

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 24, 2005

3:42 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Thomas Wagoner, Vice Chair
Senator Charlie Huggins
Senator Bettye Davis
Senator Kim Elton

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 104

"An Act relating to the crime of misrepresenting permanent fund dividend eligibility; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

MOVED CSSB 104(STA) OUT OF COMMITTEE

SENATE BILL NO. 95

"An Act relating to the collection of, and the use of reasonable force to collect, a deoxyribonucleic acid sample from persons convicted of or adjudicated delinquent for certain crimes."

MOVED SB 95 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."

HEARD AND HELD

SENATE BILL NO. 101

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 104

SHORT TITLE: PERMANENT FUND DIVIDEND FRAUD

SPONSOR(s): SENATOR(s) SEEKINS

02/14/05 (S) READ THE FIRST TIME - REFERRALS
02/14/05 (S) STA, JUD
02/22/05 (S) STA AT 3:30 PM BELTZ 211
02/22/05 (S) Heard & Held
02/22/05 (S) MINUTE(STA)

BILL: SB 95

SHORT TITLE: COLLECTION OF DNA/USE OF FORCE

SPONSOR(s): SENATOR(s) BUNDE

02/07/05 (S) READ THE FIRST TIME - REFERRALS
02/07/05 (S) STA, JUD
02/22/05 (S) STA AT 3:30 PM BELTZ 211
02/22/05 (S) Heard & Held
02/22/05 (S) MINUTE(STA)

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
02/09/05 (S) Moved CSSB 75(HES) Out of Committee
02/09/05 (S) MINUTE(HES)
02/14/05 (S) HES RPT CS 4DP SAME TITLE
02/14/05 (S) DP: DYSON, ELTON, WILKEN, OLSON
02/24/05 (S) STA AT 3:30 PM BELTZ 211

BILL: SB 101

SHORT TITLE: REVISOR'S BILL

SPONSOR(s): RULES BY REQUEST OF LEGISLATIVE COUNCIL

02/14/05 (S) READ THE FIRST TIME - REFERRALS
02/14/05 (S) STA, JUD
02/24/05 (S) STA AT 3:30 PM BELTZ 211

WITNESS REGISTER

Senator Ralph Seekins
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 104

Sharon Barton, Director
Permanent Fund Division
Department of Revenue
PO Box 110400
Juneau, AK 99811-0400
POSITION STATEMENT: Answered questions related to SB 104

Lauren Wickersham
Staff to Senator Con Bunde
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Answered questions on SB 95

Richard Mandsager, M.D.
Director, Division of Public Health
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601
POSITION STATEMENT: Suggested changes on SB 75

Dan Branch
Department of Law
PO Box 110300
Juneau, AK 99811-0300
POSITION STATEMENT: Answered questions related to SB 75

Alice Rarick, Board Member
Alaska Public Health Association
Anchorage, AK
POSITION STATEMENT: Testified on SB 75

Patricia Senner
Alaska Nurses Association
Anchorage, AK
POSITION STATEMENT: Testified in support of SB 75

Wes McLeod-Ball
Alaska Civil Liberties Union
Anchorage, AK
POSITION STATEMENT: Pointed to areas of concern on SB 75

Nathan Johnson
Division Manager
Municipality of Anchorage
Health and Social Services
P.O. Box 196650
Anchorage, AK 99519

POSITION STATEMENT: Testified in support of SB 75

Beverly Smith
Christian Science committee on publications for Alaska
No address provided

POSITION STATEMENT: Expressed concern about SB 75

James Crawford
Legal and Research Services Division
Legislative Affairs Agency
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced SB 101

ACTION NARRATIVE

CHAIR GENE THERRIAULT called the Senate State Affairs Standing Committee meeting to order at [3:42:39 PM](#). Present were Senators Wagoner, Huggins, Davis, Elton, and Chair Therriault.

SB 104-PERMANENT FUND DIVIDEND FRAUD

[3:43:00 PM](#)

CHAIR THERRIAULT announced SB 104 to be up for consideration and asked Senator Seekins to introduce the bill.

SENATOR RALPH SEEKINS, sponsor, explained the intent of SB 104 is to increase the penalty in Permanent Fund fraud cases and to give the Permanent Fund Division the ability to find and prosecute the people who commit this type of fraud. This is a serious crime against all Alaska residents, he emphasized.

