

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

May 11, 2002
9:47 a.m.

MEMBERS PRESENT

Representative Pete Kott, Chair
Representative Brian Porter
Representative Vic Kohring
Representative Carl Morgan
Representative Lesil McGuire
Representative Ethan Berkowitz
Representative Reggie Joule

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Jeannette James
Representative Beth Kerttula
Representative Gretchen Guess
Senator Robin Taylor

COMMITTEE CALENDAR

SENATE BILL NO. 115

"An Act extending the termination date of the Board of Storage Tank Assistance."

- MOVED HCS SB 115(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 235(STA)

"An Act relating to emergency and disaster relief forces as state employees for purposes of workers' compensation benefits; relating to the Emergency Management Assistance Compact and the implementation of the compact; and providing for an effective date."

- MOVED CSSB 235(STA) OUT OF COMMITTEE

SENATE BILL NO. 345

"An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid

for or furnished to eligible children with disabilities by a school district; and providing for an effective date."

- MOVED HCS SB 345(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 222(FIN)

"An Act relating to certain motor vehicles that are required to yield to following traffic."

- MOVED HCS SB 222(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 191(JUD)

"An Act relating to insurance pooling by air carriers."

- MOVED HCS CSSB 191(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 270(L&C)

"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

- MOVED HCS CSSB 270(RLS) OUT OF COMMITTEE

PREVIOUS ACTION

BILL: SB 115

SHORT TITLE: EXTEND BOARD OF STORAGE TANK ASSISTANCE

SPONSOR(S): RLS BY REQUEST OF LEG BUDGET &

Jrn-Date	Jrn-Page		Action
02/22/01	0474	(S)	READ THE FIRST TIME - REFERRALS
02/22/01	0474	(S)	RES, FIN
04/06/01		(S)	RES AT 3:30 PM BUTROVICH 205
04/06/01		(S)	Bills Previously Heard/Scheduled -- Meeting Canceled --
04/20/01		(S)	RES AT 3:30 PM BUTROVICH 205
04/20/01		(S)	Heard & Held
04/20/01		(S)	MINUTE(RES)
04/23/01		(S)	RES AT 3:30 PM BUTROVICH 205
04/23/01		(S)	Moved Out of Committee
04/23/01		(S)	MINUTE(RES)
04/24/01	1234	(S)	RES RPT 2DP 3NR
04/24/01	1234	(S)	DP: TORGERSON, TAYLOR;
04/24/01	1234	(S)	NR: HALFORD, LINCOLN, ELTON
04/24/01	1234	(S)	FN1: (DEC)

04/26/01		(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/26/01		(S)	Scheduled But Not Heard
04/26/01		(S)	FIN AT 6:00 PM SENATE FINANCE 532
04/26/01		(S)	Scheduled But Not Heard
01/31/02		(S)	FIN AT 9:30 AM SENATE FINANCE 532
01/31/02		(S)	Heard & Held
01/31/02		(S)	MINUTE(FIN)
02/06/02		(S)	FIN AT 9:30 AM SENATE FINANCE 532
02/06/02		(S)	Moved Out of Committee
02/06/02		(S)	MINUTE(FIN)
02/06/02	2121	(S)	FIN RPT 8DP
02/06/02	2121	(S)	DP: DONLEY, KELLY, AUSTERMAN, HOFFMAN,
02/06/02	2121	(S)	OLSON, WILKEN, LEMAN, WARD
02/06/02	2121	(S)	FN2: (DEC)
02/11/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
02/11/02		(S)	MINUTE(RLS)
02/11/02	2154	(S)	RULES TO CALENDAR 10R 2/11/02
02/11/02	2156	(S)	READ THE SECOND TIME
02/11/02	2156	(S)	ADVANCED TO THIRD READING UNAN CONSENT
02/11/02	2156	(S)	READ THE THIRD TIME SB 115
02/11/02	2156	(S)	PASSED Y19 N- A1
02/11/02	2159	(S)	TRANSMITTED TO (H)
02/11/02	2159	(S)	VERSION: SB 115
02/13/02	2219	(H)	READ THE FIRST TIME - REFERRALS
02/13/02	2219	(H)	RES, FIN
03/13/02		(H)	RES AT 1:00 PM CAPITOL 124
03/13/02		(H)	-- Meeting Canceled --
03/15/02		(H)	RES AT 1:00 PM CAPITOL 124
03/15/02		(H)	Moved Out of Committee MINUTE(RES)
03/18/02	2579	(H)	RES RPT 8DP 1NR
03/18/02	2579	(H)	DP: STEVENS, GREEN, FATE, KERTTULA,
03/18/02	2579	(H)	KAPSNER, MCGUIRE, MASEK, SCALZI;
03/18/02	2579	(H)	NR: CHENAULT
03/18/02	2580	(H)	FN2: (DEC)
05/01/02		(H)	FIN AT 1:30 PM HOUSE FINANCE 519

05/01/02		(H)	Moved Out of Committee -- Recessed to 9:00 AM 5/2/02 -- MINUTE(FIN)
05/02/02	3279	(H)	FIN RPT 7DP
05/02/02	3279	(H)	DP: HARRIS, CROFT, MOSES, LANCASTER,
05/02/02	3279	(H)	FOSTER, MULDER, WILLIAMS
05/02/02	3279	(H)	FN2: (DEC)
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

BILL: SB 235

SHORT TITLE:EMERGENCY MANAGEMENT ASSISTANCE COMPACT

SPONSOR(S): RLS BY REQUEST OF THE

Jrn-Date	Jrn-Page		Action
01/16/02	1952	(S)	READ THE FIRST TIME - REFERRALS
01/16/02	1952	(S)	STA, L&C, JUD
01/16/02	1952	(S)	FN1: ZERO(MVA)
01/16/02	1953	(S)	GOVERNOR'S TRANSMITTAL LETTER
01/24/02		(S)	STA AT 3:30 PM BELTZ 211
01/24/02		(S)	Heard & Held
01/24/02		(S)	MINUTE(STA)
01/31/02		(S)	STA AT 3:30 PM BELTZ 211
01/31/02		(S)	Moved Out of Committee
01/31/02		(S)	MINUTE(STA)
02/01/02	2081	(S)	STA RPT CS 4DP SAME TITLE
02/01/02	2081	(S)	DP: THERRIAULT, PHILLIPS, DAVIS,
02/01/02	2081	(S)	STEVENS
02/01/02	2081	(S)	FN1: ZERO(MVA)
02/21/02		(S)	L&C AT 1:30 PM BELTZ 211
02/21/02		(S)	Moved Out of Committee
02/21/02		(S)	MINUTE(L&C)
02/22/02	2281	(S)	L&C RPT CS(STA) 3DP
02/22/02	2281	(S)	DP: STEVENS, LEMAN, DAVIS
02/22/02	2281	(S)	FN1: ZERO(MVA)
05/08/02		(S)	JUD AT 3:00 PM BELTZ 211
05/08/02		(S)	Moved SCS(STA) Out of Committee -- Time Change -- MINUTE(JUD)
05/09/02		(S)	RLS AT 11:30 AM FAHRENKAMP 203
05/09/02		(S)	MINUTE(RLS)
05/09/02	3254	(S)	JUD RPT CS(STA) 4DP
05/09/02	3254	(S)	DP: TAYLOR, THERRIAULT, ELLIS,

