE BILL NO. 51

"An Act relating to contracts for the provision of state public assistance to certain recipients in the state; providing for regional public assistance plans and programs in the state; relating to grants for Alaska Native family assistance programs; relating to assignment of child support by Alaska Native family assistance recipients; relating to paternity determinations and genetic testing involving recipients of assistance under Alaska Native family assistance programs; and providing for an effective date."

MOVED SB 51 OUT OF COMMITTEE

SENATE BILL NO. 75

"An Act relating to public health and public health emergencies and disasters; relating to duties of the public defender and office of public advocacy regarding public health matters;

relating to certain claims for public health matters; making conforming amendments; and providing for an effective date."

MOVED CSSB 75(HES) OUT OF COMMITTEE

SENATE BILL NO. 73

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

MOVED CSSB 73(HES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 84

SHORT TITLE: CHILD PROTECTION CONFIDENTIALITY

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/05	(S)	READ THE FIRST TIME - REFERRALS
01/26/05	(S)	HES, JUD, FIN
02/07/05	(S)	HES AT 1:30 PM BUTROVICH 205
02/07/05	(S)	Heard & Held
02/07/05	(S)	MINUTE(HES)
02/09/05	(S)	HES AT 1:30 PM BUTROVICH 205

BILL: SB 51

SHORT TITLE: PUBLIC ASSISTANCE PROGRAMS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/12/05	(S)	READ THE FIRST TIME - REFERRALS
01/12/05	(S)	CRA, HES, FIN
01/26/05	(S)	CRA AT 1:30 PM FAHRENKAMP 203
01/26/05	(S)	Moved SB 51 Out of Committee
01/26/05	(S)	MINUTE(CRA)
01/27/05	(S)	CRA RPT 4DP
01/27/05	(S)	DP: STEVENS G, WAGONER, KOOKESH, ELLIS
02/07/05	(S)	HES AT 1:30 PM BUTROVICH 205
02/07/05	(S)	Heard & Held
02/07/05	(S)	MINUTE(HES)
02/09/05	(S)	HES AT 1:30 PM BUTROVICH 205

BILL: SB 75

SHORT TITLE: PUBLIC HEALTH DISASTERS/EMERGENCIES
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/21/05 (S) READ THE FIRST TIME - REFERRALS
01/21/05 (S) HES, STA, JUD
02/09/05 (S) HES AT 1:30 PM BUTROVICH 205

BILL: SB 73

SHORT TITLE: STATE VIROLOGY LABORATORY
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/21/05 (S) READ THE FIRST TIME - REFERRALS
01/21/05 (S) HES, FIN
02/09/05 (S) HES AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Jan Rutherford, Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300
POSITION STATEMENT: Supported SB 84.

Betty Rollins
Fairbanks, AK
POSITION STATEMENT: Opposed SB 84.

Scott Calder
Fairbanks, AK
POSITION STATEMENT: Opposed SB 84.

Ellie Fitzjarrald, Chief,
Policy and Program Development
Division of Public Assistance
Department of Health &
Social Services
Juneau, AK 99801-0601
POSITION STATEMENT: Supported SB 51.

Tony Lombardo, Deputy Commissioner
Department of Health & Social Services
Juneau, AK 99801-0601
POSITION STATEMENT: Commented on SB 51.

Don Shircel, Director,
Family Services
Tanana Chiefs Conference

POSITION STATEMENT: Supported SB 51.

Dean George, Program Coordinator
Temporary Assistance for Needy Families (TANF)
Tlingit Haida Central Council
Juneau, AK 99801

POSITION STATEMENT: Supported SB 51.

Amanda Blackgoat
Finance Systems Specialist
Tlingit Haida Central Council
Juneau, AK 99801

POSITION STATEMENT: Supported SB 51.

Dr. Richard Mandsager, Director,
Division of Public Health,
Department of Health & Social Services (DHSS)
Juneau, AK 99801

POSITION STATEMENT: Supported SB 75 and SB 73.

Dan Branch, Senior Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Supported SB 75 and SB 73.

Rod Beatty, President
Alaska State Hospital and Nursing Home Association (ASHNHA)
Juneau, AK 99801

POSITION STATEMENT: Supported SB 75 and SB 73.

Nathan Johnson, Division Manager
Anchorage Municipal Department of Health and Social Services
Anchorage, AK

POSITION STATEMENT: Supported SB 75.