[3:45:05 PM](#)

CHAIR THERRIAULT asked for a motion to adopt the proposed committee substitute (CS), \G version, as the working document.

SENATOR CHARLIE HUGGINS motioned to adopt \G version of SB 104 as the working document. There being no objection, it was so ordered.

CHAIR THERRIAULT explained that for clarification purposes the words "a public employee" were added on page 2, lines 10-11.

He asked Ms. Barton to comment on suggestions from the previous hearing.

[3:46:12 PM](#)

SHARON BARTON, director, Permanent Fund Division, explained the initial concern regarding the language in Section 2 was unfounded. Attorney Tam Cook noted the language may be circuitous and inelegant, but it is not flawed or inaccurate.

[3:47:27 PM](#)

CHAIR THERRIAULT noted that the PFD investigator and Department of Law representative were available to answer questions.

[3:48:14 PM](#)

There being no questions or discussion, Chair Therriault noted one fiscal note from the Department of Law then asked for a motion.

[3:48:28 PM](#)

SENATOR HUGGINS motioned to report \G version CSSB 104(STA) and attached fiscal note from committee with individual recommendations. There being no objection, it was so ordered.

SB 95-COLLECTION OF DNA/USE OF FORCE

[3:49:15 PM](#)

CHAIR GENE TERRIAULT announced SB 95 to be up for consideration.

SENATOR THERRIAULT recapped the previous hearing regarding the question about reciprocity and whether inmates prosecuted in other states who came to Alaska would be treated the same as inmates prosecuted and incarcerated in Alaska. He asked Ms. Wickersham to comment.

[3:50:09 PM](#)

LAUREN WICKERSHAM, staff to Senator Con Bunde, referenced Section 44.41.035(k) and read, "The provisions of this section apply to a person from another state that this state has accepted under any interstate corrections or probation agreement or compact, regardless of whether the person is confined or released, if the person was convicted of an offense that is similar to an offense described in (b) of this section." Subsection (k) would obviously apply to (b) she said.

[3:51:02 PM](#)

CHAIR THERRIAULT clarified the Alaska Statutes already have a section similar to the Idaho Statute he cited during the 2/22/05 hearing. He asked Ms. Wickersham if she had other issues to address.

MS.WICKERSHAM mentioned the discussion regarding the language "in this state" in lines 8 and 11 and said Senator Bunde is determined it stay in both lines. That would make it clear that DNA needn't be collected from convicted felons that enter the state unless they are still on probation or parole.

[3:52:31 PM](#)

CHAIR THERRIAULT noted the reciprocity language operates independently of these two sections.

[3:53:06 PM](#)

CHAIR THERRIAULT asked whether any other issues were left from the previous hearing. Hearing none, he pointed to the four fiscal notes and told members that Anne Carpeneti from the Department of Law was available to answer questions.

[3:54:02 PM](#)

SENATOR ELTON asked whether the DNA databank would be linked to the federal system so that Alaska data could be a resource for federal and other state's use and vice-a-versa.

MS. WICKERSHAM said that's correct.

[3:55:03 PM](#)

There being no further questions or testimony, Chair Therriault asked for a motion.

SENATOR HUGGINS motioned to report SB 95 and four attached fiscal notes from committee with individual recommendations. There being no objection, it was so ordered.

SB 75-PUBLIC HEALTH DISASTERS/EMERGENCIES

[3:55:51 PM](#)

CHAIR GENE THERRIAULT announced SB 75 to be up for consideration and recognized Dr. Mandsager.

[3:55:56 PM](#)

RICHARD MANDSAGER, M.D., director Division of Public Health stated he would explain why SB 75 is important, review problems with current statutes, and briefly review the bill. He noted the PowerPoint handout in the packets and said he would use that to introduce the bill.

[3:57:28 PM](#)

Slide 2: A quote from the Institute of Medicine. "Public Health is what we, as a society, do collectively to assure the conditions in which people can be healthy."

SB 75 is about the governmental side of public health, he said. One hundred years ago, public sewer and water systems were the most important aspect of public health and following WW II the concern was vaccinations to protection against preventable diseases. In the last 25 years the focus has been clean indoor air policies, removing lead from gasoline and paint, and removing DDT from pesticides.

