SENATE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-THIRD LEGISLATURE -- SECOND SESSION

Juneau, Alaska

Thursday

April 15, 2004

Ninety-fifth Day

Pursuant to adjournment the Senate was called to order by President Therriault at 11:20 a.m.

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

The prayer was offered by the Chaplain, Pastor Tim Frega of the Auke Bay Bible Church. Senator Hoffman moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

Dear Heavenly Father;

What an honor it is to be with these men and women today. What an honor it is to be in Your service and being in Your service it is a privilege to honor You while we serve the mankind You made.

I look at the weather You gave us the last two days and I am grateful for the ability to see the sun. Having the clouds cleared we can see the majestic mountains and they remind us of Your great power. The majestic mountains remind us that You are an immutable God, who we can trust and rely on. In Your immutability there is a comfort to You that You are a God of Truth and Justice. May we revel in that fact today.

In Christ's name I pray.

Amen.

Senator Guess led the Senate in the Pledge of Allegiance.

Certification

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

Messages from the House

SB 289

Message dated April 14 was read, stating the House passed and returned:

SENATE BILL NO. 289 "An Act extending the termination date of the special education service agency; and providing for an effective date."

The bill was referred to the Secretary for enrollment.

Message dated April 14 was read, stating the House passed and transmitted for consideration:

First Reading and Reference of House Bills

HB 188

HOUSE BILL NO. 188 BY REPRESENTATIVES HAWKER, Kerttula, entitled:

"An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation."

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

Standing Committee Reports

SB 132

The Community and Regional Affairs Committee considered SENATE BILL NO. 132 "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Minto Village Council" and recommended it be replaced with

CS FOR SENATE BILL NO. 132(CRA) "An Act removing the Old Minto townsite from the Minto Flats State Game Refuge; and authorizing the Department of Natural Resources to convey certain land at the historic Old Minto site to the Native Village of Minto."

Signing do pass: Senator Stedman, Chair; Senators Lincoln, Wagoner, Elton.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Natural Resources

The bill was referred to the Resources Committee.

SB 255

The Finance Committee considered SENATE BILL NO. 255 "An Act relating to traffic preemption devices" and recommended it be replaced with

CS FOR SENATE BILL NO. 255(FIN) (forthcoming)

Signing do pass: Senator Wilken, Cochair; Senators Dyson, Ben Stevens. Signing no recommendation: Senator Green, Cochair; Senator Hoffman. Signing amend: Senators Olson, Bunde.

The following fiscal information was published today: Fiscal Note No. 4, indeterminate, Department of Administration

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Public Safety Fiscal Note No. 2, zero, Department of Public Safety

Fiscal Note No. 3, zero, Department of Law

The bill was referred to the Rules Committee.

SB 311

The Judiciary Committee considered SENATE BILL NO. 311 "An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association; relating to covered workers' compensation claims paid by the Alaska Insurance Guaranty Association; stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission; relating to agreements that discharge workers' compensation liability; providing for hearing officers in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 311(JUD) "An Act providing for a special deposit for workers' compensation insurers; relating to the board of governors of the Alaska Insurance Guaranty Association;

stating the intent of the legislature, and setting out limitations, concerning the interpretation, construction, and implementation of workers' compensation laws; relating to restructuring the Alaska workers' compensation system; eliminating the Alaska Workers' Compensation Board; establishing a division of workers' compensation within the Department of Labor and Workforce Development and assigning certain Alaska Workers' Compensation Board functions to the division and the Department of Labor and Workforce Development; establishing a Workers' Compensation Appeals Commission; assigning certain functions of the Alaska Workers' Compensation Board to the Workers' Compensation Appeals Commission and the Workers' Compensation Hearings Board; relating to agreements that discharge workers' compensation liability; providing for hearing examiners and hearing panels in workers' compensation proceedings; relating to workers' compensation awards; relating to an employer's failure to insure and keep insured or provide security; providing for appeals from compensation orders; relating to workers' compensation proceedings; providing for supreme court jurisdiction of appeals from the Workers' Compensation Appeals Commission; providing for a maximum amount for the cost-of-living adjustment for workers' compensation benefits; providing for administrative penalties for employers uninsured or without adequate security for workers' compensation; relating to assigned risk pools and insurers; and providing for an effective date."

