

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

February 8, 2002

3:20 p.m.

MEMBERS PRESENT

Representative Lisa Murkowski, Chair
Representative Andrew Halcro, Vice Chair
Representative Kevin Meyer
Representative Pete Kott
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 306

"An Act authorizing the Department of Community and Economic Development to issue permits to certain agencies to purchase, possess, and use certain drugs for euthanizing domestic animals."

- MOVED CSHB 306(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 310

"An Act relating to renewal of an occupational license after defaulting on a federal student loan."

- BILL HEARING POSTPONED

PREVIOUS ACTION

BILL: HB 306

SHORT TITLE: EUTHANASIA FOR DOGS AND CATS

SPONSOR(S): REPRESENTATIVE(S) LANCASTER

Jrn-Date	Jrn-Page		Action
01/14/02	1955	(H)	PREFILE RELEASED 1/4/02
01/14/02	1955	(H)	READ THE FIRST TIME - REFERRALS
01/14/02	1955	(H)	L&C
01/25/02	2069	(H)	COSPONSOR(S): DAVIES

02/08/02

(H)

L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

REPRESENTATIVE KEN LANCASTER

Alaska State Legislature
Capitol Building, Room 421
Juneau, Alaska 99801

POSITION STATEMENT: Testified as the sponsor of HB 306.

CATHERINE REARDON, Director

Division of Occupational Licensing
Department of Community & Economic Development (DCED)
PO Box 110806
Juneau, Alaska 99811-0806

POSITION STATEMENT: Provided information relating to HB 306;
shared comments from the Board of Veterinary Examiners.

BERT GORE, D.V.M.

State Veterinarian
Division of Environmental Health
Department of Environmental Conservation
500 South Alaska, Suite A
Palmer, Alaska 99645-6399

POSITION STATEMENT: Provided information relating to HB 306.

MARIANNE CLARK

City of Soldotna
177 North Birch Street
Soldotna, Alaska 99669

POSITION STATEMENT: Testified in support of HB 306.

BRET REID, Animal Control Officer

210 Fidalgo Avenue
Kenai, Alaska 99611

POSITION STATEMENT: Testified via teleconference on HB 306.

NANCY BUCKMASTER, Director

Sitka Animal Shelter;
Certified Euthanasia Technician
Sitka Police Department
304 Lake Street
Sitka, Alaska 99835

POSITION STATEMENT: Testified via teleconference in support of
HB 306.

SHERRY BESS, Director

Homer Animal Shelter;
Animal Control Officer
PO Box 1140
Homer, Alaska 99603
POSITION STATEMENT: Testified in support of HB 306.

LAURA HOOD, Manager
Animal Shelter
Fairbanks North Star Borough
PO Box 71267
Fairbanks, Alaska 99707
POSITION STATEMENT: Testified in support of HB 306.

KEVIN RITCHIE, Executive Director
Alaska Municipal League
217 Second Street
Juneau, Alaska 99801
POSITION STATEMENT: Testified on HB 306; offered to work out
any issues regarding the fee and answered questions.

CHAVA LEE, Executive Director
Gastineau Humane Society
7705 Glacier Highway
Juneau, Alaska 99801
POSITION STATEMENT: Testified about the benefits of HB 306.

AMY ERICKSON, Staff
to Representative Lisa Murkowski
Alaska State Legislature
Capitol Building, Room 408
Juneau, Alaska 99801
POSITION STATEMENT: Requested information on amendments made to
CSHB 306, Version F.

ACTION NARRATIVE

TAPE 02-14, SIDE A
Number 0001

CHAIR LISA MURKOWSKI called the House Labor and Commerce
Standing Committee meeting to order at 3:20 p.m.
Representatives Murkowski, Halcro, Rokeberg, Crawford, and Hayes
were present at the call to order. Representatives Meyer and
Kott arrived as the meeting was in progress.

HB 306 - EUTHANASIA FOR DOGS AND CATS

Number 0030

CHAIR MURKOWSKI reported that the only item on the agenda would be HOUSE BILL NO. 306, "An Act authorizing the Department of Community and Economic Development to issue permits to certain agencies to purchase, possess, and use certain drugs for euthanizing domestic animals."

Number 0108

REPRESENTATIVE KEN LANCASTER, Alaska State Legislature, sponsor of HB 306, requested a motion to adopt the proposed committee substitute (CS).

Number 0161

REPRESENTATIVE ROKEBERG moved to adopt CSHB 306, version 22-LS1211\F, Lauterbach, 2/7/02, as the working document. There being no objection, Version F was before the committee.

REPRESENTATIVE LANCASTER explained that Version F will allow agencies as well as veterinarians to purchase, possess, and use certain drugs in order to perform the most humane method of euthanasia for domestic animals. Currently, there isn't a humane way for animal control shelters to deal with the situation unless there is a licensed veterinarian in the area. Many areas in Alaska lack access to a veterinarian, and these communities have to resort to harsher methods of euthanasia. This bill outlines guidelines that any agency wishing to apply will have to follow. Furthermore, those administering these drugs will have to complete an euthanasia technician certification course or have a notarization from a veterinarian saying the veterinarian has trained the employee. Representative Lancaster noted that the Board of Veterinarian Examiners had requested some changes included in Version F.

REPRESENTATIVE LANCASTER pointed out that Section 1 adds AS 08.01.010 under centralized licensing. Section 2 includes other drugs if authorized, which would enable the agency to possess pre-euthanasia drugs; this provides a way to calm an agitated or out-of-control animal. On page 2, line 17, AS 08.01.065 doesn't apply and thus the \$50 biennial fee won't change. He pointed out that page 2, lines 19-21, has been changed in order to allow less severe disciplinary action if the offense isn't severe. [On page 3] lines 3-4 were added to clarify that these are in violation of the regulations.

Number 0334

REPRESENTATIVE LANCASTER informed the committee that there is a \$4,500 fiscal note, based on having 20 people apply for this permit. The \$50 fee would bring in \$1,000 every other year. The personal services were [estimated] to be \$4,300, and \$200 for contractual expenditures. However, an e-mail from Kevin Koechlein of the Matanuska-Susitna Borough specifies that [the Mat-Su Borough] is spending \$34,000 or more on contracts with veterinarians. Representative Lancaster remarked, "Even with a \$4,500 fiscal note, this will save municipalities much more than that."

REPRESENTATIVE ROKEBERG asked whether this program has to be self-sustaining because it is under the Division of Occupational Licensing, although this [fiscal note] calls for general fund (GF) expenditures.

REPRESENTATIVE LANCASTER said he couldn't answer.

Number 0455

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community & Economic Development (DCED), explained that the division would administer the program for DCED. She informed the committee that she'd requested amendments that were incorporated in Version F; these amendments would assist with the administration of the program. In response to Representative Rokeberg, she said this program wouldn't fall under the financial self-sufficiency statute, and thus the fiscal note requests GF money. Under the self-sufficiency statute, the fees would be extremely high.