05/09/02	3254	(S)	COWDERY
05/09/02	3254	(S)	FN1: ZERO(MVA)
05/09/02	3262	(S)	RULES TO CALENDAR 5/9/02
05/09/02	3262	(S)	READ THE SECOND TIME
05/09/02	3263	(S)	STA CS ADOPTED UNAN CONSENT
05/09/02	3263	(S)	ADVANCED TO THIRD READING
			UNAN CONSENT
05/09/02	3263	(S)	READ THE THIRD TIME CSSB
			235(STA)
05/09/02	3263	(S)	PASSED Y20 N-
05/09/02	3263	(S)	EFFECTIVE DATE(S) SAME AS
			PASSAGE
05/09/02	3279	(S)	TRANSMITTED TO (H)
05/09/02	3279	(S)	VERSION: CSSB 235(STA)
05/10/02	3481	(H)	READ THE FIRST TIME -
			REFERRALS
05/10/02	3481	(H)	RLS
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

BILL: SB 345

SHORT TITLE: EDUC. FUNDING/DISABLED/CORRESPONDENCE

SPONSOR(S): HEALTH, EDUCATION & SOCIAL

Jrn-Date	Jrn-Page		Action
03/04/02	2365	(S)	READ THE FIRST TIME - REFERRALS
03/04/02	2366	(S)	HES, FIN
03/15/02		(S)	HES AT 1:30 PM BUTROVICH 205
03/15/02		(S)	Moved Out of Committee
03/15/02		(S)	MINUTE(HES)
03/18/02	2449	(S)	HES RPT 4DP
03/18/02	2449	(S)	DP: GREEN, LEMAN, WILKEN, WARD
03/18/02	2449	(S)	FN1: (HSS)
03/26/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/26/02		(S)	Moved Out of Committee MINUTE(FIN)
03/27/02	2536	(S)	FIN RPT 6DP 2NR
03/27/02	2536	(S)	DP: KELLY, GREEN, AUSTERMAN, WILKEN,
03/27/02	2536	(S)	LEMAN, WARD; NR: DONLEY, OLSON
03/27/02	2537	(S)	FN1: (HSS); FN2: (HSS)
04/10/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
04/10/02		(S)	MINUTE(RLS)

04/11/02	2732	(S)	RULES TO CALENDAR 4/11/02
04/11/02	2733	(S)	READ THE SECOND TIME
04/11/02	2733	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/11/02	2733	(S)	READ THE THIRD TIME SB 345
04/11/02	2734	(S)	PASSED Y20 N-
04/11/02	2734	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/11/02	2734	(S)	TAYLOR NOTICE OF RECONSIDERATION
04/12/02	2751	(S)	RECONSIDERATION HELD TO 4/15/02
04/15/02	2776	(S)	RECONSIDERATION HELD TO 4/16/02
04/16/02	2794	(S)	RECONSIDERATION NOT TAKEN UP
04/16/02	2795	(S)	TRANSMITTED TO (H)
04/16/02	2795	(S)	VERSION: SB 345
04/17/02	2965	(H)	READ THE FIRST TIME - REFERRALS
04/17/02	2965	(H)	HES, FIN
04/23/02		(H)	HES AT 3:00 PM CAPITOL 106
04/23/02		(H)	Moved Out of Committee MINUTE(HES)
04/24/02	3110	(H)	HES RPT 4DP 3NR
04/24/02	3110	(H)	DP: WILSON, CISSNA, JOULE, DYSON;
04/24/02	3110	(H)	NR: COGHILL, KOHRING, STEVENS
04/24/02	3110	(H)	FN1: (HSS); FN2: (HSS)
05/02/02		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
05/02/02		(H)	-- Meeting Postponed to 4:00 PM --
05/06/02		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
05/06/02		(H)	Moved Out of Committee MINUTE(FIN)
05/07/02	3420	(H)	FIN RPT 2DP 5NR
05/07/02	3420	(H)	DP: FOSTER, WILLIAMS; NR: BUNDE,
05/07/02	3420	(H)	CROFT, DAVIES, LANCASTER, HUDSON
05/07/02	3420	(H)	FN1: (HSS); FN2: (HSS)
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

BILL: SB 222

SHORT TITLE: REQUIRE SLOW DRIVERS TO PULL OVER
SPONSOR(S): SENATOR(S) DONLEY

Jrn-Date	Jrn-Page		Action
05/03/01	1465	(S)	READ THE FIRST TIME - REFERRALS
05/03/01	1465	(S)	TRA, FIN
02/12/02		(S)	TRA AT 1:30 PM BUTROVICH 205
02/12/02		(S)	Moved CS(TRA) Out of Committee
02/12/02		(S)	MINUTE(TRA)
02/19/02	2220	(S)	TRA RPT CS 4DP 1NR SAME TITLE
02/19/02	2221	(S)	DP: COWDERY, WILKEN, TAYLOR, WARD;
02/19/02	2221	(S)	NR: ELTON
02/19/02	2221	(S)	FN1: (DOT)
03/01/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/01/02		(S)	Moved CS(FIN) Out of Committee
03/01/02		(S)	MINUTE(FIN)
03/01/02	2337	(S)	DP: DONLEY, KELLY, GREEN, AUSTERMAN,
03/01/02	2337	(S)	WARD; NR: HOFFMAN, OLSON
03/01/02	2337	(S)	FN2: ZERO(DPS)
03/01/02	2337	(S)	FIN RPT CS 5DP 2NR SAME TITLE
03/13/02		(S)	RLS AT 11:00 AM FAHRENKAMP 203
03/13/02		(S)	MINUTE(RLS)
03/18/02	2449	(S)	RULES TO CALENDAR 3/18/02
03/18/02	2451	(S)	READ THE SECOND TIME
03/18/02	2451	(S)	FIN CS ADOPTED UNAN CONSENT
03/18/02	2451	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/18/02	2451	(S)	READ THE THIRD TIME CSSB 222(FIN)
03/18/02	2452	(S)	PASSED Y17 N1 E 2
03/18/02	2452	(S)	LINCOLN NOTICE OF RECONSIDERATION
03/20/02	2476	(S)	RECONSIDERATION NOT TAKEN UP
03/20/02	2477	(S)	TRANSMITTED TO (H)
03/20/02	2477	(S)	VERSION: CSSB 222(FIN)
03/22/02	2490	(S)	FN1: (DOT)
03/22/02	2635	(H)	READ THE FIRST TIME - REFERRALS
03/22/02	2635	(H)	JUD, FIN
04/22/02		(H)	JUD AT 1:30 PM CAPITOL 120
04/22/02		(H)	<Bill Postponed to 4/24/02> - - Time Change --

04/24/02		(H)	JUD AT 1:00 PM CAPITOL 120
04/24/02		(H)	Moved HCS CSSB 222(JUD) Out of Committee MINUTE(JUD)
04/25/02	3130	(H)	JUD RPT HCS(JUD) 1DP 4NR
04/25/02	3130	(H)	DP: ROKEBERG; NR: MEYER, COGHILL,
04/25/02	3130	(H)	JAMES, KOOKESH
04/25/02	3130	(H)	FN1: (DOT)
04/25/02	3130	(H)	FN2: ZERO(DPS)
05/08/02		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
05/08/02		(H)	Moved HCSSB 222(FIN) Out of Committee MINUTE(FIN)
05/09/02	3462	(H)	FIN RPT HCS(FIN) NT 5DP 5NR
05/09/02	3462	(H)	DP: BUNDE, LANCASTER, FOSTER, MULDER,
05/09/02	3462	(H)	WILLIAMS; NR: WHITAKER, HARRIS, CROFT,
05/09/02	3462	(H)	DAVIES, HUDSON
05/09/02	3462	(H)	FN1: (DOT)
05/09/02	3462	(H)	FN2: ZERO(DPS)
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