Tom Boutin, Deputy Commissioner
Department of Revenue
PO Box 110400
Juneau, AK 99811-0400

POSITION STATEMENT: Neutral position on SB 73.

John Blake, Director
Office of Research Integrity
University of Alaska Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707

POSITION STATEMENT: Supported SB 73.

ACTION NARRATIVE

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at [1:32:27 PM](#). Present were Senators Kim Elton, Donny Olson, Gary Wilken, and Chair Fred Dyson.

SB 84-CHILD PROTECTION CONFIDENTIALITY

[1:33:25 PM](#)

CHAIR FRED DYSON announced SB 84 to be up for consideration.

JAN RUTHERDALE, Assistant Attorney General, Department of Law, said she had prepared some amendments for SB 84. The first amendment is as follows:

AMENDMENT 1

Page 6, line 26 after "department" add: ",the governor, or the legislature"

Page 8, line 9: delete "may" and add "shall"

Page 8, line 15-16: delete "in accordance with" and add "under"

MS. RUTHERDALE explained that the first change addressed Senator Elton's concern with the Governor or the Legislature convening an investigative body to review a specific case.

SENATOR LYDA GREEN joined the committee at 1:35.

[1:36:36 PM](#)

CHAIR DYSON noted that there were no objections to the first change.

MS. RUTHERDALE explained that the change on page 8, line 9, was in response to Senator Elton's concern about changing the original language of "shall" to "may". She didn't think it mattered either way and put the original language back. However, she explained:

This is a little wider. This covers all the regulations including that specific concern about the sufficient legitimate interest paragraph that had been moved from another section. So, it may not be

necessary in some cases.... Apparently there is case law that requires whenever there's a term or standard is used for the public, we're required to have regulations. The case law puts that "shall" in there, so it doesn't matter either way....

CHAIR DYSON asked what is a reasonable expectation for a time frame in which regulations get promulgated after a law is passed and if it had been challenged in court.

MS. RUTHERDALE replied that she didn't know the answer. However, she said:

I want to amend a statement I made last time, which was that I didn't believe there was any regulations that had been promulgated and there are regulations that apply to confidentiality, but those are very old.... I didn't want to leave the impression there are no regulations....

[1:38:17 PM](#)

MS. RUTHERDALE said the third change on page 8 was the result of a technical edit that had replaced "under" with "in accordance with" and a person in her department with expertise in tort liability said it would be important to use the word "under".

SENATOR WILKEN moved to adopt Amendment 1. There were no objections and Amendment 1 was adopted.

CHAIR DYSON announced that Amendment 2 was up for consideration and dealt with the issue of why parents aren't on the list of folks who can get confidential information.

AMENDMENT 2

Page 5, line 13: delete "and"

Page 5, line 14: after "section," add "and as provided to all parties in a child in need of aid proceeding in accordance with court rules,"

Page 5, line 22: delete "(1) a guardian ad litem appointed by the court;" and renumber accordingly

[1:40:05 PM](#)

MS. RUTHERDALE explained why section 3 belongs where it is and not in subsection (b). Concern was raised at the last hearing

that parents aren't on the subsection (b) list of people that the agency can disclose confidential information to and she explained that parents are parties to a case and they get all this information and more. It's not discretionary. They have access to the file on the child. She read the definition of "parties" in Child In Need of Aid Rule 2(1):

Party means the child, the parents, the guardian - you won't always have a guardian, but sometimes you have both parents and guardians caring for the child - the guardian ad litem and the department.

Those people would be the parties to the case in all cases. Then:

An Indian custodian who has intervened - an Indian custodian is a term out of the Indian Child Welfare Act... but it would be like a grandparent who has assumed a parental role in raising the kids. They are not legally a guardian, but they are the custodian.... It's not an automatic intervention. They actually have to move to intervene before they get party status.

And then the Indian child's tribe - if there is an Indian child's tribe - who has intervened - it's not automatic; they have to actually move to intervene. Then any other person who has been allowed to intervene in the court....

So parents, no question, they are a party to the case and as parties to the case, like in all civil cases, they are entitled to discovery and there is court rules and specifically in the Child In Need of Aid (CINA) case, but it generally refers back to the civil process with a few exceptions.