[3:58:22 PM](#)

Slide 3: Public Health is not health care; it's a focus on populations rather than individuals and on prevention rather than treatment. Government has a very real role in that responsibility.

[4:00:02 PM](#)

Slide 4: Division of Public Health core services include: infectious disease control; chronic disease control; injury

prevention; response to disasters; access to quality care; and protection against environmental health hazards.

[4:00:24 PM](#)

Slide 5: Emergency preparedness does play a larger role in public health since 911, but the more ordinary part is infectious disease.

[4:03:03 PM](#)

Slide 6: Preparation weakness is the reasoning for SB 75 because legal authority is inadequate to deal with public health threats such as Sudden Acute Respiratory Syndrome (SARS) or Bird Flu. Two thirds of public health funds are federal and problems are increasing as the federal government shifts its priorities.

[4:03:25 PM](#)

Slides 7 and 8: Old Public Health Enemies and Traditional Disease Control. In the past the public trusted government to do the right thing but societal expectations have changed over time and the public is somewhat suspicious of governmental authorities and individual due process has become more an issue.

[4:04:16 PM](#)

Slide 9: The Next SARS. The tools need to be in place for quick action to protect public health.

[4:04:39 PM](#)

Slide 10: Alaska Public Health Law Reform Proposal. Except for tuberculosis control in 1995 and SARS control in 2003, most of the current public health statutes date from Territorial days.

[4:05:33 PM](#)

Slide 11: The Proposed Solution - updated laws that provide: a statutory framework that supports the public health mission, services and role; clear authority for control of conditions of public health importance; and modern due process provisions for the protection of individual rights.

[4:06:20 PM](#)

Slide 12: SB 75 is the result of years of work and includes: the definition of essential public health services; description of the state's role in health protection and promotion; provisions for clear authority for disease control through surveillance; epidemiologic investigation and medical treatment; quarantine and isolation; requires protection of individual due process rights; and strengthens requirements for confidentiality and data security.

[4:07:16 PM](#)

Slide 13: Discusses the amendments to SB 75.

[4:07:41 PM](#)

Slide 14: Speaks to separate sections of SB 75

[4:08:20 PM](#)

Slide 15: Tools are needed to protect public health, but that must be balanced with due process.

[4:09:04 PM](#)

Slide 16: The constitutional constraints on public health powers must satisfy four tests: public health necessity; reasonable means; proportionality; and harm avoidance.

[4:10:01 PM](#)

Slide 17: Summarizes the limitations SB 75 has on governmental powers. In particular, "An individual has the right to refuse treatment and may not be required to submit to involuntary treatment (AS 18.15.380).

[4:10:44 PM](#)

SENATOR WAGONER joined the hearing.

[4:11:11 PM](#)

Slide 18: Lists additional governmental limitations in the balance between individual rights and common good. Point two says, "The department shall isolate or quarantine by the least restrictive means necessary to prevent the spread of disease (AS 18.15.385(b)(1))."

[4:12:08 PM](#)

Slide 19: Due process provisions are listed. The government must be able to move quickly in cases of contagious disease, but the individual needs a clear set of rights available if they feel they are treated unfairly.

[4:13:54 PM](#)

Pursuant to conversations regarding further limiting the government's role, two amendments are proposed. The first deletes a provision to remove party status of parents of minors from court proceedings when quarantine/isolation orders are contested and the second addresses indirect court rule amendments.

[4:14:31 PM](#)

SENATOR HUGGINS asked for clarification.

[4:14:38 PM](#)

DR. MANDSAGER suggested Mr. Branch from the Department of Law respond.

[4:14:44 PM](#)

Slide 20: Evaluation by Trust for America places Alaska as the only state in the U.S. that doesn't have statutory authority to quarantine and respond to a hypothetical bio-terrorism attack scenario.

[4:15:14 PM](#)

CHAIR THERRIault referenced the repealers in Section 12 and asked for clarification.

DR. MANDSAGER said the repealers deal with the tuberculosis and SARS statutes for the most part and SB 75 generalizes the particular authorities and removes disease specific reference.

CHAIR THERRIault referenced the findings in Section 1 and remarked he routinely drops findings. He noted there was nothing compelling in (a) and little more in (b) and questioned the necessity of including that section.

[4:17:17 PM](#)

DR. MANDSAGER responded since it makes no difference in the law and because it is a statement of intent, it doesn't matter from a legislative point. However, what these people do is important and it does matter, he emphasized.