BILL: SB 191

SHORT TITLE: INSURANCE POOLING BY AIR CARRIERS

SPONSOR(S): SENATOR(S) TAYLOR

Jrn-Date	Jrn-Page		Action
04/12/01	1094	(S)	READ THE FIRST TIME - REFERRALS
04/12/01	1094	(S)	L&C, JUD
04/17/01		(S)	L&C AT 1:30 PM BELTZ 211
04/17/01		(S)	Heard & Held
04/17/01		(S)	MINUTE(L&C)
04/19/01		(S)	L&C AT 1:30 PM BELTZ 211
04/19/01		(S)	Scheduled But Not Heard
04/24/01		(S)	L&C AT 1:30 PM BELTZ 211
04/24/01		(S)	Heard & Held
04/24/01		(S)	MINUTE(L&C)
04/28/01		(S)	L&C AT 9:30 AM BELTZ 211
04/28/01		(S)	Scheduled But Not Heard -- Time Change --
05/01/01		(S)	L&C AT 1:30 PM BELTZ 211
05/01/01		(S)	Moved CS(L&C) Out of Committee

05/01/01		(S)	MINUTE(L&C)
05/02/01	1431	(S)	NR: PHILLIPS, AUSTERMAN, DAVIS,
05/02/01	1431	(S)	TORGERSON
05/02/01	1431	(S)	FN1: ZERO(CED)
05/02/01	1431	(S)	L&C RPT CS 4NR NEW TITLE
05/04/01		(S)	JUD AT 4:45 PM BELTZ 211
05/04/01		(S)	Heard & Held -- Time Change -
05/04/01		(S)	MINUTE(JUD)
05/05/01		(S)	JUD AT 8:45 PM BELTZ 211
05/05/01		(S)	Moved SCS(JUD) Out of Committee -- Time Change --
05/05/01		(S)	MINUTE(JUD)
05/06/01	1574	(S)	JUD RPT CS 2DP 3NR NEW TITLE
05/06/01	1574	(S)	DP: TAYLOR, COWDERY;
05/06/01	1574	(S)	NR: ELLIS, THERRIAULT, DONLEY
05/06/01	1574	(S)	FN1: ZERO(CED)
05/02/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
05/02/02		(S)	-- Time Change --
05/02/02		(S)	MINUTE(RLS)
05/06/02	3182	(S)	RULES TO CALENDAR 1OR 5/6/02
05/06/02	3184	(S)	READ THE SECOND TIME
05/06/02	3184	(S)	JUD CS ADOPTED UNAN CONSENT
05/06/02	3184	(S)	ADVANCED TO THIRD READING UNAN CONSENT
05/06/02	3184	(S)	READ THE THIRD TIME CSSB 191(JUD)
05/06/02	3184	(S)	PASSED Y20 N-
05/06/02	3189	(S)	TRANSMITTED TO (H)
05/06/02	3189	(S)	VERSION: CSSB 191(JUD)
05/07/02	3415	(H)	READ THE FIRST TIME - REFERRALS
05/07/02	3415	(H)	L&C
05/08/02		(H)	L&C AT 3:15 PM CAPITOL 17
05/08/02		(H)	Moved HCS CSSB 191(L&C) Out of Committee MINUTE(L&C)
05/10/02	3484	(H)	L&C RPT HCS(L&C) 1DP 6NR
05/10/02	3484	(H)	DP: ROKEBERG; NR: MEYER, HAYES,
05/10/02	3484	(H)	CRAWFORD, KOTT, HALCRO, MURKOWSKI
05/10/02	3484	(H)	FN2: ZERO(H.L&C)
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

BILL: SB 270

SHORT TITLE:DISPENSING OPTICIANS:EXTEND BD/REGULATION
 SPONSOR(S): RLS BY REQUEST OF LEG BUDGET &

Jrn-Date	Jrn-Page		Action
02/01/02	2089	(S)	READ THE FIRST TIME - REFERRALS
02/01/02	2089	(S)	L&C, FIN
02/14/02		(S)	L&C AT 1:30 PM BELTZ 211
02/14/02		(S)	Moved CS(L&C) Out of Committee
02/14/02		(S)	MINUTE(L&C)
02/19/02	2222	(S)	L&C RPT CS 3DP 1NR SAME TITLE
02/19/02	2222	(S)	DP: STEVENS, DAVIS, TORGERSON;
02/19/02	2222	(S)	NR: AUSTERMAN
02/19/02	2222	(S)	FN1: (CED)
03/25/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/25/02		(S)	Moved Out of Committee
03/25/02		(S)	MINUTE(FIN)
03/25/02	2517	(S)	FIN RPT CS(L&C) 5DP 3NR
03/25/02	2518	(S)	DP: KELLY, AUSTERMAN, OLSON, WILKEN,
03/25/02	2518	(S)	LEMAN; NR: DONLEY, GREEN, WARD
03/25/02	2518	(S)	FN1: (CED)
03/28/02		(S)	RLS AT 8:30 AM FAHRENKAMP 203
03/28/02		(S)	-- Time Change --
03/28/02		(S)	MINUTE(RLS)
04/02/02	2589	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/02/02	2589	(S)	READ THE THIRD TIME CSSB 270(L&C)
04/02/02	2589	(S)	PASSED Y18 N- E2
04/02/02	2589	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/02/02	2593	(S)	TRANSMITTED TO (H)
04/02/02	2593	(S)	VERSION: CSSB 270(L&C)
04/02/02	2586	(S)	RULES TO CALENDAR 4/2/02
04/02/02	2588	(S)	READ THE SECOND TIME
04/02/02	2588	(S)	L&C CS ADOPTED UNAN CONSENT
04/03/02	2770	(H)	READ THE FIRST TIME - REFERRALS
04/03/02	2770	(H)	L&C, FIN
04/12/02		(H)	L&C AT 3:15 PM CAPITOL 17
04/12/02		(H)	Heard & Held
04/12/02		(H)	MINUTE(L&C)

04/17/02		(H)	L&C AT 3:15 PM CAPITOL 17
04/17/02		(H)	<Bill Postponed>
05/01/02		(H)	L&C AT 3:15 PM CAPITOL 17
05/01/02		(H)	Heard & Held MINUTE(L&C)
05/03/02		(H)	L&C AT 3:15 PM CAPITOL 17
05/03/02		(H)	Heard & Held MINUTE(L&C)
05/08/02		(H)	L&C AT 3:15 PM CAPITOL 17
05/08/02		(H)	Moved HCS CSSB 270(L&C) Out of Committee MINUTE(L&C)
05/09/02		(H)	FIN AT 1:30 PM HOUSE FINANCE 519
05/09/02		(H)	Moved HCS CSSB 270(FIN) Out of Committee MINUTE(FIN)
05/09/02	3462	(H)	L&C RPT HCS(L&C) 2DP 4NR
05/09/02	3462	(H)	DP: ROKEBERG, CRAWFORD; NR: MEYER,
05/09/02	3462	(H)	KOTT, HALCRO, MURKOWSKI
05/09/02	3463	(H)	LETTER OF INTENT WITH L&C REPORT
05/09/02	3463	(H)	FN1: (CED)
05/10/02	3485	(H)	FIN RPT HCS(FIN) 8DP
05/10/02	3485	(H)	DP: BUNDE, WHITAKER, HARRIS, DAVIES,
05/10/02	3485	(H)	LANCASTER, HUDSON, FOSTER, WILLIAMS
05/10/02	3486	(H)	FN2: (H.FIN/CED)
05/11/02		(H)	RLS AT 9:30 AM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE PEGGY WILSON
Alaska State Legislature
Capitol Building, Room 409
Juneau, Alaska 99801

POSITION STATEMENT: Explained additions to SB 115 relating to
the Board of Marital and Family Therapy.

DENNY DeWITT, Staff
to Representative Eldon Mulder
House Finance Committee
Alaska State Legislature
Capitol Building, Room 507
Juneau, Alaska 99801

POSITION STATEMENT: Explained additions to SB 115 relating to the extension of the Regulatory Commission of Alaska.