[1:44:46 PM](#)

She explained a discovery order in terms of access and said the point is, it's not appropriate to place access into statute. "This is sort of the province of the court to have these orders determining what the discovery is...." The district attorney's office said the criminal discovery process is the same. She thought this amendment was a good solution. The other amendment - removing subsection (b)(1) a guardian ad litem appointed by the court - doesn't necessarily have to be done, but a guardian is a party and it seems odd that they are the only party that is actually listed. So, the amendment cleans that up.

[1:47:56 PM](#)

CHAIR DYSON asked if subsection (a) talks about parties of a case that are always considered a party to a case unless they are excluded or non-existent and subsection (b) talks about non-parties that may be included.

MS. RUTHERDALE replied that was correct.

SENATOR WILKIN moved to adopt Amendment 2. There were no objections and Amendment 2 was adopted.

[1:49:49 PM](#)

BETTY ROLLINS, Fairbanks resident, took exception to Ms. Rutherford's statement because they are not talking just about court action where people are parties to a case, but about day-to-day operations. She asked why the state is fighting so hard to keep parents out of the loop. Public defenders have up to 100 cases during a year and this doesn't give them time to respond to each parent. She insisted:

The parent must be privileged to any information that the foster parent, the guardian ad litem, anyone in this case...without their attorney - because many times I've seen cases where the parent will continually call their attorney and they don't see him until the date of the hearing.

She said the federal law doesn't really state that people are allowed to get public information and she thought that should be clarified.

[1:51:44 PM](#)

SCOTT CALDER, Fairbanks resident, stated that the Permanency Planning Act of 1990 in Chapter 1.17, SLA1990 concerned the citizen review panel that was never properly implemented. His experience is that things are not as they are represented by the state. He agreed with the changing "may" to "shall" amendment. His experience was that parents were abused or shuffled around a little too harshly in these proceedings. He also wanted to see greater respect for tribal representatives.

[1:55:49 PM](#)

CHAIR DYSON reiterated that the primary issue here is to protect children.

MR. CALDER responded that you can't promote safety of children by keeping information from their parents.

[1:57:43 PM](#)

SENATOR KIM ELTON moved to report CSSB 84(HES) from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

[1:58:13 PM](#)

SB 51-PUBLIC ASSISTANCE PROGRAMS

CHAIR FRED DYSON announced SB 51 to be up for consideration.

ELLIE FITZJARRALD, Chief, Policy and Program Development, Division of Public Assistance, Department of Health and Social Services (DHSS), said that when Cook Inlet Tribal, Bristol Bay Native Association and the Milick Association come on board with their Native Family Assistance Programs, approximately 35 percent of the temporary assistance families in Alaska would be served by Native organizations.

[1:59:30 PM](#)

CHAIR DYSON said he was concerned about expanding the costs of Medicaid and asked if the department believes SB 51 does not increase those costs.

MS. FITZJARRALD replied that the Temporary Assistance Program is a federal block grant program with a maintenance-of-effort provision that the state contributes funding to receive it. As that program wends its way through Congress, proposals to date show there is level funding and it should remain that way. Alaska has had a caseload reduction and has been able to invest the federal dollars into programs and services for families and it is not costing the state any more. The fiscal note shows about a \$2 million general fund savings as a result in the adjustment of the department's maintenance of effort.

[2:01:15 PM](#)

CHAIR DYSON asked what happens if the federal funding ceases and the state has accepted an implied obligation to keep the funding at that level with state funds.

MS. FITZJARRALD replied that current statute and grants are structured "subject to appropriation." The grants are negotiated year-to-year.

SENATOR WILKEN said he wanted it made clear that if a dollar of federal money goes away, the corresponding dollar goes away in the general fund and that it is not expected to pick up the shortfall in federal revenue.

[2:02:49 PM](#)

MS. FITZJARRALD said the department has sustained funding through caseload reduction and there is no requirement in federal law that states provide supplemental funding. If Native organizations get caught in a situation where they couldn't afford to run their program, they have the option to rescind from the program and it then becomes the state's responsibility to provide assistance and services. That could increase their general fund maintenance of effort need.

[2:04:24 PM](#)

CHAIR DYSON said some audits of programs in the Division of Health and Human Services indicate irregularities in the past in funding subcontractors. He asked what the division does to audit their performance and how does it attract money.

[2:05:41 PM](#)

MS. FITZJARRALD replied that the statute requires yearly audits by a CPA. The department audits its programs each year as well.

[2:07:37 PM](#)

CHAIR DYSON asked if SB 51 gets signed into law, when would the programs start up.