MS. REARDON clarified that this [program] will be assigned to an existing staff person; if an investigation is necessary, an existing investigator will do the investigation. Ms. Reardon explained that under the self-sufficiency statute, she can only bill a profession with the costs caused by that profession, and therefore she has to be able to bill those costs to the GF. The fiscal note is meant to reflect that [the division] will have to bill existing staff time to the euthanasia program.

CHAIR MURKOWSKI asked if the \$4,500 is an accurate figure.

MS. REARDON replied, "Yes, I believe that that is how much ... of our existing resources we will be spending on this program in an average year, based on the fact that that's how much we spend

on naturopaths - and there's 20 of them and no licensing board." She noted that [the \$4,500] would cover a low level of activity without any investigations.

Number 0659

REPRESENTATIVE ROKEBERG asked, "Then wouldn't you be in breach of the statutory requirement to be of self-sufficiency, if you did this?"

MS. REARDON replied no. She directed attention to page 2, line 17, which specifies that the euthanasia program is exempt from the self-sufficiency statute.

REPRESENTATIVE ROKEBERG asked if there was any way to delete the exemption and make this program work. He asked whether the fees would have to be raised to do so.

MS. REARDON answered that placing the program under the self-sufficiency statute would cause the fees to increase substantially. Although the fiscal note estimates that there will be 20 of these permits issued, it is difficult to know how many will be issued. She pointed out that if someone applies for this permit and the U.S. Drug Enforcement Administration (DEA) authorizes the drugs, there are [requirements from the DEA] regarding storage and bookkeeping. Therefore, she surmised that the majority of villages won't decide to take on all of those responsibilities. With the \$50 license fee, \$1,000 is brought in every two years if there are 20 licenses. If [the program] has to bring in \$9,000 every two years, [the license fee] would be in the range of \$500. In a year in which there is an investigation, however, there is the possibility of higher fees. She remarked, "There was a danger of the permits' being extremely prohibitive."

Number 0819

REPRESENTATIVE ROKEBERG commented that "if this program is going to save substantial funds for the municipal governments, then [the legislature] should (indisc.) revenue assistance program by [the savings] amount." However, he acknowledged that [the savings] is a fairly de minimis amount. He asked whether the division has other [programs] under its purview that have an exemption [from the self-sufficiency] statute.

MR. REARDON replied no, she couldn't recall any exemptions from AS 08.01.065.

REPRESENTATIVE ROKEBERG related his belief that [this exemption] establishes a really bad precedent.

MS. REARDON pointed out that perhaps the difference between this program and others that actually fall under the self-sufficiency statute is that this program permits another government entity or the contractors hired to do their governmental activity. For example, a construction contractor is an entity, not an individual; however, it's not a government entity.

REPRESENTATIVE ROKEBERG noted that other entities such as architectural engineering shops are licensed.

MS. REARDON agreed, but pointed out that those aren't government entities.

Number 0927

CHAIR MURKOWSKI related her understanding of Ms. Reardon's testimony that if this program were to be self-sufficient, then the fees would have to be very high. She inquired as to what very high would be.

MS. REARDON [estimated] that \$550 would be the [license fee] in years during which costs are at the \$4,500 level. If there were an expensive investigation, she imagined that she would bill \$20,000 to that program, which would result in \$2,000 in fees. However, a \$2,000 fee for a small village may be too large; it could result in fewer in the pool and necessitate an even higher fee.

CHAIR MURKOWSKI related her understanding that [Soldotna] would save \$34,000 in veterinarian costs. Therefore, she believes that such a community would be willing to pay a [\$500] fee.

MS. REARDON surmised that such would be the case for larger municipalities, but may be a difficulty for smaller communities.

Number 1101

BERT GORE, D.V.M., State Veterinarian, Division of Environmental Health, Department of Environmental Conservation, testified via teleconference. In response to Chair Murkowski, he estimated that approximately 400 veterinarians have Alaskan licensing. However, less than 100 are located in Alaska, and most of those

are located in larger cities. Very few veterinarians are located in the rural areas.

CHAIR MURKOWSKI pointed out that Version F refers to the following drugs: sodium pentobarbital, sodium pentobarbital with lidocaine, and other drugs authorized in regulation. She asked if these drugs are only used for euthanizing animals.

DR. GORE explained that pentobarbital is a general anesthetic, and lidocaine, a local anesthetic, is similar to Novocain. Although pentobarbital can be used for euthanasia, he said Phenobarbital is usually used in the euthanasia solution. These drugs are all members of the barbiturate family.

CHAIR MURKOWSKI commented that there are fairly strict controls on access to drugs. However, she asked whether there is any room for abuse in the situation being proposed.

DR. GORE informed the committee that these drugs are all classified drugs controlled by THE DEA. Veterinarians have to apply for and obtain a DEA license before they're able to purchase and use these drugs. To his knowledge, these drugs haven't been available to government agencies, "SPCAs" [societies for the prevention of cruelty to animals], or animal control offices. After talking with THE DEA, Dr. Gore said he understands that THE DEA has licensed a few facilities in the state of Washington to allow them to euthanize animals with the euthanasia solution. In this situation, the drugs are sold directly to the SPCA or animal control office and are [bound] by the same regulations as for veterinarians. He also understood that the federal government has to review the state regulation in order to ensure it's in accordance with the "C.F.R.s" [Code of Federal Regulations] for classified drugs.

Number 1356

CHAIR MURKOWSKI inquired as to whether Dr. Gore felt that the notarization requirement in HB 306 would be sufficient to conform to the federal regulations.

DR. GORE pointed out that if a veterinarian prescribes that drug to an agency, human society, or government agency, then the veterinarian is ultimately responsible for how the drug is used, wherever it is used. If there's any abuse, the prescribing veterinarian is responsible and would probably lose his/her license and be fined by THE DEA. Dr. Gore announced that if he

were a private, DEA-licensed veterinarian, he wouldn't prescribe Phenobarbital or euthanasia solutions for other people to use.

REPRESENTATIVE ROKEBERG said he didn't understand how even a licensed veterinarian could use a notarized statement [to] grant the use of a controlled substance. Representative Rokeberg remarked that he wasn't sure this was even legal in regard to whether it would pass federal or state protocols. He indicated he couldn't think of another profession that could grant some of its duty within the scope of the license with merely a letter.

Number 1542

MARIANNE CLARK, City of Soldotna, testified via teleconference. She announced that the City of Soldotna supports HB 306. She informed the committee that according to DEA records, there are 31 states that allow government agencies to purchase the drugs directly from pharmaceutical companies. Ms. Clark related her understanding that veterinarians can supply drugs to animal shelters as long as [the veterinarian] has a license through THE DEA to use the drugs. However, the veterinarians are ultimately responsible if there is any abuse of the drugs. Therefore, [HB 306] says that only municipalities or animal control agencies connected with local government will be allowed access to these drugs and follow DEA regulations regarding these drugs. Those having access to the drugs would be a controlled group.