CAROL CARROLL, Director
Administrative Services Division
Department of Military & Veterans' Affairs
400 Willoughby Suite 500
Juneau, Alaska 99811

POSITION STATEMENT: Presented CSSB 235(STA) on behalf of the administration, the sponsor of SB 235.

RANDY RUARO, Staff
to Representative William Williams
Alaska State Legislature
Capitol Building, Room 515
Juneau, Alaska 99801

POSITION STATEMENT: Explained the portion of SB 345 that is related to HB 312.

RICHARD SCHMITZ
Staff to Representative Jeannette James
Alaska State Legislature
Capitol Building, Room 214
Juneau, Alaska 99801

POSITION STATEMENT: Explained the portion of SB 345 relating to HB 464.

SARA WRIGHT, Staff
to Senator Dave Donley
Alaska State Legislature
Capitol Building, Room 506
Juneau, Alaska 99801

POSITION STATEMENT: Presented SB 222 on behalf of the sponsor.

JULIA GRIMES, Lieutenant
Division of Alaska State Troopers
Department of Public Safety (DPS)
5700 East Tudor Road
Anchorage, Alaska 99507

POSITION STATEMENT: Answered questions relating to SB 222.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section-Juneau
Criminal Division
Department of Law (DOL)
PO Box 110300
Juneau, Alaska 99811-0300

POSITION STATEMENT: Answered questions relating to SB 222.

REPRESENTATIVE ANDREW HALCRO

Alaska State Legislature
Capitol Building, Room 414
Juneau, Alaska 99801

POSITION STATEMENT: Testified as the sponsor of HB 271, which is incorporated in HCS CSSB 191, Version S.

LINDA SYLVESTER, Staff
to Representative Kott
Alaska State Legislature
Capitol Building, Room 204
Juneau, Alaska 99801

POSITION STATEMENT: Explained the portion of CSSB 191(JUD) relating to HB 319. Discussed the transitional provision of HCS CSSB 270, Version U.

REPRESENTATIVE CON BUNDE
Alaska State Legislature
Capitol Building, Room 501
Juneau, Alaska 99801

POSITION STATEMENT: Testified on the Alaska Air Carrier's Association position on HCS CSSB 191, Version S.

HEATHER BRAKES, Staff
to Senator Gene Therriault
Joint Committee on Legislative Budget & Audit
Alaska State Legislature
Capitol Building, Room
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of the sponsor of SB 270.

CATHERINE REARDON, Director
Division of Occupational Licensing
Department of Community & Economic Development
PO Box 110806
Juneau, Alaska 99811-0806

POSITION STATEMENT: Expressed the need for a 2004 sunset for the Board of Dispensing Opticians.

ACTION NARRATIVE

TAPE 02-12, SIDE A
Number 0001

CHAIR PETE KOTT called the House Rules Standing Committee meeting to order at 9:47 a.m. Representatives Kott, Porter, Kohring, Morgan, McGuire, Berkowitz, and Joule were present at the call to order. Representatives James, Guess, Taylor, and Kerttula were also in attendance.

SB 115-EXTEND BOARD OF STORAGE TANK ASSISTANCE

CHAIR KOTT announced that the first order of business would be SENATE BILL NO. 115, "An Act extending the termination date of the Board of Storage Tank Assistance."

REPRESENTATIVE PORTER moved to adopt Version 22-LS0634\F, Lauterbach, 5/10/02, as the working document. There being no objection, Version F was before the committee.

Number 0096

REPRESENTATIVE PEGGY WILSON, Alaska State Legislature, explained that Sections 1-7 bring Alaska Statutes for marital and family therapy in line with laws regarding other professionals in the state and nation. Furthermore, it adds the Board of Marital and Family Therapy to the list of professionals with which the department can contract. She informed the committee that these changes were passed by the full House unanimously.

CHAIR KOTT clarified that the changes discussed by Representative Wilson were seen and approved by the House [in previous House legislation].

0154

DENNY DeWITT, Staff to Representative Eldon Mulder, House Finance Committee, Alaska State Legislature, explained that Sections 10, 11, and 16 relate to the Regulatory Commission of Alaska (RCA). These sections would extend the RCA through 2006, and would allow the RCA to approve settlements. Furthermore, these sections would establish timelines negotiated with the RCA and the industry. Mr. DeWitt noted that these changes are supported by most of the industry and the RCA.

REPRESENTATIVE BERKOWITZ asked if the language contained in Sections 10, 11, and 16 is identical to that contained in the bill [HB 333] that passed the House.

MR. DeWITT said that is his understanding.

CHAIR KOTT related his belief that the language is identical [to that found in HB 333].

Number 0265

REPRESENTATIVE PORTER related his understanding that the legislation dealing with the Council on Domestic Violence is moving in the other body. Therefore, he moved that the committee delete page 1, lines 3-5, and Sections 8, 9, and 13.

REPRESENTATIVE McGUIRE objected.

CHAIR KOTT reiterated that this amendment is being made because this measure is moving in the Senate on its own.

REPRESENTATIVE McGUIRE withdrew her objection.

Therefore, the amendment was adopted.

Number 0381

REPRESENTATIVE McGUIRE moved to report HCS SB 115, Version 22-LS0634\F, Lauterbach, 5/10/02, as amended out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOULE asked if the fiscal note for SB 115 remains correct [with the changes encompassed in Version F].

REPRESENTATIVE PORTER said, "I think ... the drafter would exclude it since it's now irrelevant to the bill."

REPRESENTATIVE McGUIRE amended her motion to include forthcoming fiscal notes. There being no objection, HCS SB 115(RLS) was reported from the House Rules Standing Committee.

SB 235-EMERGENCY MANAGEMENT ASSISTANCE COMPACT

CHAIR KOTT announced that the next order of business would be CS FOR SENATE BILL NO. 235(STA), "An Act relating to emergency and disaster relief forces as state employees for purposes of workers' compensation benefits; relating to the Emergency Management Assistance Compact and the implementation of the compact; and providing for an effective date."

Number 0469

CAROL CARROLL, Director, Administrative Services Division, Department of Military & Veterans' Affairs (DMVA), presented CSSB 235(STA) on behalf of the administration, the sponsor of SB 235. She explained that SB 235 allows Alaska to join the Emergency Management Assistance Compact, which is a compact that allows states to send resources [between each other] and to be reimbursed for the use of those resources. Therefore, if Alaska joined the compact and didn't have the resources to respond to a disaster, Alaska could call another state that would send resources. This legislation also clarifies that those volunteers working for the state under DMVA are covered by the state's workers' compensation. However, she specified that those volunteers must be on an active roster working for emergency services. Ms. Carroll informed the committee, "Indications are that the first responder money, the \$3.5 billion, coming from the feds may certainly be attached to members ... of an assistance compact." Therefore, this compact might be one which states are required to be a member of before the first responder money could be received.

CHAIR KOTT, in response to Representative Berkowitz, explained that SB 235 was referred to the House Rules Standing Committee in order to meet the standing committee hearing [requirement]. There being no one else who wished to testify, Chair Kott announced that public testimony was closed.

Number 0591

REPRESENTATIVE McGUIRE moved to report CSSB 235(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 235(STA) was reported from the House Rules Standing Committee.

SB 345-EDUC. FUNDING/DISABLED/CORRESPONDENCE

CHAIR KOTT announced that the next order of business would be SENATE BILL NO. 345, "An Act relating to medical assistance for rehabilitative services for certain children with disabilities; relating to agreements to pay medical assistance for covered services paid for or furnished to eligible children with disabilities by a school district; and providing for an effective date."

Number 0645

REPRESENTATIVE McGUIRE moved to adopt Version 22-LS1602\L, Lauterbach, 5/10/02, as the working document. There being no objection, Version L was before the committee.