MS. FITZJARRALD replied that some are already running - Tlingit and Haida, ABCP Bethel, Tanana Chiefs. Cook Inlet Tribal Council will start on July 1, 2005 and Bristol Bay Native Association and Cape Hope will start in 2006.

CHAIR DYSON said that documentation says existing programs are doing well and he asked if these programs had been audited this year.

MS. FITZJARRALD replied yes.

CHAIR DYSON asked for copies of the audits

[2:09:39 PM](#)

SENATOR WILKEN said he didn't understand why the SB 51 fiscal note has only one component - CITC.

MS. FITZJARRALD replied that is because the financing of the other three organizations have been in their operating budget since 2000 and aren't part of the new program.

SENATOR LYDA GREEN asked if Cook Inlet Tribal Council is the only new program.

MS. FITZJARRALD replied yes, although Bristol Native Bay Association and the Milick Association have also submitted letters of intent to begin running in 2006.

SENATOR GREEN said that Native groups have different benchmarks and asked if they could pay out less than the state payment would be to the same person.

MS. FITZJARRALD replied yes.

[2:11:40 PM](#)

SENATOR GREEN asked if the department could use leftover money for new and different programs.

MS. FITZJARRALD answered yes, but not with state supplemental funding. They can use their federal block grant to invest and provide supports for low-income families. It's all tied to the Temporary Assistance for Needy Families (TANF).

SENATOR GREEN asked if their records reflect exactly what was paid out.

MS. FITZJARRALD replied that is correct. Both monthly and quarterly reports of paid benefits are prepared.

[2:13:27 PM](#)

SENATOR GREEN asked if there is any way to debit one account to give flexibility to another one.

MS. FITZJARRALD replied that Native organizations have the same flexibility as the state in that they have federal money and the state maintenance of effort supplemental funds. The state contribution provides the supplemental funds needed to pay for various forms of assistance.

[2:15:07 PM](#)

CHAIR DYSON said the committee has expressed that it does not want people who are unwilling to relocate to secure work or who are unwilling to work to receive welfare. A federal regulation

says if a community has more than 50 percent unemployment, benefits can be extended. He asked where that money comes from.

MS. FITZJARRALD explained that federal law, as well as state law, exempts families who are living in Alaska Native villages or on a reservation from the 60-day time limit, if the number of adults not working in their community is 50 percent or more.

[2:16:38 PM](#)

CHAIR DYSON asked if the state statute could be changed so that the state component of the funding does not have to extend past the 60 days for those unwilling to relocate for work.

MS. FITZJARRALD replied that she would have to consult with legal folks on that issue.

[2:18:19 PM](#)

TONY LOMBARDO, Deputy Commissioner, Department of Health and Social Services, said he would discuss that with the commissioner and get back to committee.

SENATOR DONNY OLSON asked what happened to the application of the original four people in Metlakatla.

MS. FITZJARRALD replied that at the time the pilot legislation passed, Metlakatla had expressed an interest in participating, but later decided against it.

SENATOR OLSON asked if the other nine might make the same decision and that should be figured into the financial concern expressed by Senator Wilken.

MS. FITZJARRALD replied that she had not heard of any interest from the others besides from Bristol Bay Native Association and Milick.

[2:20:00 PM](#)

DON SHIRCEL, Director, Family Services, Tanana Chiefs Conference (TCC), strongly supported SB 51. He said TCC statistics indicate that more Native families are working for the assistance they receive. However, he mentioned that a shortcoming of the bill is that it includes no references to child support programs.

[2:25:58 PM](#)

CHAIR DYSON asked him to send written testimony on that issue.

[2:26:46 PM](#)

DEAN GEORGE, TANF Program Coordinator, Tlingit Haida Central Council, supported SB 51 and offered to answer questions regarding his report. He noted that he serves the geographic region from Yakutat down to Saxman, excluding Metlakatla.

SENATOR GREEN asked if his current program was derived from the pilot program.

MR. GEORGE replied yes.

[2:28:36 PM](#)

AMANDA BLACKGOAT, Finance System Specialist, TANF, Tlingit Haida Central Council, said she now holds clients more responsible for double dipping and fraud.

CHAIR DYSON asked if she had ever prosecuted anybody.

MS. BLACKGOAT replied no, because that it is too time consuming, but she recoups the money in other ways.

[2:30:42 PM](#)

SENATOR GREEN asked if the number of participants attempting to double dip now zero.