MS. CLARK, in response to Chair Murkowski, said she is familiar with the storage and control that would have to be used with these drugs. The drugs have to be under lock and key, and every drop of the drug has to be accounted for. In further response to Chair Murkowski, Ms. Clark said she didn't believe the storage and control procedures would be too complex. She pointed out that most villages interested in this would be working through their police department. Strictly regulated, this proposal would be better than the method used today, which is shooting the animal. Shooting an animal sends the wrong message.

MS. CLARK, in response to Chair Murkowski, informed the committee that the City of Soldotna is working with a veterinarian who supplies the city with the drugs at this time. In the past, the city's euthanasia bill has been approximately \$9,000. Ms. Clark highlighted the point of convenience in regard to having access to the drug. For instance, if an animal is hit by a car in the middle of the night, a veterinarian has to be contacted if the decision is made to put the animal "to

sleep." Therefore, there would be a charge for an office visit - that is, if a veterinarian is available. The shelters often receive animals with infectious diseases. Bringing the infectious animals to a veterinarian clinic is risky because the disease could be spread to the other animals. However, if there were access to the drugs, the disease could be defined.

MS. CLARK, in response to Representative Halcro, related her understanding that the DEA's audit is done randomly and that records must be available upon its [request].

Number 1804

BRET REID testified via teleconference. An animal control officer since 1982, he explained that in the 1980s "we" [the City of Soldotna] saw that the way to go would be lethal injections. Therefore, certification through the Washington State Board of Pharmacy was sought to handle these drugs. Very little has changed. Currently, [Soldotna] is certified through the American Humane Association. Mr. Reid said that the record keeping is very well established at the federal level, and this would bring little law enforcement expense to the state. However, [the city] would easily incur \$35,000 a year euthanizing animals at this rate. Mr. Reid said that a fee higher than \$50 would still save a lot of money.

CHAIR MURKOWSKI recalled Ms. Reardon's testimony that the fee could range from \$50 to \$500. She said she understood Mr. Reid's testimony to be that even so, it would be worth it to the cities.

MR. REID said, "I believe it would. I don't think the residents of Kenai would support us going back to one of the gas chambers that we abandoned some time ago." Furthermore, he agreed with Ms. Clark in regard to [the need to have access to these drugs].

Number 1880

CHAIR MURKOWSKI inquired as to whether Mr. Reid would consider himself qualified to give these injections to animals.

MR. REID replied yes. He maintained that the lethal injections are much safer than the gas chambers. The two gas chambers aren't acceptable to the public for euthanizing dogs and cats on a large scale.

CHAIR MURKOWSKI expressed concern that someone who isn't trained properly could draw out the pain and suffering of the animal.

MR. REID pointed out that HB 306 specifically calls for the [necessary] training in this area so that it isn't a problem for the animal. That's why this is the preferred method nationwide.

Number 1984

NANCY BUCKMASTER, Director, Sitka Animal Shelter; Certified Euthanasia Technician, Sitka Police Department, testified via teleconference. She informed the committee that in Sitka there is a good working relationship with the veterinarian, who is the shelter veterinarian. This veterinarian is also a commercial fisherman and diver, and therefore isn't always available to obtain the drugs to euthanize an animal in the most humane fashion. Therefore, the problem in Sitka is related [to access to the veterinarian].

Number 2050

SHERRY BESS, Director, Homer Animal Shelter; Animal Control Officer, testified via teleconference. Ms. Bess announced that she is in full support of HB 306. She explained that she began volunteering at the Homer Animal Shelter 12 years ago. The Homer Animal Shelter is a small facility that sees about 900-1,200 animals a year. Ms. Bess noted that she was certified in euthanasia two years ago because she wanted to do euthanasia at the animal shelter. Although she wanted to do euthanasia and she has a good working relationship with the veterinarians in Homer, she feels very uncomfortable asking a veterinarian to put his/her career on line by allowing her to order a euthanasia drug under the veterinarian's license.

MS. BESS explained that for the last 12 years, animals that need to be euthanized have had to be transported to the veterinarian, which she detailed for the committee. She noted that in the process of transporting some animals, she has placed herself in some dangerous situations. She discussed the difficult situations created by too many animals, timing difficulties, and sick and dangerous animals. In regard to needing a veterinarian after hours, Ms. Bess discussed the costs involved that could be avoided if she were able to euthanize an animal at the animal shelter.

MS. BESS concluded by saying that as long as there are unwanted animals, the animal shelters will be faced with this problem.

She related her belief that HB 306 would make this difficult job better; the bill makes common sense.

MS. BESS, in response to Chair Murkowski, explained that she'd taken part in a two-day training session that reviewed the use of the different drugs and their effects. During that training session, the trainees euthanized some animals. Therefore, she felt comfortable and confident that she would do a good job with euthanasia. In further response to Chair Murkowski, Ms. Bess answered that there was thorough training in regard to the drugs that were administered and how they're controlled, as well as the dosage [specifications]. Literature was also provided for future reference.

Number 2273

MS. BUCKMASTER continued her testimony. She informed the committee that she performs the euthanasia in Sitka, and she receives the drugs from a veterinarian with whom the shelter works. Ms. Buckmaster viewed HB 306 as helping smaller communities that may not have a veterinarian with which to work closely. For Sitka, the difficulty is [the access to the veterinarian], who can't always be reached because he is a fisherman and diver. Therefore, sometimes the animals have to wait. [This bill] would provide a humane [solution] and is an important tool for smaller communities.

MS. BUCKMASTER requested that the committee support HB 306. She noted that her training was extensive. Her training occurred in Arizona, where 150 animals are euthanized a day. Veterinarians and DEA representatives were present during the training, and emphasized the importance of keeping a good log of each animal and the amount of drug used on the animal. Ms. Buckmaster stated that she has a double-tracking system because she informs the police department of how much of the drug was used on each animal. In response to Chair Murkowski, Ms. Buckmaster said that she'd spent three days [in training] and learned how to euthanize animals that were sick, old, and wild.

Number 2398

REPRESENTATIVE HAYES asked how much Sitka spends for its veterinarian.

MS. BUCKMASTER reiterated that for Sitka this issue is [access to the veterinarian]; it isn't really a financial issue. She noted that her support [of HB 306] has always been related to

the situation in smaller communities and the need to be humane. In the past, Sitka personnel would shoot animals in the landfill. In the past 15-20 years, however, Sitka has utilized a more humane way to euthanize the animals. She reiterated that her recent certification allows her to do the euthanasia through the animal shelter.