Number 0671

RANDY RUARO, Staff to Representative William Williams, Alaska State Legislature, explained the portion of SB 345 that relates to HB 312. Section 9 of the legislation suspends the erosion of the supplemental funding floor for fiscal year 2003, which was created by SB 36. The suspension is for only one year because the legislature should have a new study of school district cost factors, which should provide a base of information on which to make decisions relating to school funding. Section 10 removes the Alyeska Central School from its previous manner of funding and changes it to more of a foundation formula type of funding.

CHAIR KOTT recalled that this matter was before the House as [HB 312] and experienced unanimous consent.

MR. RUARO agreed with Chair Kott's recollection.

Number 0762

RICHARD SCHMITZ, Staff to Representative Jeannette James, Alaska State Legislature, explained that Version L incorporates HB 464, which passed the House 37:0. In response to Representative Joule, Mr. Schmitz specified that the language beginning on page 3, line 8, through page 4, line 13, relates to HB 464.

MR. SCHMITZ informed the committee that there was one technical change on page 3, line 18. The language "review of" replaces the original language in HB 464 which was "evaluation and grading". This change was made in order to use the language that the state uses in the related regulations.

REPRESENTATIVE McGUIRE inquired as to where "review" is defined.

MR. SCHMITZ said that he couldn't answer that question.

REPRESENTATIVE McGUIRE noted her assumption that "review" would include grading of materials in some standard [fashion]. She expressed the need for there to be meaningful review.

CHAIR KOTT, determining there was no one else to testify, closed public testimony.

Number 0914

REPRESENTATIVE PORTER moved to report HCS SB 345, Version 22-LS1602\L, Lauterbach, 5/10/02, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS SB 345(RLS) was reported from the House Rules Standing Committee.

SB 222-REQUIRE SLOW DRIVERS TO PULL OVER

CHAIR KOTT announced that the next order of business would be CS FOR SENATE BILL NO. 222(FIN), "An Act relating to certain motor vehicles that are required to yield to following traffic."

The committee took a brief at-ease from 10:06 a.m. to 10:10 a.m.

Number 1002

REPRESENTATIVE McGUIRE moved to adopt Version 22-LS0611\X as the working document. There being no objection, Version X was before the committee.

SARA WRIGHT, Staff to Senator Dave Donley, Alaska State Legislature, presented SB 222 on behalf of the sponsor. Ms. Wright explained that current Alaska regulations prohibit traffic traveling slower than the posted speed limit with a line of five or more vehicles [behind the slow driver]. Therefore, SB 222 places this regulation in statute and raises the fine from \$30 to \$100. With the cooperation of the Department of Transportation & Public Facilities it increases signage informing motorists of the existing regulation.

MS. WRIGHT turned to Version X, and informed the committee that Senator Donley doesn't support Section 2, which was added by the House Finance Committee. She noted that the Department of Public Safety is present to answer questions with regard to Senator Donley's opposition.

Number 1076

REPRESENTATIVE BERKOWITZ inquired as to the difference between Version T and Version X.

REPRESENTATIVE PORTER related his belief that the difference is the reference to traveling at a speed five or more miles below the speed limit.

CHAIR KOTT specified that the difference between the two versions is encompassed in Section 1(b).

Number 1114

JULIA GRIMES, Lieutenant, Division of Alaska State Troopers, Department of Public Safety (DPS), testified via teleconference. She turned to Section 2 and asked whether the sponsor's intent is to merely eliminate the double fines if someone exceeds the reduced work zone speed limit, or is the intention to automatically restore the originally posted speed limit when no workers are present in the work zone.

REPRESENTATIVE PORTER answered with his understanding that it's an attempt to eliminate double fines and return the zone to the normal speed limit when no workers are present in the work zone.

REPRESENTATIVE BERKOWITZ surmised then that this exemption from double fines would only apply to this violation.

Number 1231

ANNE CARPENETI, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law (DOL), related her belief that Section 2 doubles the fines for violations in work zones. This amendment would limit the violation to cases in which workers are present. Therefore, there is concern with regard to long work zones. She posed an example in which one is speeding at mile one - where there are no workers - but there are workers at mile three; she asked whether the [double fine] would apply. She expressed the need for clarification on that matter.

REPRESENTATIVE JOULE noted that much of the road work is done in the summer, which is a high traffic time. Furthermore, the roads are often in bad shape and traveling the regularly posted speed after the work zone may still place the driver and others in danger.

REPRESENTATIVE PORTER pointed out that there is another law, the basic speed law, that covers such situations. One may never go faster than the conditions of the road or circumstances allow, no matter the posted speed limit. This [section] merely refers to the double fines and thus all [other] violations that may or may not occur remain in effect. Representative Porter said that clarification could be achieved by inserting the following

language: "workers present anywhere in the area that is posted".

Number 1329

REPRESENTATIVE BERKOWITZ noted that often work/construction zones have posted speed limits for the zone itself. From his experience, proving that workers were present invites another component of proof for the prosecution. There is a wide variation in regard to what "present" means. Therefore, he suggested tying the double fine to something like the presence of equipment.

REPRESENTATIVE MORGAN recalled his time working in road construction, and noted his agreement with Section 2 [as specified in Version X]. He stressed the need to drive slow and pay attention in construction zones.

REPRESENTATIVE McGUIRE mentioned that laws such [as double fines in work zones] serve as a deterrent. Such laws caution people that there will be increased penalties for violations in construction zones.

Number 1506

REPRESENTATIVE JOULE inquired as to how the public would know when people are working in the construction zone. In order to utilize this exemption, will it be necessary to post work hours, he asked.

MS. WRIGHT said that according to the Alaska Traffic Manual Supplement, signage won't be placed where conditions don't warrant and thus are removed or covered when [unsafe] conditions cease to exist.

CHAIR KOTT posed a situation in which one is driving a motor home on a highway in rural Alaska with a posted speed limit of 55 miles per hour (mph). If the motor home is traveling at 55 mph and there are five vehicles behind the motor home, would the motor home be required to pull over.

MS. WRIGHT replied no.

Number 1611

REPRESENTATIVE KOHRING remarked that keeping Section 2 would potentially result in a less safe situation because it makes

[the double fines] applicable when workers are present. Therefore, he surmised that elimination of Section 2 would result in a higher standard, and therefore safer conditions. Representative Kohring moved the following conceptual amendment:

Page 1, line 2,

Delete "and to fines committed in highway work zones"

Delete Section 2

REPRESENTATIVE KOHRING highlighted that the deletion of Section 2 doesn't eliminate the double fines because that is currently in law.

MS. WRIGHT, in response to Chair Kott, agreed that the aforementioned conceptual amendment is consistent with the sponsor's intent.

CHAIR KOTT asked if there was objection to the conceptual amendment. There was no objection, and therefore the conceptual amendment was adopted.

Number 1740

REPRESENTATIVE BERKOWITZ returned to Section 1, and noted that he is a bit perplexed by the 5 or more miles per hour below the posted speed limit. He posed a situation in which there was a 55 mph speed limit and there is someone driving at that speed. He recalled that with radar guns there is a 10 percent buffer. Therefore, if someone is pulled over for traveling 50 mph in a 55 mph zone, it would seem that the speed would be within that 10 percent buffer. Representative Berkowitz characterized that as problematic from the proof perspective. He expressed the need for a more discretionary way of phrasing [the violation].

REPRESENTATIVE PORTER remarked that he believes Representative Berkowitz is confusing law enforcement tolerances with the law. "The law enforcement tolerance has to be based on the law in the first place," he said. Therefore, he suggested leaving the law as it is.

Number 1810

REPRESENTATIVE McGUIRE moved to report HCS CSSB 222, Version 22-LS0611\X, as amended out of committee with individual recommendations and the accompanying fiscal notes. There being

no objection, HCS CSSB 222(RLS) was reported from the House Rules Standing Committee.