Signing do pass: Senator Seekins, Chair. Signing do not pass: Senator Ellis. Signing no recommendation: Senators Therriault, Ogan. Signing amend: Senator French.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Community and Economic Development

Fiscal Note No. 2, zero, Department of Law

Fiscal Note No. 3, Department of Labor and Workforce Development

Fiscal Note No. 4, indeterminate, Department of Administration

Fiscal Note No. 5, Alaska Court System

The bill was referred to the Finance Committee.

SB 337

The Finance Committee considered SENATE BILL NO. 337 "An Act relating to the powers of the Alaska Energy Authority to make grants and loans and enter into contracts; relating to the bulk fuel revolving loan fund; relating to the Alaska Energy Authority's liability for the provision of technical assistance to rural utilities; relating to the Alaska Energy Authority's investment of the power development fund; repealing the electrical service extension fund; and providing for an effective date" and recommended the adoption of the Labor and Commerce Committee Substitute offered on page 2704.

Signing do pass: Senators Green, Wilken, Cochairs; Senators Dyson, Hoffman, Olson, Bunde, Ben Stevens.

The following previously published fiscal information applies:

Fiscal Note No. 1, zero, Department of Revenue Fiscal Note No. 2, zero, Department of Community and Economic Development

The bill was referred to the Rules Committee.

SB 379

The Judiciary Committee considered SENATE BILL NO. 379 "An Act providing that public members of the Board of Trustees of the Alaska Permanent Fund Corporation may be removed only for cause; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 379(JUD)

Signing do pass: Senator Seekins, Chair; Senator Therriault. Signing no recommendation: Senators Ellis, French, Ogan.

The following fiscal information was published today: Fiscal Note No. 3, zero, Department of Revenue

The following previously published fiscal information applies: Fiscal Note No. 2, zero, Department of Law

The bill was referred to the Finance Committee.

SB 382

The Community and Regional Affairs Committee considered SENATE BILL NO. 382 "An Act relating to replat approval; relating to the platting of right-of-way acquired through eminent domain proceedings; and providing for an effective date" and recommended it be replaced with

CS FOR SENATE BILL NO. 382(CRA)

Signing do pass: Senator Stedman, Chair; Senator Wagoner. Signing no recommendation: Senators Lincoln, Elton.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Transportation and Public Facilities

The bill was referred to the Rules Committee.

SB 383

The Health, Education and Social Services Committee considered SENATE BILL NO. 383 "An Act relating to the Alaska children's trust grant awards." Signing do pass: Senator Dyson, Chair; Senator Davis. Signing no recommendation: Senator Wilken. Signing amend: Senators Guess, Green.

The following fiscal information was published today: Fiscal Note No. 1, zero, Department of Health and Social Services

The bill was referred to the Finance Committee.

HJR 44

The Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 44(RES) am Relating to research into the decline of the Southwest Alaska population of the Northern Sea Otter in the western Gulf of Alaska. Signing do pass: Senator Ogan, Chair; Senators Seekins, Wagoner, Dyson.

The following previously published fiscal information applies: Fiscal Note No. 1, zero, House Resources Committee

The resolution was referred to the Finance Committee.

Introduction and Reference of Senate Bills

SB 388

SENATE BILL NO. 388 BY THE SENATE JUDICIARY COMMITTEE BY REQUEST, entitled:

"An Act relating to the creation of a civil legal services fund."

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

SB 389

SENATE BILL NO. 389 BY THE SENATE LABOR AND COMMERCE COMMITTEE, entitled:

"An Act relating to the conversion of certain corporations to limited liability companies; and providing for an effective date."

was read the first time and referred to the Labor and Commerce Committee.

Consideration of the Calendar

Third Reading of Senate Bills

SB 351

CS FOR SENATE BILL NO. 351(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 351(FIN) "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission" pass the Senate?" The roll was taken with the following result:

CSSB 351(FIN)

Third Reading - Final Passage

YEAS: 18 NAYS: 1 EXCUSED: 1 ABSENT: 0

Yeas: Bunde, Cowdery, Davis, Dyson, Ellis, Elton, Green, Guess, Hoffman, Lincoln, Ogan, Olson, Seekins, Stedman, Stevens B,

Therriault, Wagoner, Wilken

Nays: French

Excused: Stevens G

and so, CS FOR SENATE BILL NO. 351(FIN) passed the Senate.

Senator Ellis gave notice of reconsideration.

Unfinished Business

SB 218

President Therriault added a Labor and Commerce Committee referral to SENATE BILL NO. 218 "An Act authorizing a pilot program relating to state procurement and the use of electronic commerce tools; and providing for an effective date".