[4:17:42 PM](#)

CHAIR THERRIAULT suggested reading a letter of intent into the record and that he would be happy to do so in the debate on the Senate floor.

[4:18:05 PM](#)

CHAIR THERRIAULT asked Senator Elton whether he had separate legislation to address proposed amendment 1.

SENATOR KIM ELTON replied he would like to return to the comment made regarding page 2, line 8-10 to ask whether it might be appropriate to keep that subsection.

CHAIR THERRIAULT admitted the justification was a bit stronger.

SENATOR ELTON remarked it is different than the other language.

CHAIR THERRIAULT agreed there might be a compelling need for that section.

CHAIR THERRIAULT asked about Representative Wilson's amendment related to embalming.

[4:19:05 PM](#)

DR. MANDSAGER responded the embalming language was inserted in the Senate Health Education and Social Services (HES) Committee.

[4:19:14 PM](#)

SENATOR ELTON added it's on page 6, lines 17-20.

CHAIR THERRIAULT noted the second amendment relates to indirect court rules and explained that it takes a two-thirds vote for the Legislature to make court rule changes.

[4:19:58 PM](#)

SENATOR CHARLIE HUGGINS questioned why it is called indirect court rule.

[4:20:28 PM](#)

DAN BRANCH Department of Law, explained that the Legislature sometimes passes legislation that indirectly changes a court rule and Legislative Legal attorneys felt the provisions of SB 75 would do just that.

[4:21:23 PM](#)

DR. MANDSAGER mentioned the suggested amendment to change the party status for minors on the bottom of the page containing Senator Elton's proposed amendment. He acknowledged it had been an oversight to exclude parents from court proceedings.

[4:21:53 PM](#)

CHAIR THERRIAULT questioned whether that was included in the version under consideration.

DR. MANDSAGER replied "that was put in the House version that's not in the Senate version yet."

CHAIR THERRIAULT asked whether the Senate Health Education and Social Services (HES) Committee took that up.

DR. MANDSAGER replied the issue came up after Senate HES took action on the bill.

[4:22:15 PM](#)

CHAIR THERRIAULT asked Dr. Mandsager to explain the issue.

DR. MANDSAGER explained it doesn't make sense that parents can't be present during court proceedings in situations when quarantine/isolation orders are contested.

[4:22:55 PM](#)

SENATOR ELTON asked whether \G was the working document.

[4:23:08 PM](#)

CHAIR THERRIAULT replied the \G version came to the committee so it is the working document.

[4:23:15 PM](#)

SENATOR ELTON asked if he would like a motion to adopt the amendment.

CHAIR THERRIAULT indicated agreement.

SENATOR ELTON motioned to place a period after "minor" on page 15, line 13 and to strike the rest of the sentence. There being no objection, Amendment 1 passed.

[4:23:48 PM](#)

CHAIR THERRIAULT noted there were no further questions for Dr. Mandsager and he called Ms. Rarick.

[4:24:16 PM-4:28:12 PM](#)

ALICE RARICK, Alaska Public Health Association board member, read a letter of support for SB 75 into the record.

CHAIR THERRIAULT called on Patricia Senner.

[4:28:30 PM](#) - [4:32:19 PM](#)

PATRICIA SENNER, Alaska Nurses Association (ANA) representative, testified in support of SB 75 but suggested some changes and questioned how some sections interact with existing laws.

Because Section 18.15.387 refers to disease outbreaks only when referring to quarantines and thereafter discusses decontamination, the AMA suggests expanding the section to refer to situations in which people are exposed to toxic substances.

AS 18.15.360 authorizes the department to request information from individuals and inspect health care records maintained by health care providers that identify individuals with other conditions of public health importance. The AMA suggests that authority is too broad.

AS 18.15.380 states that an individual may refuse treatment, but the AMA suggests the individual should also accept personal responsibility to the extent of taking measures to ensure that others aren't infected.

[4:32:30 PM](#)

SENATOR ELTON referenced the right to refuse treatment and said others addressed that point as well. He asked whether model language suggested by the Christian Science Committee on Publication for Alaska would address that concern. That language states: "The provisions of this section do not apply to an individual who objects to the testing, examination or screening because of the individual's religious beliefs; provided, such individual may be subject to isolation or quarantine under the provisions of this Act."