SB 191-INSURANCE POOLING BY AIR CARRIERS

CHAIR KOTT announced that the next order of business would be CS FOR SENATE BILL NO. 191(JUD), "An Act relating to insurance pooling by air carriers."

Number 1836

REPRESENTATIVE McGUIRE moved to adopt Version 22-LS0590\S, Ford, 5/9/02, as the working document.

REPRESENTATIVE BERKOWITZ objected. He pointed out that tort reform is [available] and the punitive caps are in place for the most part. Therefore, he objected to incorporating punitive caps with regard to aviation. Secondly, Representative Berkowitz said that it seems to be a stretch to shoehorn commercial recreational activities that aren't aircraft related.

CHAIR KOTT related his understanding that those who testified on insurance pooling with aircraft carriers testified that SB 191 was hollow since there was no funding mechanism.

A roll call vote was taken. Representatives Morgan, McGuire, Joule, Porter, and Kott voted to adopt Version S. Representatives Kohring and Berkowitz voted against the adoption of Version S. Therefore, Version S was adopted by a vote of 4:2.

The committee took an at-ease from 10:30 a.m. to 10:34 a.m.

Number 1974

REPRESENTATIVE ANDREW HALCRO, Alaska State Legislature, testified as the sponsor of HB 271, which is incorporated in SB 191. Representative Halcro explained that Version S is a comprehensive approach to a number a growing industries in the state. He characterized it as improving the exposure risk of these industries, and their ability to calculate that exposure risk while being able to obtain affordable insurance coverage. Representative Halcro recalled the testimony heard in the House Labor and Commerce Standing Committee on this issue. Most of that testimony was from small Alaskan business owners, many of which are in the tourism industry. The testimony highlighted the threat of punitive damages, which drives up the cost of business and creates an uncertain insurance market. Alaska is a

very geographically challenging and diverse state. For example, in some communities one can only arrive by air. However, due to the crippling cost of insurance, carriers have been [leaving]. He pointed out that two portions of Version S passed nearly unanimously in the House. Furthermore, there has been widespread support from the industry. Representative Halcro explained that [Version S] puts in place a pooling structure. Therefore, if the funds are obtained, rules and procedures of the pool can be established to govern it. And, hopefully, such actions would provide a stable insurance market for [the air carriers] and those in the relevant tourism market.

REPRESENTATIVE BERKOWITZ inquired as to how the recreational activity provisions assist in the goal of protecting air carriers.

REPRESENTATIVE HALCRO said the two industries, air carriers and tourism, go hand-in-hand. Many of the recreational activities are provided after the people are flown into an area. These two particular industries are both incredibly important to the growth of Alaska and its economy, he said.

Number 2128

LINDA SYLVESTER, Staff to Representative Kott, Alaska State Legislature, announced that she would address Section 2 of HCS CSSB 191. She explained that Section 2 establishes the doctrine of inherent risk for participants in commercial recreational activities. Participation in a commercial recreational activity constitutes an acceptance of inherent risk. Therefore, the participant is contributively negligent to the extent that injuries result from the inherent risk, which is separate from an operator's negligence. This isn't an absolute shield against negligence and thus the parties can always go to court when a risk falls in a gray area. This is based on the stipulation that the parties have responsibilities that they must uphold, and in certain situations some of the recreational operators will have to increase the standards of notification to the participants. Stipulating the responsibilities for both the operators and the participants reduces the uncertainties regarding the legal responsibility for resulting injuries. Ms. Sylvester said, "This legislation is very important to encourage the continued availability of the outdoor recreational opportunities that are synonymous with Alaska."

MS. SYLVESTER read the following statement from an operator who has been requesting this legislation for the last six or so years. She read the statement as follows:

You probably don't notice many businesses going away from specific injury suits; that's generally not how this happens. What happens is the cost and time of defending yourself from these claims as well as drastically increasing insurance rates starts to outweigh the advantages of owning your own business. The bottom line gets eaten away enough so that the risk is no longer worth it. At that point, the business either tries to sell or they just go away.

REPRESENTATIVE BERKOWITZ asked if any of these companies have approached the insurance companies and inquired as to how their rates would change if this legislation were to pass.

MS. SYLVESTER pointed out that such information is proprietary information that isn't available. She recalled that the sponsor's staff suggested that it would take \$1.5-\$5 million to capitalize the insurance pool for aircraft liability. However, Representative Halcro's research revealed figures of between \$30-\$50 million because one [incident] will potentially cost \$10 million. Ms. Sylvester mentioned the hush money paid to avoid suits, and noted that it does have an impact on insurance rates.

REPRESENTATIVE BERKOWITZ surmised that the answer to his question is no. He then turned his focus to the commercial recreational activity. He posed a situation in which there is a bus accident and the bus is involved in a commercial recreational activity such as rafting. The accident is the result of negligence. Therefore, he interpreted this provision to mean that the employee of the raft company would be entitled to damages, whereas the client wouldn't be.

MS. SYLVESTER said that this provision of statute doesn't negate anyone's ability to take their claim to court.

REPRESENTATIVE BERKOWITZ indicated agreement with that, but pointed out that the provision says that a client is in a different position than someone who is paid to engage in a recreational activity. Therefore, he suspected that it invites the specter of equal protection problems because there could be one accident with two victims and two different avenues of recourse.

TAPE 02-12, SIDE B

Number 2357

REPRESENTATIVE PORTER commented that the purpose of this legislation is to recognize the inherent risk not other acts of negligence. Other acts of negligence are just that, and anyone can file suit on anyone's negligence. For example, if one was white water rafting and didn't hold onto the rope, that individual should recognize that he/she may [fall into the water]. Therefore, this individual shouldn't be able to [bring a suit] because of the individual's own negligence. However, if the rope broke because of improper maintenance that would be due to negligence and the individual would be able to bring suit.

REPRESENTATIVE BERKOWITZ continued with Representative Porter's example of the rope breaking and specified that the guide and the client are hanging on. Under the definitions of this bill, the guide hasn't accepted the inherent risks because the only person who accepts it are those engaged in the commercial recreational activity. To engage in commercial recreational activity means that the individual has paid compensation to engage in the activity. However, the guide hasn't paid to engage in the commercial recreation activity but rather the guide is paid to engage in the commercial recreation activity. Therefore, there could be one accident impacting two people but they would have to pursue two different aspects of justice. Representative Berkowitz said such a situation seems to raise equal protection questions.

REPRESENTATIVE BERKOWITZ said that Representative Berkowitz's example presumes that the guide [of a commercial recreation activity] will sue his/her employer.

The committee took a brief at-ease from 10:46 a.m. to 10:50 a.m.

CHAIR KOTT closed public testimony.

The committee took a brief at-ease.

Number 2241

REPRESENTATIVE BERKOWITZ moved a conceptual amendment to strike the portions of Version S dealing [with the doctrine of inherent risk related to commercial recreation activities].

CHAIR KOTT objected.

REPRESENTATIVE BERKOWITZ expressed the need maintain focus on air carriers [since that is the subject of this bill]. Furthermore, the definition of recreational activity is very broad.

CHAIR KOTT informed the committee that there has been testimony that the air carriers support all components of this legislation.

REPRESENTATIVE KOHRING expressed concern that modification of the bill could result in its death.

Number 2170

REPRESENTATIVE HALCRO agreed with Chair Kott that the House Labor and Commerce Standing Committee heard testimony that SB 191 in and of itself, without the funding mechanism, is useless. He noted that the pooling can occur now. Representative Halcro stressed that the air carriers are looking for real solutions. Currently, the industry has attempted to create its own pool, but has found that the risks and payments are no different than current market conditions. In order to capitalize as a pool, at least \$30 million is necessary. Representative Halcro informed the committee that the air carriers did support SB 191 and HB 271. Representative Halcro, in response to Representative Joule, confirmed that the air carriers supported HB 319, which is the other component of the bill [relating to the inherent risk of commercial recreational activities]. All three components of [Version S] are supported by the Alaska Air Carrier's Association because they feel it's a comprehensive approach, although, in response to Representative Kohring, he specified that all three components have never been before the association in one bill.