The bill was returned to the Labor and Commerce Committee.

Reconsideration of House Bills

HB 349

Senator Lincoln requested that the reconsideration on SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) be taken up. The bill was before the Senate on reconsideration.

The question to be reconsidered: "Shall SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) "An Act amending Rule 412, Alaska Rules of Evidence" pass the Senate?" The roll was taken with the following result:

SCS CSHB 349(JUD)

Third Reading - On Reconsideration

YEAS: 15 NAYS: 4 EXCUSED: 1 ABSENT: 0

Yeas: Bunde, Cowdery, Dyson, Elton, French, Green, Guess, Ogan, Olson, Seekins, Stedman, Stevens B, Therriault, Wagoner, Wilken

Nays: Davis, Ellis, Hoffman, Lincoln

Excused: Stevens G

and so, SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) passed the Senate on reconsideration and was referred to the Secretary for engrossment.

Senator Wilken moved and asked unanimous consent to be excused from the Senate, not subject to a call, from evening plane time, April 27 to evening plane time, April 28. Without objection, Senator Wilken was excused.

Senator Olson moved and asked unanimous consent to be excused from a call of the Senate from afternoon plane time, April 16 to plane time, April 19. Without objection, Senator Olson was excused.

SB 357

The reconsideration on CS FOR SENATE BILL NO. 357(FIN) "An Act relating to the regulation of insurance, insurance licenses, qualifications of insurance producers, surplus lines, fraud investigations, electronic transactions, and compliance with federal law and national standards; and providing for an effective date" was not taken up this legislative day and the bill was referred to the Secretary for engrossment.

Engrossment

HB 349

SENATE CS FOR CS FOR HOUSE BILL NO. 349(JUD) "An Act amending Rule 412, Alaska Rules of Evidence" was engrossed, signed by the President and Secretary and returned to the House for consideration.

Adjournment

Senator Ben Stevens moved and asked unanimous consent that the Senate stand in adjournment until 10:00 a.m., April 16, 2004. Without objection, the Senate adjourned at 11:46 a.m.

Kirsten Waid Secretary of the Senate

April 2004

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

Apr 16	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 19 + SB 387	Monday COMMERCIAL FISHING	Fahrenkamp 203 LOANS FOR QUOTA SH	1:30 PM ARES
Apr 21	Wednesday No Meeting Scheduled	Fahrenkamp 203	1:30 PM
Apr 23	Friday No Meeting Scheduled	Fahrenkamp 203	1:30 PM

FINANCE

Apı	: 15	Thursday	Senate Finance 532	9:00 AM
+		State of Alaska Credit Outlook Presentation		
		Mr. Gabriel Petek, Credit	Analyst,	
		Standard and Poor's		
+=	SB 65	CORRECTIONAL FACI	LITY EXPANSION	
+=	SB 337	ENERGY PROGRAMS	& FUNDS	
+=	SB 350	4 DAM POOL JOINT AG	CTION AGENCY	
		<bill hearing="" postponed<="" th=""><th>></th><th></th></bill>	>	
+=	SB 255	ILLEGAL USE TRAFFI	C PREEMPTION DEVICE	
+	SB 311	INSURANCE & WORK	ERS' COMPENSATION SYS	STEM
+		Bills Previously Heard/So	cheduled	

FINANCE (continued)

Apr 16 + SB 231 + SB 365 + SB 170 +	DECREASE TIME TO CL SPEECH-LANGUAGE PA	ATHOLOGIST ASSISTAN' NCING/ PROBATION/PA	TS
Apr 19 + SB 226 += SB 303 + SR 3	STATE AGENCY RECEI	RD & SERVICES N. FRANK FERGUSON	9:00 AM
	Tuesday S APPROP: OPERATING B APPROP:MENTAL HEAD Bills Previously Heard/Sch	LTH BUDGET	9:00 AM
Apr 21 += HB 347 += SB 368 + SB 307 += SB 311 +	EXEMPT TAXIS FROM V TOBACCO TAX; LICENS APPEAL BONDS: TOBAC	SING; PENALTIES CCO SETTLEMENT PART RS' COMPENSATION SYS	
Apr 22 += SB 31 += SB 366 + SB 385 + SB 378 +	RAILROAD UTILITY CO STATE SALES TAX SECURITY;DIV. HOMEL	enate Finance 532 ORRIDOR TO & IN CANA AND SECURITY/EMER. EE & WASTE TRMT/DISPO Deduled	DA MGT
Apr 23 += SB 257 + SB 364 + SB 278 + SB 372 +	APPROP: CAPITAL PRO	MENTAL HEALTH CARE E DEVELOPMENT FEES ASSESSMENTS	9:00 AM