[Tape was flipped early; although there is a minute and a half of blank tape on each side, no testimony is missing.]

TAPE 02-14, SIDE B
Number 2442

LAURA HOOD, Manager, Animal Shelter, Fairbanks North Star Borough, testified via teleconference in support of HB 306. She offered her belief that it will solve some problems for animal-control agencies in Alaska. Euthanasia of unwanted animals is an important function that the shelter serves in Fairbanks, she noted; it happens 2,500 times a year, around the clock, as needed. Mentioning sodium pentobarbital, she emphasized the importance of having the proper drugs to do this. [Some of her testimony was indiscernible.] She remarked on the need to do a good job and said this bill will solve those problems.

MS. HOOD, in response to a question by Chair Murkowski, explained that until recently the borough didn't have a staff [veterinarian], but contracted with a veterinarian to do euthanasia. Prior to that, however, the shelter did it as needed, having a veterinarian purchase the drugs. She noted that her staff are all certified euthanasia technicians. This bill would streamline the process and save money by allowing direct purchase and use [of the drugs].

Number 2347

MS. HOOD clarified that previously there had been no registered facility license for the shelter's location; therefore, it was out of compliance with DEA regulations and had to move those drugs back to the veterinarian's office where they had been purchased - a major inconvenience. Since then, the shelter has come into compliance and has the proper facilities and license onsite because of having a staff veterinarian.

Number 2314

CHAIR MURKOWSKI asked what the borough spent for that service during the time it was necessary to contract with a veterinarian.

MS. HOOD replied that the borough pays the veterinarian \$35 an hour to provide the service. She noted that one hour a day relates to animals that have exceeded their lawful impoundment times and one hour goes to providing the service to the public for "walk-in" animals such as older animals.

Number 2274

KEVIN RITCHIE, Executive Director, Alaska Municipal League, came forward to testify. He said HB 306 obviously supports a humane method of disposing of animals when necessary; it also saves money. He offered to work out any issues regarding the fee.

REPRESENTATIVE ROKEBERG asked whether a population-related rule of thumb can be used to make that distinction, possibly in an amendment.

MR. RITCHIE offered his understanding that although Juneau and Ketchikan have shelters, few very small communities - and virtually no unorganized communities - would have a need for doing this. He proposed that a community of 800 or 1,000 people could possibly do it; in reality, however, a community the size of Kenai would be more likely to do so.

REPRESENTATIVE ROKEBERG inquired about Sitka.

MR. RITCHIE estimated that Sitka has 7,000 people or so.

Number 2200

REPRESENTATIVE ROKEBERG conjectured that around 5,000 might be an appropriate [cutoff] number.

CHAIR MURKOWSKI said Ms. Reardon has indicated about 20 agencies may take advantage of [the bill]; she asked whether that sounded correct.

MR. RITCHIE replied in the affirmative. He added that he isn't an expert.

REPRESENTATIVE ROKEBERG asked how many Alaskan communities have a population greater than 5,000.

MR. RITCHIE answered that off the top of his head, "20 is not a bad number."

Number 2160

MS. CLARK explained that in order to become certified, someone must show the ability to euthanize the animals "properly and comfortably." For example, courses offered by the National Animal Control Association, the American Humane [Society], and - to her belief - the United States Humane Society won't give a certification unless a person passes the test and shows, hands on, that he or she is comfortable with euthanizing the animals.

MS. CLARK informed members that for an animal shelter to obtain drugs directly from a pharmaceutical company, the charge to euthanize a cat, for example, is from 25 cents to 75 cents, depending on the animal's size. Using a veterinarian's services, however, may cost up to \$50 for the same animal. In these times of government cutbacks, she indicated, this bill is a tremendous way of saving money.

MS. CLARK also pointed out that transporting a "vicious" animal to a veterinarian's clinic exposes many people to safety issues. She surmised that most veterinarians don't want to associate with euthanasia on the large scale that animal shelters face daily; therefore, that business wouldn't be taken away from them. Rather, this is to be able to take care of animals with behavioral problems, or that are injured or abandoned, that come through the shelters.

MS. CLARK reported that the City of Soldotna doesn't perform the service for the public. People who want to bring an animal to the shelter may do so, but they relinquish all rights and cannot be with the animal [at the time of euthanasia] nor take the animal's body with them. She noted that someone who wants [to take the animal home after its death] can go to the local veterinarian, who will explain the procedure.

CHAIR MURKOWSKI asked how readily available these certification courses are.

MS. CLARK indicated the animal control association and the State of Alaska have brought the euthanasia program [to Alaska] a couple of times. She said the programs are "out there, ... at our request if we want them, where we could send personnel Outside."

Number 1980

CHAIR MURKOWSKI asked Ms. Clark whether it would be better for an agency or animal shelter to have an employee who is authorized by the veterinarian to [perform euthanasia], even though that employee hadn't received a euthanasia technician certification.

MS. CLARK said she believes in some cases a person may be a veterinary technician and have a lot of training; if a veterinarian feels comfortable because the person has been trained under him or her, for example, it is possible the person would be allowed to do it. She said whether someone is trained directly under a veterinarian or through one of these courses, it should be sufficient, "just as long as that person felt comfortable euthanizing." She added that she has been in this field more than 25 years but has never witnessed misuse of the drugs.

Number 1904

CHAVA LEE, Executive Director, Gastineau Humane Society, came forward to testify. She acknowledged that euthanasia is an uncomfortable issue to discuss. However, it must be addressed as long as there is overpopulation of animals, extreme cruelty and neglect, and other issues that humane societies, animal shelters, animal control officers, and organizations such as the American Society for the Prevention of Cruelty to Animals (ASPCA) deal with.

MS. LEE reported that as in Sitka, Juneau's Gastineau Humane Society has a good relationship with its veterinarians. Because the veterinarians are located right next door, there is a lot of access if there is an injured animal. At night and on weekends, however, when the veterinary service isn't open, the humane society gets animals that need immediate treatment because of having been severely injured, abused, or neglected.

Number 1816

MS. LEE suggested the major problems are in small areas where the community has decided it isn't humane to take puppies to the dump "and then target-practice" in order to deal with overpopulation, or to "take a load of kitties and dump them off the end of the dock." In Juneau and elsewhere, therefore, the shelters are seeing that smaller communities tend to send animals to the larger communities with shelters. She added,

"That's what we're here for." She cautioned, however, that because many of those animals haven't had veterinary care, it's not uncommon for shelters to receive animals that are severely diseased - with feline leukemia, for example - which puts the entire shelter population at risk.

MS. LEE suggested that in smaller communities this bill would be a tremendous benefit. For the humane society as well, however, there would be not only the financial benefit, but also the improved timeframe, because of no longer having to wait an hour or more in the middle of the night with an injured animal.