Number 2035

REPRESENTATIVE CON BUNDE, Alaska State Legislature, informed the committee that the director of the association has asked if the three bills could be consolidated. Therefore, he said he felt comfortable [in their support of Version S].

REPRESENTATIVE PORTER pointed out that one of the differences between [the coverage for] employees and clients is that employees are covered by workers' compensation and clients are not. Representative Porter related his belief that there is an appropriate balance of coverage.

REPRESENTATIVE BERKOWITZ reminded the committee that there is an amendment before the committee.

A roll call vote was taken. Representatives Berkowitz, Joule, and Kohring voted for the adoption of the amendment. Representatives Morgan, McGuire, Porter, and Kott voted against adoption of the amendment. Therefore, the adoption of the amendment failed by a vote of 3:4.

Number 1959

REPRESENTATIVE BERKOWITZ moved that the committee "delete the sections of [Chair Kott's] bill [included in Version S of SB 191] that are not directly related to aircraft." He offered the amendment conceptually.

REPRESENTATIVE PORTER said that this amendment is tantamount to the previous amendment.

CHAIR KOTT objected to the amendment.

REPRESENTATIVE BERKOWITZ reiterated that the intent of this amendment is to focus the bill solely on aircraft and air carriers and thus would remove references to other recreational activities.

A roll call vote was taken. Representatives Berkowitz, Joule, and Kohring voted for the adoption of the amendment. Representatives McGuire, Porter, Morgan, and Kott voted against the adoption of the amendment. Therefore, the adoption of the amendment failed by a vote of 3:4.

Number 1887

REPRESENTATIVE PORTER moved to report HCS CSSB 191, Version 22-LS0590\S, Ford, 5/9/02, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 191(RLS) was reported from the House Rules Standing Committee.

SB 270-DISPENSING OPTICIANS:EXTEND BD/REGULATION

CHAIR KOTT announced that the final order of business would be CS FOR SENATE BILL NO. 270(L&C), "An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an

effective date." Chair Kott noted that there is an HCS, Version 22-LS1382\U, Laurterbach, 5/10/02.

Number 1845

HEATHER BRAKES, Staff to Senator Gene Therriault, Joint Committee on Legislative Budget & Audit, Alaska State Legislature, testified on behalf of the sponsor, the Joint Committee on Legislative Budget & Audit. She explained that SB 270 was drafted per the audit recommendations with regard to dispensing opticians. The legislation makes changes to licensing requirements that would remove barriers to entry into the profession. These changes are reflected in Sections 1-11 of [Version U]. Furthermore, intent language stating the need for the Board of Dispensing Opticians to address its deficit was inserted. The intent language also specifies that the next legislative audit review the board's progress in that area.

MS. BRAKES turned attention to Section 2, page 2, line 1. She recalled her testimony before the House Finance Committee when she stated that the sponsor wouldn't have any problem with a one-year extension. She explained that the one-year extension was seen as a way to send a message to the board. However, a one-year extension would mean that the legislative auditor would have to begin the review now and thus the board wouldn't have the opportunity to address the deficit situation. Therefore, she suggested changing the extension to 2004.

CHAIR KOTT recalled that the 2004 extension was the date specified when the bill left the House Labor and Commerce Standing Committee. Although he understood that the House Finance Committee wanted to send the board a message via a one-year extension, Chair Kott said he understood that many boards operate in the red. The division sets the fees, he noted.

Number 1748

CATHERINE REARDON, Director, Division of Occupational Licensing, Department of Community & Economic Development (DCED), agreed that the division sets the fees and is ultimately responsible for any failure to be financially self-sufficient. She also agreed that various boards fall into deficit at various times while other boards have a surplus. For those in surplus situations, the division adjusts their fees so that deficits are repaid. Therefore, it isn't unusual for a board to be in a deficit and have its fees adjusted in order to repay the deficit. Ms. Reardon said that she would appreciate a 2004

sunset in order that the auditors can see that the fees are increased and the result of the increased fees. It seems that the process would be more valuable if the sunset is 2004, she said.

REPRESENTATIVE BERKOWITZ inquired as to what would happen if there is no extension.

MS. REARDON explained that next year would be the wind-down year and the board would disappear if there is no intervening legislative action. However, there would be a question regarding whether the division is to continue to license in the absence of the board. Therefore, in such a situation the legislature would need to make conforming amendments changing references to the board to the department.

REPRESENTATIVE BERKOWITZ asked if the wind-down status would adversely impact the health of Alaskans seeking optician services.

MS. REARDON answered that business would continue as usual if it seems that the legislature is likely to continue the board. "There isn't a lot to do to wind down," she said.

REPRESENTATIVE BERKOWITZ pointed out the reduction in the training equivalent from 6,000 hours to 1,800 hours. He inquired as to the reason for that reduction. He also inquired as to the national standard.

MS. REARDON informed the committee that approximately half of all states regulate and issue licenses for dispensing opticians. For those states that do, all but two have licensing boards and a 2-3 year apprenticeship requirement. She noted that 1,000 hours equals about six months. The current requirement is about three years and this would reduce it to about one year, and therefore she didn't view the reduction as out of line. Although the board would've preferred 3,000 hours, the legislative auditors felt 3,000 [training] hours was too much. On the other hand, this legislation adds that a board approved course, such as the Career Progression Program, be passed before licensure. Therefore, she viewed that requirement as sort of offsetting the reduction in training.

Number 1549

REPRESENTATIVE JOULE posed a situation in which the board is gone, and inquired as to how the part of the bill related to the

expansion of the use of pharmaceutical agents by optometrists is tied to the portion of the bill related to the extension of the [board].

MS. REARDON explained that if the Board of Dispensing Opticians and the regulations for the dispensing opticians are eliminated, the Board of Optometry will still exist and regulate optometrists. The second half of the bill addresses optometrists. Ms. Reardon didn't see that the two sections of the bill impacted each other.

CHAIR KOTT closed public testimony.

REPRESENTATIVE McGUIRE announced that she doesn't like HB 215, which relates to the to the use of pharmaceutical agents in the practice of optometry. Therefore, she also announced that she would vote against [HCS CSSB 270] on the House floor. Similar measures have been rejected in five other states this year alone, she pointed out. She remarked that this is a dangerous course to take. She specified that it's more than medical school, it's the residency requirements that provide ophthalmologists extra experience with regard to how drugs interact with other drugs and diseases. Furthermore, she expressed concern with the impact to rural Alaska.

Number 1357

REPRESENTATIVE KOHRING moved to adopt HCS CSSB 270, Version 22-LS1382\U, Lauterbach, 5/10/02, as the working document.

REPRESENTATIVE BERKOWITZ objected.

A roll call vote was taken. Representatives Porter, Kohring, Morgan, and Kott voted to adopt Version U. Representatives McGuire, Berkowitz, and Joule voted against adopting Version U. Therefore, Version U was adopted by a vote of 4:3.

Number 1298

CHAIR KOTT moved that the committee adopt the following conceptual amendment:

Page 2, line 2,
Delete "2003"
Insert "2004"

There being no objection, the conceptual amendment was adopted.