MR. GEORGE responded that his experience is that they have stopped double dipping altogether.

[2:32:06 PM](#)

CHAIR DYSON commented that he would like to hear about people who are unwilling to relocate to where jobs are at a future date.

SENATOR ELTON moved to pass CSSB 51(HES) out of committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

[2:32:56 PM](#)

SB 75-PUBLIC HEALTH DISASTERS/EMERGENCIES

CHAIR FRED DYSON announced SB 75 to be up for consideration.

DR. RICHARD MANDSAGER, Director, Division of Public Health, Department of Health & Social Services (DHSS), proceeded with a 20-minute slide presentation focusing on the public health system. He relayed a quote from "The Institute of Medicine," which says, "Public health is what we as a society do

collectively to assure that the conditions in which people live can be healthy."

He said there are many partners in public health and SB 75 focuses on the governmental part of the public health system - sewage removal and treatment, safe water, clean air, removal of lead from gasoline.

DR. MANDSAGER emphasized that public health is not health care, but rather it focuses on populations and prevention, not treatment. It focuses on testing kids for TB in schools and injury prevention projects like on how to prevent logging accidents. He gave another example from last year, when the department addressed cruise ship sickness, which turned out to be caused by oysters from Kachemak Bay. Public health work is involved in places you don't expect it and problems can't be predicted from year to year.

He said that SB 75 supports the work the Division of Public Health does and addresses its underpinning statutory weaknesses. He said the department is very dependent on federal funds for preparedness work, which started being redirected last summer and he thought it would probably continue going that way.

[2:43:25 PM](#)

DR. MANDSAGER said that tuberculosis still exists in Alaska and work will always have to be done to minimize outbreaks. The public health world is now worried about SARS mutating into human-to-human transmission as three cases have been documented. It attacks young adults and healthy people. For the last two years the mortality rate has been 70 percent. Traditional disease control generally involves isolation and the state would have to quarantine people if that were to happen in the next few years.

Bringing current law that is based on 1949 statutes containing the basic public health framework up to date in SB 75 would allow the division to address current issues like what different cultures expect in terms of health care and present-day chronic disease outbreaks. Further he said that current law contains nothing about due process. He said:

In my view this bill is all about trying to find the right balance between the mission of protecting public health and an individual's right to due process in the case they think government has overreached....

[2:46:41 PM](#)

DR. MANDSAGER explained that the definition of "essential public health services" is based on the nationally accepted definitions from the U.S. Public Health Functions Task Force and is further based on two reports published in the last 15 years by the Institute of Medicine.

He related an example of blood surveys for lead dust the department did 10 years ago in the communities around the Red Dog Mine. When the department went back this fall and tested people again, it found no evidence of lead absorption. He also noted on-going concerns about asbestos in the gravel at Ambler.

[2:49:39 PM](#)

DR. MANDSAGER continued reviewing his slide presentation. The meat of the bill is in section 8, the quarantine, isolation and medical treatment section. Only one state in country doesn't have adequate statutory authority to quarantine in response to a bio-terrorism attack scenario and that is Alaska. Because the department has authority for two diseases only, if small pox showed up, he would have to persuade a judge that their general governmental authorities are broad enough for them to immediately isolate that patient.

[2:52:39 PM](#)

SENATOR ELTON asked why section 3 deletes annual TB screening in public schools because he just mentioned that TB is still an issue in Alaska.

DR. MANDSAGER replied that the cost benefit analysis of screening rules doesn't justify annual testing of every schoolteacher and child in the State of Alaska. He said the department has been working on this issue on a regulatory basis and this section updates the statute to reflect that.

[2:54:28 PM](#)

SENATOR ELTON asked if it reduces the cost to districts.

DR. MANDSAGER replied yes.

CHAIR DYSON asked if he could still do what was necessary by regulation.

DR. MANDSAGER replied yes.

SENATOR OLSON asked him to describe the interaction between the Center for Disease Control (CDC) and the Public Health Department in the case of a disease outbreak.

DR. MANDSAGER replied that the arrangement is complicated, but works well because Alaska has a small population. The CDC has authority on cruise ships until they dock. His division takes over on land. He said the federal government is going to establish a special quarantine office in Washington, D.C. to deal with quarantine authority for disease outbreaks. Because the communications between involved people are good in Alaska, dealing with the cruise ship industry has worked well so far.