Number 1739

MS. LEE, in response to questions, reported that the Gastineau Humane Society has two kennel staff who are veterinary technicians. One has a bachelor's degree in zoology, has ten years' experience as a veterinary technician, and is a licensed medical technician; the other has a bachelor's degree in biology and seven years' experience as a veterinary technician. The two animal control officers are certified euthanasia technicians; however, the shelter doesn't [euthanize an animal] unless a veterinarian is present. Ms. Lee surmised that the same is true at other Alaskan shelters. She suggested that shelters nationwide are staffed by professionals with a high degree of training.

Number 1668

CHAIR MURKOWSKI returned attention to her concern about an individual's ability to euthanize an animal if that person hasn't gone through the training but has been tutored by the veterinarian; in that scenario, the veterinarian would still be in charge and in control of the drugs that are being administered. She said it sounds from testimony as though [the shelters] in most areas where this would be particularly helpful would have staff who have received the certification training.

MS. LEE pointed out that the drugs must be in a locked case. She said she can't imagine that a veterinarian would allow someone to use his or her license in that manner, but added that she doesn't know anyone who does this without training. She recalled hearing that [animal control] officers receive specific training through the animal control officers association and that veterinary technicians receive training as part of their training as a veterinary technician. She questioned whether

anyone who is doing this hasn't received training where certification is required.

Number 1577

REPRESENTATIVE ROKEBERG asked whether [the Gastineau Humane Society] is in compliance, to Ms. Lee's knowledge, with federal DEA procedures regarding the handling of drugs.

MS. LEE answered, "We don't do it, specifically, because we use our vets to do that." She said the veterinarian administers the shots at the shelter or may have the technician do so, with the veterinarian onsite; doing it at the shelter, rather than at their clinic, is the veterinarians' preference.

Number 1531

REPRESENTATIVE ROKEBERG referred to a copy of an e-mail in the committee packet relating to an incident [involving the Fairbanks North Star Borough Animal Shelter]. There had been a complaint, the procedure was halted, and the drugs were confiscated although the facility had performed the procedure for decades. He noted that the committee hadn't heard testimony regarding this aspect. He referred to Section 2 and the standards in the bill regarding veterinary technicians.

CHAIR MURKOWSKI pointed out that there is a difference between a veterinary technician and a euthanasia technician.

MS. LEE agreed.

Number 1460

REPRESENTATIVE ROKEBERG expressed concern about the "control of the controlled substance." He asked what the DEA procedures are. He said he is disturbed in a certain sense because [the Gastineau Humane Society] is following a conservative method in Juneau by letting the veterinarian have control.

MS. LEE cited close proximity to the veterinarian as the reason.

REPRESENTATIVE ROKEBERG again voiced concern about the DEA's "rules of the game."

CHAIR MURKOWSKI said it sounds, from testimony, as if perhaps certain communities haven't operated within the true confines of the law, in an effort to deal with animals humanely.

Number 1403

REPRESENTATIVE MEYER asked whether Ms. Lee supports the bill because it would allow the shelter to perform this service on weekends and nights when the veterinarians aren't necessarily available.

MS. LEE answered that it would allow the humane society to do its own euthanasia in its own timeframe. Currently, even during the workday, those timeframes are whatever the veterinary service can provide. In response to another question, she said the cost is a minimum of \$70.

REPRESENTATIVE MEYER remarked that the \$50 fee seems small compared to the savings that municipalities will see. He asked whether the Gastineau Humane Society would be willing to pay, say, \$200.

MS. LEE said she believes it would be a cost savings to pay \$200.

Number 1330

REPRESENTATIVE MEYER asked whether Juneau has a "free neuter-your-animal month."

MS. LEE answered, "We have a very aggressive spay-and-neuter campaign." She indicated the shelter provides 50 percent off in spay-and-neuter certificates that are funded by the City & Borough of Juneau.

REPRESENTATIVE MEYER asked whether spaying or neutering is a requirement in order for someone to take home his/her pet that has been picked up.

MS. LEE replied, "Before we adopt out an animal, it's a requirement that the animal be spayed or neutered." She said the Gastineau Humane Society has had "everything from a python to a horse." She added, "Unfortunately, we can't require people to spay and neuter their animals."

Number 1262

REPRESENTATIVE MEYER noted that Anchorage has a goal of "no kill" and offers one month a year during which a veterinarian

will come in and spay and neuter for free. He asked what happens in Juneau.

MS. LEE answered that many animals at the shelter have to be euthanized, but the vast majority [of those] aren't adoptable; they are vicious and/or extremely ill.

Number 1200

MS. REARDON came forward again to testify on behalf of the division in its capacity of providing assistance to the Board of Veterinary Examiners. She reported that the board has discussed this bill twice in the last month. Noting that there are diverse views on the board, she offered to share comments she had heard.

MS. REARDON told the committee the board would prefer, if it wanted to, to be able to write regulations regarding authorization for people who aren't veterinarians, as well as to decide under what conditions and with what kind of training that would occur. There were some concerns expressed that euthanasia isn't necessarily simple, she said. Veterinary supervision may be preferable sometimes; for example, it may be necessary to calm the animal first, there may be potential staff trauma, or things may not go smoothly.

Number 1072

MS. REARDON reported that there is a "consciousness in this diversity of opinions on the board" that euthanasia through lethal injection is better, and that ensuring it can occur in Alaska is better than forcing communities to rely on other means. She said most comments she'd heard related to concern about access to the drugs and responsibility for the activities in very small communities. For example, there was concern about having barbiturates go into a village; since a village could apply for a permit, one question was who could speak for the village and be held responsible if things didn't go properly.

MS. REARDON pointed out that the definition of agencies that can apply is on page 2, line 30. She stated her understanding that it is in villages or small communities that shooting an animal is most likely to be resorted to now. She indicated the board doesn't want to have that occur either. A potential result of this legislation is that smaller communities that lack animal shelters - and that now ship these animals to Juneau, for example - would be able to perform euthanasia. People who

aren't currently doing it, therefore, might become involved. Whether to limit it to municipalities is a question, she added.

Number 0963

MS. REARDON advised the committee that one thing discussed by the board was whether, in the very smallest communities, it should only be a village public safety officer (VPSO) or other designated person in the community - rather than the village as an entity - who could take on that responsibility.

Number 0901

REPRESENTATIVE ROKEBERG asked Ms. Clark whether passage of this bill will authorize activities that are approved by the DEA regarding the handling of controlled substances. He said his primary concern is being consistent with existing federal regulations in this regard.

MS. CLARK answered that the DEA regulates them, "and we would have to follow their guidelines."

REPRESENTATIVE ROKEBERG asked whether the provisions in Version F are consistent with DEA guidelines.