[4:33:22 PM](#)

MS. SENNER agreed that a qualifier should be inserted and made the point that measures short of isolation and quarantine might be taken to prevent the spread of illness.

[4:34:14 PM](#)

CHAIR THERRIAULT asked Dr. Mandsager if he wanted to comment on the suggestions.

[4:34:32 PM](#)

DR. MANDSAGER said the suggested language Senator Elton read came as a result of religious concerns and he would like to consider combining that with Ms. Senner's suggestion regarding individual responsibility.

SENATOR WAGONER said he doesn't object to someone refusing treatment for religious reasons, but he certainly thinks that personal financial responsibility should be written into the bill.

[4:36:00 PM](#)

DR. MANDSAGER said people should have the choice, but it ought to be clear that the financial cost associated with that choice would not be borne by the state.

CHAIR THERRIAULT asked about the other suggested modifications.

DR. MANDSAGER mentioned the highly toxic substances suggestion and said he needed to think about that.

[4:36:55 PM](#)

CHAIR THERRIAULT asked about the broad authority related to reportable disease or other conditions of public health importance.

DR. MANDSAGER responded the ACLU suggested narrowing the conditions of public health importance, but most issues that become a great concern aren't clear in the beginning. At this point it would be worrisome to narrow the definition. That being said, DHSS is currently working on proposed amendments to raise the bar for quarantine and isolation.

[4:38:08 PM](#)

CHAIR THERRIAULT referenced obesity.

DR. MANDSAGER agreed that narrowing for that type of condition makes sense. "We shouldn't be going into health records for those purposes. It ought to be ... a standard that is more than just of interest."

CHAIR THERRIAULT agreed it should be tied to the spread of infectious disease or something similar.

DR. MANDSAGER said they would work with that suggestion as well.

CHAIR THERRIAULT asked Mr. McCleod-Ball to testify.

[4:38:49 PM](#) - [4:42:20 PM](#)

WES MCCLEOD-BALL, ACLU representative, announced he wouldn't go over the testimony he gave in previous hearings on this topic, but he would say they agree that the bill is needed to clarify the state's authority in this area. They also agree it is the Legislature's task to find the balance between protecting an individual's right to privacy and protecting the public health.

The ACLU has four areas of concern. The first is the state's scope of authority authorized in the bill. He suggested there should be a higher standard for the exercise of the powers for quarantine or isolation, forced testing, and government access to individual medical records. They also have concern about privacy as it relates to protecting private medical records. The ACLU would like assurance that there are no negative impacts in civil or criminal proceedings for individuals subject to quarantine or isolation orders. Finally, they have concern about procedural measures such as ex parte proceedings because they

see no reason why the subject should be excluded from those proceedings.

CHAIR THERRIAULT noted the ACLU document was well organized in its explanation of the four areas of concern and asked Dr. Mandsager if he was working from the same document.

DR. MANDSAGER responded they are using two documents. One is testimony submitted to Representative Wilson in the House Health Education and Social Services Committee and a follow up document suggesting line-by-line changes to the bill.

CHAIR THERRIAULT called on Mr. Johnson.

[4:42:52 PM](#) - [4:44:40 PM](#)

NATHAN JOHNSON, Anchorage Municipal Health and Human Services division manager, testified in support of SB 75 and read his testimony into the record.

"The bill is important to the Municipality of Anchorage because it clarifies the extent and scope of public health powers and provides specific due process to protect individual rights."

CHAIR THERRIAULT asked Ms. Smith to come forward.

[4:45:04 PM](#)

BEVERLY SMITH, Christian Science Committee on Publications for Alaska, said she watches for legislation that could erode Alaskan's rights to pursue spiritual means for the prevention and cure or disease according to the individual's religious beliefs.

After reviewing the bill thoroughly they request the following amendments: Add a new subsection (f) to Section 18.15.375 that would read, "The provisions of this section do not apply to an individual who objects to the testing, examination or screening because of the individual's religious beliefs; provided, such individual may be subject to isolation or quarantine under the provisions of this Act." She justified the explanation by reading the following into the record:

The purpose of the amendment is to provide for those instances in which a person is unwilling to undergo medical testing, examination or screening because the

person is relying on a religious non-medical method of treatment for his or her health and well-being.