[2:56:36 PM](#)

SENATOR OLSON asked if it is possible to quarantine a cruise ship without it docking.

DR. MANDSAGER replied yes and in that case the CDC has authority.

SENATOR OLSON asked if the CDC has any problems working within the Alaskan constitution.

DR. MANDSAGER replied that he didn't see any.

SENATOR OLSON asked if it would be more advantageous for a new lab to be built in a more central location than Fairbanks since most aircraft heads toward Anchorage.

DR. MANDSAGER replied that that question gets to the core of the next bill up for consideration [SB 73] and the debate about sample processing is important. Some testing for human viruses can get to Fairbanks fast enough to diagnose quickly. That could be a problem if there weren't many flights between Anchorage and Fairbanks daily.

SENATOR OLSON said that time is of the essence in a rabies case in Dutch Harbor.

DR. MANDSAGER replied that the biggest risk from Dutch Harbor is getting to Anchorage, not to Fairbanks. The biggest issue is getting the sample from anywhere in rural Alaska to a hub in the first place. He said the Governor's office had prepared an amendment that the Department of Law and the Office of Public Advocacy had agreeable on.

SENATOR WILKEN moved to adopt Amendment 1 that was prepared by Dr. Mandsager as follows:

AMENDMENT 1

TO: SB 75

Page 13, line 28: Delete all material following "g" through page 13, line 31

Page 14, line 1: Delete "the office of public advocacy to provide a guardian ad litem for the individual."

Page 17, following line 14: Insert: "Sec. 18.15.389. Representation; guardian ad litem. An individual who is the respondent in proceedings under AS 18.,15.375(e) or 18.15.385 has the right to be represented by counsel in the proceedings. If the individual cannot afford an attorney, the court shall direct the public defender agency to provide an attorney. The court may, on its own motion or upon request of the individual's attorney or a party, direct the office of public advocacy to provide a guardian ad litem for the individual."

There were no objections and Amendment 1 was adopted.

[3:02:32 PM](#)

SENATOR ELTON moved to adopt Amendment 2.

AMENDMENT 2

TO: SB 75

Page 6, line 17: After (4) the transportation of dead bodies, insert "except that the commissioner may not require that a dead body be embalmed unless the body is known to carry a communicable disease or embalment is otherwise required for the protection of the public health or for compliance with federal law;"

SENATOR GREEN objected for discussion purposes.

SENATOR ELTON explained that Amendment 2 was prepared due to another bill he co-sponsored with the chairman that provides that transportation of dead bodies doesn't require a waiver process. Families of members of some faiths don't believe in

embalming and want bodies buried in the Holy Land or next to relatives in other states that require embalming before they can be shipped out. Currently waivers have been issued in these circumstances, but that is not in statute. The amendment provides that the bodies can be transferred unembalmed unless there is a public health risk. Adopting this amendment means they would not have to take up the separate bill.

[3:04:44 PM](#)

DR. MANDSAGER said he had no objection to Senator Elton's amendment.

CHAIR DYSON said he understood that bodies are sealed and there are no public health issues by not embalming them.

DR. MANDSAGER added that dry ice is available today in a way that it wasn't when the statute was written several decades ago.

SENATOR GREEN remarked that a member of the other body ran into problems in transporting a body across state lines and asked how transportation could be assured.

DR. MANDSAGER replied that federal law covers jurisdiction across state lines and this clause would be okay. He had not done a thorough study of how this would interact with all other states' statutes, however.

SENATOR GREEN noted that there was no fiscal note.

[3:06:55 PM](#)

SENATOR ELTON added that SB 39 on this same issue had no fiscal note either.

SENATOR OLSON asked if any disease had ever been spread by an unembalmed body.

DR. MANDSAGER replied that he was not aware of any.

CHAIR DYSON noted there were no further objections and Amendment 2 was adopted.

[3:08:29 PM](#)

NATHAN JOHNSON, Division Manager, Anchorage Municipal Department of Health and Social Services, supported SB 75. He said the state statutes are antiquated and it is imperative to update them for bioterrorism, avian flu and the entire scope of present-day public health concerns.

[3:10:34 PM](#)

ROD BEATTY, President, Alaska State Hospital Nursing Home Association (ASHNHA) supported SB 75 and the fact that it takes care of public health before anything serious happens. He especially praised spelling out privacy issues surrounding a public health emergency.