MS. CLARK said to the best of her knowledge, yes. She mentioned abuse, saying it is one reason the animal control association wanted to have governments, municipalities, or police chiefs in the villages, for example, be the only [entities] for which the drugs could be obtained. Private humane societies without affiliations with government agencies, including those relating to dog-mushing teams, wouldn't have access. That is addressed in the bill.

Number 0806

REPRESENTATIVE ROKEBERG asked whether a veterinarian could grant an employee in one of the agencies, via a notarized statement, the right to control those drugs.

MS. CLARK answered yes, but surmised that a veterinarian putting his/her license on the line would [want to] be positive about another person before allowing that person to use these drugs.

REPRESENTATIVE ROKEBERG asked whether Ms. Clark's testimony was that there would be compliance if the control of the drugs were "outside the veterinarian."

Number 0749

CHAIR MURKOWSKI suggested eliminating [subparagraph] (B). She asked why it's needed if it's relatively easy to get a euthanasia technician certification. If a veterinarian could appoint somebody whom the veterinarian had trained and worked with, for example, and could give a certification that will be on file, she said it seems there wouldn't be many veterinarians who would transfer that control in the first place. Representative Murkowski asked: If it is problematic, why do we even need it? Why not just have everybody get his/her euthanasia technician certificate? That way, there would be some control of it.

REPRESENTATIVE LANCASTER said that was fine with him.

Number 0630

REPRESENTATIVE ROKEBERG moved to adopt conceptual Amendment 1, on page 2, lines 11-15, to delete [subparagraph (B)] and redraft the subsection accordingly. There being no objection, Amendment 1 was adopted.

Number 0601

REPRESENTATIVE ROKEBERG moved to adopt conceptual Amendment 2, on page 2, lines 17-18 [subsection (b)], to delete the sentence that read, "AS 08.01.065 does not apply to the fees for permits issued under this section."

CHAIR MURKOWSKI clarified that the result would be a requirement of self-sufficiency.

Number 0559

REPRESENTATIVE HALCRO objected for discussion purposes only, noting that he agrees with Representative Rokeberg's efforts here. He suggested that one reason the state is in its current financial situation is from providing too many of these services to local municipalities at a cost to the state. If self-sufficiency isn't required, he said, it will add to "an already impossible fiscal deficit."

Number 0497

CHAIR MURKOWSKI announced that if there was no objection, Amendment 2 was adopted.

REPRESENTATIVE MEYER inquired about the need to change the renewal fee as well.

Number 0448

REPRESENTATIVE ROKEBERG moved to adopt conceptual Amendment 3, at the end of [page 2] line 17, where it says "\$50", to have something to the effect that in communities over 3,000 [population] the application fee would be \$225 and the biennial renewal fee would be \$225.

REPRESENTATIVE ROKEBERG explained that he'd consulted with the sponsor about this. Given the department's estimate of 20 communities and the Alaska Municipal League's estimate of 20-some communities in that range, he said, 20 times \$225 is \$3,500 a year, which is equivalent to the department's fiscal note. He surmised that the \$50 fee would be maintained for communities with a population fewer than 3,000; he indicated that would address the concern of the smaller villages about having a higher fee.

Number 0360

REPRESENTATIVE MEYER objected for discussion purposes.

CHAIR MURKOWSKI restated the motion.

REPRESENTATIVE HALCRO expressed concern about the cost to the state for communities under 3,000, which are likely to be more rural and isolated; if the department has to investigate or audit existing stocks of drugs, for example, it will cost more to travel there. The application fee would be \$50, but it would cost far more to enforce the program in those areas.

Number 0290

REPRESENTATIVE MEYER remarked that the amount may be enough today, but not two years from now. He asked whether it would be reviewed every couple of years regarding the amount.

Number 0278

MS. REARDON expressed concern that her department may face two conflicting statutes. This program will be under the self-

sufficiency mandate, with fees to be set so that revenue approximately equals cost. On the other hand, the fees will be set in statute. Ms. Reardon therefore brought up the possibility of taking out specific fees but saying, for example, that the fees for communities under 3,000 will be half as much or a third as much as the other fees. She then mentioned the possibility of a year when there is a \$20,000 investigation.

REPRESENTATIVE ROKEBERG suggested Ms. Reardon could come back before the legislature to get the fees raised.

MS. REARDON responded:

But I won't be able to do that in time. It depends if you want self-sufficiency or you don't. On the other hand, you'll get a zero fiscal note out of putting it back under the self-sufficiency mandate, because I was saying I didn't need extra expenditure authority; I just needed someone to bill. Now that you've provided for a way to bill them, ... you'll get a zero fiscal note.

Number 0155

CHAIR MURKOWSKI said she believed she agreed with Representative Halcro. More likely than not, the communities that will have problems will be those lacking systems and controls; there may be a possibility of abuse, misuse, or ignorance of what was supposed to happen. She suggested that perhaps by making it a lower fee for those communities, they would be encouraged to do [euthanasia], but without being as attentive to the details as desired. She concluded, "I'm not certain that it helps us to give a price break to the smaller communities."

Number 0086

REPRESENTATIVE HAYES proposed adding that the Native corporation that has an overarching role in the village community would have the responsibility. Thus there would be several villages under a Native corporation, and there would be a [specific entity] over which the department would have authority in this regard.

CHAIR MURKOWSKI suggested the need to define "agency" in that case.

REPRESENTATIVE HAYES said he'd think that would be the cleanest way to do it.

Number 0019

REPRESENTATIVE HALCRO said he believes the cleanest way to do it is to make the program self-supporting. He referred to testimony that this is a way for communities to save money. He referred to an e-mail in the committee packet from the Matanuska-Susitna area.

TAPE 02-15, SIDE A
Number 0028

REPRESENTATIVE HALCRO said he thinks those communities that can make the numbers work and justify the investment in participating in this kind of program will do it, and those that won't, won't. He thought that this would be the cleanest and most straightforward way to offer a program like this.

Number 0050

REPRESENTATIVE CRAWFORD agreed this program would save larger communities a lot of money and that they should be self-supporting, but feared that some smaller communities which aren't spending that kind of money now will probably be precluded from going to this method. He indicated the bill is just trying to expand this program so it will be available to smaller communities, which aren't spending that kind of money right now.

CHAIR MURKOWSKI suggested that if the smaller communities are able to get the controlled substances into their communities, there would be no difference between a \$50 and \$225 fee.

Number 0140

REPRESENTATIVE ROKEBERG asked Ms. Reardon if it was the testimony of the department that it supported a two-tier fee.

MS. REARDON answered that she thought [a two-tier fee] might be likely, depending on how high the fee went.

REPRESENTATIVE ROKEBERG asked Ms. Reardon if this is based on an assumption she'd made individually.

MS. REARDON responded that "there is nothing to back it up."

Number 0187

REPRESENTATIVE ROKEBERG offered that he had no problem if it was the committee's will to amend conceptual Amendment 3.