HEALTH, EDUCATION & SOCIAL SERVICES

Apr 16	Friday	Butrovich 205	1:30 PM	
+	Confirmation Hearings			
HB 385	AWARDING CHILD CUSTO	DDY		
+	Bills Previously Heard/Schedu	ıled		
+= SB 376	PUBLIC ASSISTANCE AND	SUBPOENA POWER		
+= HB 25	HEALTH CARE SERVICES	DIRECTIVES		
Apr 19	Monday	Butrovich 205	1:30 PM	
+	Bills Previously Heard/Scheduled			
Apr 21	Wednesday Bills Previously Heard/Schedu	Butrovich 205	1:30 PM	
•	Bills I leviously Heard Selled	iica		
Apr 23	Friday	Butrovich 205	1:30 PM	
+	Bills Previously Heard/Schedu			
	JUDICIAR	RY		

		00210111		
_	r 16	•	Butrovich 205	8:00 AM
+	SB 219		ORN CHILDREN	
+	_	THERAPEUTIC COURTS		
+	HB 503	TOBACCO MASTER SETTI	LEMENT AGREEMEN	Γ
+	HB 514	CHILD SUPPORT ENFORCE	EMENT/ CRIMES	
+		Bills Previously Heard/Schede	uled	
		•		
Apı	r 19	Monday	Butrovich 205	8:00 AM
+	HB 285	ELECTRONIC TRANSACTI	ONS & SIGNATURES	
+=	SB 318	CONSUMPTIVE USE OF FI	SH AND GAME	
+=	HB 414	U.S.SENATE VACANCY/DI	EF OF POLITICAL PAI	RTY
+		Bills Previously Heard/Sched	uled	
		3		
Apı	r 20	Tuesday Time Change	Butrovich 205	8:00 AM
+	HB 447	2004 REVISORS BILL		
+=	SB 354	HUMAN RIGHTS COMMIS	SION PROCEDURES	
+=	HB 230	POLITICAL SIGNS ON PRI	VATE PROPERTY	
+		Bills Previously Heard/Schedu	aled	
		,		

JUDICIARY (continued)

Apı	r 21	Wednesday	Butrovich 205	8:00 AM
+	HCR 29	SUPPORT THERAPEUTIC (COURTS	
+	HB 56	UNFAIR TRADE PRACTICE	ES ATTY FEES/COSTS	
+=	HB 83	REVISED UNIFORM ARBIT	TRATION ACT	
+		Bills Previously Heard/Schedu	ıled	
		·		
Apı	r 23	Friday	Butrovich 205	8:00 AM
+	HB 378	FOOD, DRUGS, COSMETIC	S, CERTAIN DEVICES	8
		<pending referral=""></pending>		
+	HB 29	REAL PROPERTY TRANSA	CTIONS/LICENSEES	
		<pending referral=""></pending>		
+=	SB 246	HATE CRIMES/DISCRIMIN	ATION/TOLERANCE	PROG
+		Bills Previously Heard/Schedu	ıled	

LABOR & COMMERCE

Apı	r 15	Thursday	Beltz 211	1:30 PM
+	HB 29	REAL PROPERTY TRANSACTION	ONS/LICENSEES	
+=	HB 428	CIVIL PENALTY: UNDERAGE A	ALCOHOL PURCE	IASES
+=	HB 91	RETIRED PEACE OFFICER'S MI	EDICAL BENEFIT	S
+		Bills Previously Heard/Scheduled		
		Including but Not Limited to:		
+=	SB 272	DEFERRED DEPOSIT ADVANC	ES (PAYDAY LOA	ANS)
+=	SB 377	STATE MECHANICAL CODE		
+=	SB 358	ALASKA RAILROAD TRACK W	'ORK	
+		Confirmation Hearings:		
		State Board of Registration - Archi	tects,	
		Engineers and Land Surveyors		
		Clifford E. Baker - Kenai		
		Boyd J. Brownfield - Anchorage		
		Richard A. Hughes - Fairbanks		
		Kenneth D. Maynard - Anchorage		
		Alaska Labor Relations Agency		
		Gary P. Bader - Anchorage		
		Dennis Niedermeyer - Eagle River		
		James S. Spalding - Anchorage		