Christian Science is one of the religious non-medical forms of treatment that relies on spiritual means through prayer to heal illness, injuries and other conditions. Christian Science has been systematically practiced, quietly and successfully, in many Alaska families for a century, sometimes through many generations. The application of this religious non-medical method of healing does not involve any type of medical examination or screening. The experience of those practicing Christian Science is that this healing method has both preventative and curative effects.

The amendment recognizes an individual's right of self-determination, including the right to refuse medical testing, examination or screening; however, it also recognizes legitimate public health concerns by providing that a person who refuses medical testing, examination or screening because of religious beliefs may be subject to isolation or quarantine.

The amendment language is based on similarly worded provisions in Section 602 of The Model State Emergency Health Powers Act (revised December 21, 2001; the "Model Act"). The Model Act was prepared by The Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities for the Centers for Disease Control (CDC) to assist Governors and State Legislatures and others in formulating emergency health powers plans.

MS. SMITH noted she attached copies of the Model State Emergency Health Powers Act and copies of statutes from other states that contain the language suggested for the amendment.

[4:48:33 PM](#)

CHAIR THERRIault asked whether she had any comment on the issue of who should bear the cost.

MS. SMITH responded she didn't have any prepared comments, but the personal responsibility request is reasonable.

CHAIR THERRIAULT announced he would hold SB 75 in committee for further work.

[4:49:50 PM](#)

SENATOR ELTON said this has been a refreshing process and he appreciates Dr. Mandsager's efforts and approach.

[4:50:17 PM](#)

SENATOR HUGGINS said he doesn't like government to intrude on people's lives, but neither does he want to find there is need to revisit the issue after an epidemic or a terrorist attack.

CHAIR THERRIAULT acknowledged they would both have to work to convince their constituents that they are working to strike a balance.

[4:51:45 PM](#)

CHAIR THERRIAULT announced he would set SB 75 aside for further work.

SB 101-REVISOR'S BILL

CHAIR THERRIAULT announced SB 101 to be up for consideration.

[4:52:14 PM](#)

JAMES CRAWFORD, Legislative Legal Services assistant revisor, said the bill was prepared under the authority and mandate of AS 01.05.036. Under this provision, the revisors review the statutes, identify any problems and propose solutions.

The work focuses on three areas: to improve the form or substance of the law; address references to provisions that are no longer complete or up to date; and to correct disconnects between statutory language and legislative policy decisions.

[4:53:47 PM](#)

MR. CRAWFORD explained that because additional suggestions were made since SB 101 was presented to the Joint Legislative Council Committee he decided to bring those suggestions forward with a blank amendment G.1.

The first proposal came from the Department of Law and would make an additional correction to AS 13.26.332, which is already addressed in the bill.

[4:55:43 PM](#)

The second suggestion is to further change AS 16.43.460(b) to provide conforming language.

[4:56:20 PM](#)

The final suggested change removes Section 68 entirely because it was unclear that the language reflected legislative intent.

[4:58:23 PM](#)

CHAIR THERRIAULT remarked he remembers the original change to Section 68 and asked whether the prime sponsor was contacted.

MR. CRAWFORD said that was Representative Fate.

CHAIR THERRIAULT agreed with the decision to steer clear of any type of policy call then questioned whether the bill had been heard in the House.

MR. CRAWFORD said it had not.

CHAIR THERRIAULT stated his intention to hold SB 101 in committee to provide an opportunity to examine its scope and encouraged members to review the bill.

SENATOR ELTON referenced Section 25 and noted this and several other sections delete the ability of schools to enter into contractual agreements with the Bureau of Indian Affairs (BIA). Although there are no more BIA schools, he was curious about BIA services that can be provided to schools that might become prohibited.

MR. CRAWFORD explained the revisor review process. It includes a review by the Department of Law (DOL) as well. DOL agreed that this was an appropriate non-partisan, policy neutral correction for the revisor's bill. That being said, he was willing to revisit the issue with DOL. He emphasized the bill reflects a best effort to comply with statutory requirements, but that the revisors aren't wedded to any part of the bill.

CHAIR THERRIAULT asked whether any members objected to any of the latest suggestions for modification. Seeing no objection he announced a CS would be prepared for a subsequent hearing.

CHAIR THERRIAULT set SB 101 aside for further work.

There being no further business to come before the committee, Chair Therriault adjourned the meeting at [5:04:13 PM](#)