[3:12:00 PM](#)

CHAIR DYSON asked Dr. Mandsager to explain the religious treatment of tuberculosis that is repealed in section 12.

DR. MANDSAGER deferred to Dan Branch, Senior Assistant Attorney General Department of Law, who explained that SB 75 upgrades the chapter that currently deals with tuberculosis and it was not the intent to implicate religious beliefs with quarantine isolation testing.

SENATOR GREEN moved to pass CSSB 75(HES) from committee with individual recommendations and fiscal note. There were no objections and it was so ordered.

[3:14:13 PM](#)

SB 73-SCHOOL BOND REIMBURSEMENT/VIROLOGY LAB

CHAIR FRED DYSON announced SB 73 to be up for consideration.

DR. RICHARD MANDSAGER, Director, Division of Public Health, Department of Health and Social Services (DHSS) explained that SB 73 deals with constructing the virology laboratory in Fairbanks. He proceeded with a slide presentation. He gave an example of expeditious virus diagnoses concerning last years Iditarod and the measles outbreak in Juneau.

[3:19:46 PM](#)

The staff capabilities Fairbanks lab is superb despite its physical plant problems. He said, "It is viewed as one of the best in the country" and that moving the laboratory to Anchorage would take two years of recruitment to rebuild it to its current capability.

DR. MANDSAGER related that the University is also building a human biology and genetics mission and having a Biopac Student Laboratory (BSL) lab on campus offers a great deal of opportunity for researches to do things they couldn't do otherwise. "So, last summer as I was meeting with UAF staff, to say that the biologists are excited about the possibility of it being up in Fairbanks is to put it mildly!" A new facility would

also give the state more surge capacity for handling a large number of samples. It would be connected to the new building under construction on campus and the price is \$24.2 million financed through certificates of participation (COP).

[3:21:44 PM](#)

SENATOR WILKEN asked who would own the building.

DR. MANDSAGER replied that the building would be owned by the department, but it would be located on University land. The University and department will have a no-cost 30-year land lease with two 10-year options. The COPs are for 15 years at \$2.3 million per year.

[3:24:21 PM](#)

SENATOR WILKEN moved to adopt Amendment 1.

AMENDMENT 1

TO: SB 73

Page 1, lines 2-3: Delete "on land provided by the University of Alaska, Fairbanks,"

Page 1, line 11: Delete "provided" and insert "leased from"

Page 1, line 12: Delete "by"

CHAIR DYSON objected for discussion purposes.

DR. MANDSAGER explained that after SB 73 was introduced, the University pointed out that it owned the land the department would be leasing and this satisfies university interests.

CHAIR DYSON removed his objection. There were no further objections and Amendment 1 was adopted.

[3:25:38 PM](#)

TOM BOUTIN, Deputy Commissioner, Department of Revenue, said the debt does not create a concern and offered to talk about credit issues and the fiscal note.

SENATOR WILKEN asked if the state paid cash, would it save \$11,572,000 in reference to page 2, lines 18 through 20.

MR. BOUTIN replied that is an estimate of debt service over 15 years using a comparable interest rate. He explained that on

January 25, the State Bond Committee and the Department of Revenue did a competitive sale of debt, which was rated the same as this is, but at a 10-year maturity. Out of 10 bidders, the winning bid was 3.102 percent. So, that is why he used that figure.

SENATOR OLSON asked what entities are involved with the COPs.

MR. BOUTIN replied that the department uses the State Bond Committee. The commissioner of the Department of Commerce, Community & Economic Development is the chair, the commissioner of the Department of Revenue (DOR) is the secretary and the commissioner of the Department of Administration is the third member. The staff work is performed by DOR contractors.

[3:28:32 PM](#)

JOHN BLAKE, Director, Office of Research Integrity, University of Alaska Fairbanks strongly supported SB 73 and keeping the virology lab in Fairbanks. The north end of the campus building was designed with the intent that the state virology lab would be attached to it.

SENATOR OLSON asked him to advise the committee about future recruitment efforts for professional staff to UAF.

MR. BLAKE replied that his primary focus is to move into infectious disease research and the University has good funding from the National Institute of Health. He expects work to increase and integration to occur even more with the arrival of the state lab.

[3:31:30 PM](#)

SENATOR WILKEN moved to pass CSSB 73(HES) from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered. There being no further business to come before the committee, CHAIR DYSON adjourned the meeting at [3:31:58 PM](#).