LABOR & COMMERCE (continued)

Apı	r 20	Tuesday Beltz 211 1:30 PM	M		
+=	HB 428	CIVIL PENALTY: UNDERAGE ALCOHOL PURCHASES			
+	SB 369	UNIV. STUDENT PRACTICUM LIABILITY/WAGES			
+	SB 349	MIDWIFERY BIRTH CENTER LICENSING			
+	SB 389	CORP. CONVERSION: LIMITED LIABILITY CO.			
+		Senate Bill:			
		Regulatory Commission of Alaska			
		<pending &="" introduction="" referral=""></pending>			
+	SB 387	COMMERCIAL FISHING LOANS FOR QUOTA SHARES			
		<pending referral=""></pending>			
		Bills Previously Heard/Scheduled			
		Including, but not Limited to:			
+=	SB 272	DEFERRED DEPOSIT ADVANCES (PAYDAY LOANS)			
+=	HB 15	SOLICITATIONS/CONSUMER PROTECTION			
Apı	r 22	Thursday Beltz 211 1:30 PM	M		
		STATE PROCUREMENT PILOT PROGRAM			
+	HB 351	CARBON MONOXIDE DETECTION DEVICES			
+	HB 339	TRADE PRACTICES: FREE TRIAL/OPT-OUT PLANS			
+	HB 464	EXTEND BOARD OF REAL ESTATE APPRAISERS			
+	HB 419	REGIONAL SEAFOOD DEVELOPMENT ASS'NS./TAX			
+	HB 540	WORKERS' COMPENSATION INSURANCE RATES			
+		Bills Previously Heard/Scheduled			
		Including, but not Limited to:			
+=	HB 29	REAL PROPERTY TRANSACTIONS/LICENSEES			

RESOURCES

Apr 16	Friday Butrovich 205 3:30	PM
+	Confirmation Hearings:	
	Board of Fisheries	
	<board &="" agriculture="" conservation<="" of="" td=""><td></td></board>	
	Hearing Canceled>	
+	Bills Previously Heard/Scheduled	
+= SB 297	TAKING BLACK, BROWN,& GRIZZLY BEAR/GUIDES	
+= HB 409	SEINE VESSEL LENGTH	

RESOURCES (continued)

	Monday MINTO FLATS GAME REFU MAD COW DISEASE/COUN Bills Previously Heard/Schedu	TRY OF ORIGIN LAB	3:30 PM SELS
Apr 21 +	Wednesday Bills Previously Heard/Schedu	Butrovich 205 led	3:30 PM
Apr 23 +	Friday Bills Previously Heard/Schedu	Butrovich 205 led	3:30 PM
	STATE AFFA	AIRS	
Apr 15	Thursday No Meeting Scheduled	Beltz 211	3:30 PM
Apr 20 + += HB 93 += SB 224 + SB 380 + HB 378 +		sion RATION, NUMBERIN TO .02 ACT EXTENSIONS S, CERTAIN DEVICES	
+ HB 496	Thursday LAND RECREATIONAL VIS YOUTH VOTE AMBASSAD STATE TREASURY WARRA Bills Previously Heard/Schedu	OR PROG/ELECTION NTS led 	
Apr 15	Thursday	Butrovich 205	1:30 PM

Apı	r 15	Thursday	Butrovich 205	1:30 PM
+	SB 384	ROUTE OF NAT GA	S PIPELINE FUNDED BY RR	
Apı	r 20	Tuesday Bills Previously Heard	Butrovich 205 //Scheduled	1:30 PM

TRANSPORTATION (continued)

Apr 22 Thursday Butrovich 205 1:30 PM

Bills Previously Heard/Scheduled

JOINT COMMITTEES

LEGISLATIVE BUDGET & AUDIT

Apr 15 Thursday House Finance 519 12:00 PM

-- Meeting Canceled --

Veteran's Home Feasibility Study

Presented by ASCG

Apr 22 Thursday House Finance 519 12:00 PM

ASCG's Final Draft of the Veteran's Home

Feasibility Study

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Apr 22 Thursday Anch Lio Conf Rm 8:30 AM

-- Teleconference <Listen Only> --

SUBCOMMITTEE MEETING

+ Open Meetings

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OTHER MEETINGS

JOINT LEGISLATIVE HEALTH CAUCUS

Apr 20 Tuesday Butrovich 205 12:00 PM

"Who Covers You? Exploration of the Many Ways Alaskans are Insured for Health"