MS. REARDON clarified that her preferred method would be "to not have any statute." She added that [the fee] would have to be \$550 for the two-year permit if [the committee] put something in statute.

REPRESENTATIVE ROKEBERG said he'd reflected on the biennial fee of \$225, which is the way the bill is written. He noted that \$225 times 20 is \$4,500.

MS. REARDON said a two-year license needs to bring in \$9,000 to cover two years of costs. She informed the committee that this would be "the only program besides the athletic commission - boxers - where the fee is set in statute, and with boxers the fees' being set in statute has had the result of that program never paying its own costs, and therefore some years those costs are being paid by others."

Number 0337

REPRESENTATIVE ROKEBERG suggested that he or the drafter could modify that by stipulating the initial fee in uncodified law, and then making it self-sustaining thereafter.

Number 0384

REPRESENTATIVE ROKEBERG moved to table conceptual Amendment 3, and then made a motion to adopt conceptual Amendment 4. He said, "Conceptual Amendment 4 would be to delete the language on lines 16 and 17 on page 2 and replace it with the conceptual amendment indicating that the application fee for the permit under this section is \$225, and the biennial renewal fee is \$450." He asked if [conceptual Amendment 4] would work.

CHAIR MURKOWSKI suggested it wouldn't work.

REPRESENTATIVE ROKEBERG offered that the application fee needs to be \$450, and the biennial fee is \$450 also.

Number 0434

CHAIR MURKOWSKI responded that conceptual Amendment 4 would state that it would be okay to have an initial fee, but after

that, any renewal fees have to be self-sustaining. She commented, "We don't want a second statute with that."

REPRESENTATIVE ROKEBERG said the biennial fee is to be set under AS 08.01.065.

MS. REARDON offered her understanding that the term "initial fee" is not each entity's initial fee. She explained, "If someone gets their license ten years from now, it's not necessarily going to be \$450; ... the first time we set the fees, they're going to be \$450, and after that, they're going to float."

CHAIR MURKOWSKI asked if there is a difference between an application fee and an initial fee.

Number 0500

MS. REARDON said that the Division of Occupational Licensing generally charges \$50 for an application, and then there is a license fee, whether it is one's first license or tenth. She explained that the term "initial license" usually means the first one that any one human being would get.

REPRESENTATIVE ROKEBERG suggested that conceptual Amendment 4 should say, "The application fee is \$450, and the biennial renewal fee is \$450 under an uncodified law and thereafter should be set under AS 08.01.065."

CHAIR MURKOWSKI asked why the application fee is set so high. She said the initial fee should be \$450, and the application fee should be \$50.

Number 0554

MS. REARDON responded that as long as she has the ability to raise and lower fees for the self-sufficiency mandate, even if there isn't that ability the first year, "since deficits and surpluses roll forward, [she'll] be able to implement that eventually; so it's okay to say the initial license fee is \$450."

REPRESENTATIVE ROKEBERG indicated this keeps the department from having a published regulation setting the fee the first time, which saves money. He added, "There is an uncodified law which comes out, which is up to the drafter."

Number 0600

MS. REARDON told members her confusion is that she believes there are two different ideas going on. One is the uncodified law idea whereby the department is directed to charge \$450 the first year the bill is in effect, and every year thereafter it floats. The other idea is that the initial licenses are always \$450, even if one gets his/her initial license ten years from now, and thereafter the fee floats.

Number 0635

REPRESENTATIVE HALCRO asked, "Why don't we simply put in there that the department will establish permitting fees based on the cost ... of the program?"

REPRESENTATIVE ROKEBERG answered that then regulations would have to be published.

REPRESENTATIVE HALCRO offered, "They're going to have to publish regulations once they start to raise the fees."

REPRESENTATIVE ROKEBERG indicated that this would happen later. He then asked Ms. Reardon, "If in fact [the legislation] didn't stipulate the initial and biennial fee, would you now have to go out and publish regulations to set the fee?"

Number 0686

MS. REARDON answered in the affirmative. She mentioned that she thinks she would put off having to publish regulations by six months, and then would have to do it anyway because the renewal situation would come around. She added, "If you want me just to do it the same way the other programs [do], you actually don't have to have anything, just silence in the bill." Ms. Reardon indicated first license fees are always a guess anyway - an estimate of what it will cost. She suggested she could put in the fiscal note that [the Division of Occupational Licensing] will base the fees the first year on the fiscal note estimate, and they will be \$450, which won't take into account overhead cost.

Number 0754

REPRESENTATIVE HALCRO remarked, in reference to tying the department's hands with setting fees, "If we say \$450 the first time, then you're under the requirement that you have to go out

for public hearing the next time you want to raise fees." He asked what happens when there's an expensive investigation and [the Division of Occupational Licensing] still has to take six months to prepare public regulations to go out and get public testimony. He said this handcuffs the department's ability to react - especially in the "out" years when potentially these fees will have to be raised to cover the costs.

Number 0805

MS. REARDON responded that if she had to come back for a statute change, that would be true.

REPRESENTATIVE HALCRO said his point is that the department should have the ability to set the fee that it wants right away.

REPRESENTATIVE ROKEBERG reiterated that the department would have to publish regulations.

CHAIR MURKOWSKI asked the sponsor to provide any guidance on this issue.

Number 0844

REPRESENTATIVE LANCASTER, agreeing with Ms. Reardon, said, "If you leave it moot, it gives her the opportunity to see what her audience is going to be." He indicated there is no way to know what the audience is going to be.

REPRESENTATIVE ROKEBERG said the regulations and fees have to be published before applications can be taken.

MS. REARDON replied, "I can (indisc.) in the regulation, project ... the fee is \$450, and then wait two years to see how it balanced out and adjust it there."

REPRESENTATIVE ROKEBERG explained that this was the point of his amendment, trying to avoid having to publish regulations initially.

Number 0908

CHAIR MURKOWSKI said conceptual Amendment 4 states that the initial fee is \$450.

REPRESENTATIVE ROKEBERG asked, "Is it the original application fee -- is the biennial fee for the following two years or is it the initial?" He then said the initial biennial fee should be \$450 and then provide self-sufficiency.

Number 0961

MS. REARDON addressed the topic of uncodified temporary law and asked how long that provision would last. She said she doesn't think that the phrase "initial license fee is \$450" will be perceived as something that goes away in a year. She said what that means is everyone's first license is \$450, whether it is obtained today or ten years from now. She suggested that "the fee for this license will be \$450 until January 1, 2004."

REPRESENTATIVE ROKEBERG asked to remove conceptual Amendment 4 and introduce conceptual Amendment 5. He then asked Ms. Reardon to come forward and contribute to the wording of conceptual Amendment 5.

Number 1045

MS. REARDON said that the effective date of HB 306 would be 90 days after it passes, and if it passes on May 14, then the licenses would expire in August of 2004. She said, "The wording should state that the license fee is going to be \$450 until -- for license periods that -- there's a lot of complications to doing it this way. I know you're trying to save me money on the [regulations], and I appreciate that. [There are] a lot of things to think about."

Number 1104

REPRESENTATIVE ROKEBERG offered conceptual Amendment 5: "The fees will be set under AS 08.01.065."

REPRESENTATIVE HALCRO said this makes sense because there isn't any money built in to the fiscal note for enforcement. He commented that if there's ever a problem, the \$450 isn't going to cover the original fiscal note, and that the department should be free to set the fee.

CHAIR MURKOWSKI offered her understanding that three amendments had been adopted so far.

Number 1165

REPRESENTATIVE HAYES introduced conceptual Amendment 6. He said:

On page 2, line 30, I would like to eliminate "village animal control agency" and put "Native corporation". I think that could be a point instead of having a bunch of little villages having this authority, so they could contract with somebody to do this endeavor instead of having a bunch of villages that might or might not do this. You have one standard group that would have the medicine sealed someplace.

Number 1216

REPRESENTATIVE HALCRO objected to conceptual Amendment 6. He said he thinks the committee is already in "uncharted ground with federal laws" as they pertain to the DEA and stocking and keeping track of these kinds of drugs. He commented that he doesn't know if a private corporation would want to accept that kind of liability. He said that it would raise some real questions about liability if the participant in this program did not have some kind of connection to a municipal government of some kind.

REPRESENTATIVE HAYES said he isn't sure how a village animal control agency would be defined as a government. He pointed out, "With a Native corporation, if they decide to do this for a village that is under them, at least you have an authority - somebody - some group that can be regulated by the state."

Number 1288

REPRESENTATIVE ROKEBERG said he doesn't think [conceptual Amendment 6] is necessary. He pointed out [page 2] line 31, which states, "or an entity that has contracted with a municipality to perform animal control". He said this could be a Native corporation. Only entities that have contracted to perform that service should be given the right to make the application. He added, "If they're going to be doing animal control, they're going to be covered under [subsection] (d) anyway."

REPRESENTATIVE KOTT asked whether a "municipality" includes villages.

REPRESENTATIVE ROKEBERG said if [it's] incorporated, yes.

Number 1345

MS. REARDON told members:

I understand what a municipality is. And when they walk up with a form they've filled out promising something, I know that they are a legal entity that we can then go discipline. I'm not sure what a village in this context means. Who can fill out the piece of paper for the village?

CHAIR MURKOWSKI asked Mr. Ritchie to address this issue.

Number 1426

MR. RITCHIE said from a practical standpoint, he isn't sure whether there are any village animal control agencies.

REPRESENTATIVE ROKEBERG suggested "villages recognized by Alaska statute."

CHAIR MURKOWSKI asked what "recognized" is.

Number 1449

MR. RITCHIE answered by saying municipalities are recognized. He reported that another possibility that he has talked about with Ms. Reardon is that right now, the State of Alaska contracts with Native corporations for the village public safety officer (VPSO) program. If there were going to be a village animal control agency, the state might want to work with an organization or entity that already contracts with the state.

REPRESENTATIVE ROKEBERG responded that the only way to "skin this cat" is to say on [page 2] line 31, "an entity that has contracted with the municipality or community to perform animal control". This would broaden the scope.

CHAIR MURKOWSKI asked if they would have to contract with the state.

REPRESENTATIVE HAYES suggested there needs to be someone in the occupation to contract with the state.

CHAIR MURKOWSKI said this is similar to what the VPSOs do.

REPRESENTATIVE HALCRO asked whether the contractors for the VPSO program are Native corporations or regional nonprofit groups.

MR. RITCHIE offered his belief that they were the regional nonprofit groups. He suggested there might be a way of deleting "or village animal control agency" and adding something like "or an entity contracting with the state for the village public safety officer program".

Number 1564

CHAIR MURKOWSKI suggested that conceptual Amendment 6 read, "agency means a municipal agency or an entity that has contracted with the state or a municipality to perform animal control - or animal euthanasia services".

MS. REARDON proposed that [the amendment] might read, "agency that's a municipality or an entity that has contracted with a municipality." She said she is unfamiliar when it comes to anything beyond a municipality and doesn't know very much about Native corporations.

Number 1621

MR. RITCHIE responded that he isn't sure "or the state" should be included, because right now these entities have to contract with the state to provide services under the VPSO program. He suggested they could also contract as an adjunct to that VPSO contract to do this. He added, "That might be the cleanest way. But, frankly, I don't think ... at this point that it's likely that there are such village [animal] control agencies."

REPRESENTATIVE ROKEBERG suggested that "'entity recognized by the state' is what we're looking for - nonprofit corporation."

CHAIR MURKOWSKI offered that an agency can mean three different things: a municipality, an entity that has contracted with the state, or an entity that has contracted with a municipality to perform the animal control functions.

CHAIR MURKOWSKI restated conceptual Amendment 6, which would revise the definition of agency to say: "a municipality or an entity that has contracted with the state or an entity that has contracted with a municipality to perform animal control or animal euthanasia services".

Number 1717

REPRESENTATIVE HALCRO asked if the language would be broader if "municipality" were replaced with "local government".

CHAIR MURKOWSKI responded that she doesn't think the committee needs to get too bogged down with that subject.

REPRESENTATIVE ROKEBERG commented that he thinks it should be left up to the drafter to sort out "the conundrum about what we're calling this." He added, "We can say what we're talking about here is a Native (c)(3) nonprofit corporation."

CHAIR MURKOWSKI pointed out that these nonprofit corporations that contract with the VPSOs might be the ones responsible for carrying out animal euthanasia. She said, "We don't need to say that, but just so that the drafter understands. That's conceptual Amendment 6."

AMY ERICKSON, Staff to Representative Lisa Murkowski, Alaska State Legislature, asked whether conceptual Amendments 3, 4, or 5 were ever completed.

CHAIR MURKOWSKI said conceptual Amendments 4 and 5 had been eliminated.

MS. ERICKSON asked if the committee had ever deleted lines 16 and 17, ending with "\$50".

CHAIR MURKOWSKI stated her recollection that the committee had done so.

Number 1802

CHAIR MURKOWSKI informed Ms. Erickson that Amendment 2 was [to delete] the second sentence in subsection (b) [page 2, lines 17-18]. Amendment 3 [applied to] the first sentence in subsection (b).

Number 1814

REPRESENTATIVE ROKEBERG moved to report CSHB 306, version 22-LS1211\F, Lauterbach, 2/7/02, as amended, out of committee with individual recommendations and the accompanying fiscal notes representing zero. There being no objection, CSHB 306(L&C) was moved out of the House Labor and Commerce Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:20 p.m.