Number 1275

REPRESENTATIVE JOULE moved the following amendment:

Page 3, lines 16 and 18,

Delete "1,800"

Insert "3,000"

MS. BRAKES explained that the training hours were reduced to 1,800 due to testimony from opticians and its board. Originally, SB 270 specified 3,000 [apprenticeship] training hours. The board testified that under the 6,000 apprenticeship training hours requirement, people weren't passing the practical exam. The board felt that this was happening due to the lack of training received by the opticians. Therefore, the board expressed the need to add the educational piece, which averages between a 12-36 month course. Upon adding the educational piece, the apprenticeship training hours were reduced to 1,800. Ms. Brakes informed the committee that those states that regulate opticians have a 6,000 hour requirement but don't have an educational piece.

REPRESENTATIVE JOULE withdrew the amendment.

REPRESENTATIVE BERKOWITZ turned to the optometrist section on page 7 and inquired as to why it's in the uncodified section of the law.

Number 1060

LINDA SYLVESTER, Staff to Representative Kott, Alaska State Legislature, explained that the transitional provision addresses the transition in which the opticians would be able to prescribe medication. This provision deals with the licensees. She said that the intention is to eliminate the ability to grandfather and thus clarify that those graduating from an optometry school prior to a specified point wouldn't be able to prescribe. This provision isn't appropriate in statute because it discusses a transitional period that will go away at a particular point in time.

REPRESENTATIVE BERKOWITZ said that he interpreted the provision to say that one couldn't obtain this license unless that person received their initial license after 1999.

MS. SYLVESTER said she has seen that referred to as 2000 and later.

REPRESENTATIVE BERKOWITZ asked, "So only the young optometrists or the new optometrists are going to have this license."

MS. SYLVESTER pointed to the Transitional Section paragraph (2) and said that the optometrists would need to have "passed a course covering systemic administration of pharmaceutical agents that was offered by an accredited college of optometry".

REPRESENTATIVE BERKOWITZ highlighted that the Transitional Section is written in the disjunctive due to the use of "or."

MS. SYLVESTER informed the committee that there are four optometrists practicing in Alaska who graduated from optometry school prior to 1968, which was before the medical model was instituted in schools of optometry. The intent was to specifically not qualify those optometrists. She recalled that this requirement was mentioned in the governor's veto letter.

REPRESENTATIVE BERKOWITZ said that under this language one could have conceivably received their license to practice after 1999 and not have taken one of those courses, while still being authorized to prescribe a pharmaceutical agent.

MS. SYLVESTER recalled testimony indicating that those graduating after 1999/2000 are fully trained with a four-year degree in optometry, which includes 3,000 hours of clinical and laboratory training.

REPRESENTATIVE BERKOWITZ pointed out that this [language] speaks to the initial license not graduation. Therefore, one could have graduated in 1960 and not obtain the initial license until 2000.

REPRESENTATIVE McGUIRE noted her agreement with Representative Berkowitz's reading.

Number 0843

MS. REARDON related her belief that although Section 16 was described as a transitional provision, she read it as a permanent part of law and thus, perhaps, not most appropriate as part of the uncodified law. She interpreted [Section 16] to say that no one can be issued an endorsement to their optometry license that allows prescription of systemic drugs unless they

obtain an initial license after 1999 or have the specified courses. She read those two qualifications as being in addition to the requirements in AS 08.72.175 on page 5. If the language is to mean one's initial Alaskan license, then individuals could be [coming on per their] credentials.

REPRESENTATIVE BERKOWITZ asked whether one could [practice in Alaska] with an initial license obtained from another country.

MS. REARDON answered that the term isn't defined, and therefore [the initial license] could be obtained in another country, she imagined. If the objective is to require a training course either within the regular degree course or afterwards, then she assumed that those graduating after 1999 would have the course and could provide [proof] of taking the course in their transcripts in order to meet qualification (2). Therefore, it's conceivable that qualification (1) isn't necessary because those graduating after 1999 with the training could provide proof of that course in systemic administration.

MS. REARDON turned to Section 17, which addresses existing endorsements. She informed the committee that currently optometrists can have endorsements on their license that allows them to prescribe. This law expands the type of things that optometrists can prescribe. Currently, [optometrists] are carrying endorsements that allow them to prescribe topical drugs, not systemic drugs. Therefore, [Section 17] addresses what to do with those [with an endorsement to prescribe topical drugs]. As mentioned earlier, the governor had the same concern with legislation introduced last year.

Number 0574

REPRESENTATIVE PORTER asked if [Section 17] paragraph (2), which refers to the course covering systemic administration of pharmaceutical agents, is presumed to have occurred for those who have graduated after 1999.

MS. REARDON replied yes.

REPRESENTATIVE PORTER asked whether the confusion could be reduced with the elimination of [Section 17] paragraph (1).

MS. SYLVESTER related her belief that this [Section 17 paragraph (2)] was important in increasing a comfort level.

MS. REARDON recalled concern that there was a course training people in [systemic administration]. [Section 17] paragraph (2) is very specific, while [Section 17] paragraph (1) is a bit vague. Therefore, [Section 17] paragraph (2) is preferable.

MS. SYLVESTER recalled testimony from Linda Kasser, Dean, University of the Pacific, where most Alaskan optometrists are trained. Ms. Kasser testified that there are 17 optometric colleges. Although Ms. Kasser said that she has never done a side-by-side analysis of the curriculum, she believes they're the same.

CHAIR KOTT related his confusion with regard to the necessity of [Section 17] paragraph (1).

MS. SYLVESTER returned to Representative Berkowitz's earlier question regarding reciprocity. She explained that reciprocity [statutes] specify that an individual has to have a current license by examination in another state or province of Canada.

MS. REARDON highlighted that what Ms. Sylvester is referring to is the qualification for obtaining a license by reciprocity, while [the language in the bill] refers to obtaining an endorsement.

Number 0355

REPRESENTATIVE BERKOWITZ inquired as to whether there is a standard [for the content] of the courses.

MS. REARDON replied no, but pointed out that the bill specifies that the course must be approved by the Board of Examiners in Optometry. In further response to Representative Berkowitz, Ms. Reardon explained that generally the board would write regulations specifying that the board approves courses meeting specified parameters.

REPRESENTATIVE McGUIRE expressed her concern that the Board of Examiners in Optometry is not made up of medical doctors who don't have training in systemic drugs and their interactions with the body and other diseases. That board is now going to establish qualifications for the group that will prescribe systemic drugs. Therefore, why wouldn't the medical board be more logical to oversee this area, she asked.

MS. SYLVESTER said that the testimony hasn't been that these people aren't trained. She informed the committee that in 1968

optometrists were basically opticians, then a revolution of training occurred and colleges adopted the medical model. Therefore, optometrists today have four years of optometry school and have the medical training. Ms. Sylvester also informed the committee that all 50 states allow optometrists to prescribe topical drugs and 38 states allow optometrists to prescribe systemic drugs. She mentioned that systemic drugs are mainly antibiotics for the treatment of ocular disease.

REPRESENTATIVE MCGUIRE interjected that systemic drugs are more than [antibiotics for the treatment of ocular disease]. "There is the potential for it to be a lot more than that," she pointed out. She indicated that she might not have that much of a problem with this if the language was narrowly crafted such that it referred to the prescription of [antibiotics for the treatment of ocular disease]. However, the language is broad and this same group returns to the legislature every couple of years requesting more. She expressed concern with the "slippery slope" effect. She questioned why one would go to medical school [if this avenue exists].

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MS. SYLVESTER stressed that not everyone wants to be a medical doctor; some people want to be dentists. Dentists, who don't attend medical school, are able to provide systemic medications to their patients for dental. Furthermore, podiatrists aren't medical doctors yet are authorized in statute to prescribe medications. The concept is that the medical field is expanded to include a number of different fields.

Number 0061

REPRESENTATIVE BERKOWITZ inquired as to the process by which the other professions mentioned by Ms. Sylvester prescribe drugs and are licensed to do so.

MS. REARDON explained that generally professions such as dentists, advanced nurse practitioners, physician assistants, and osteopaths, don't have a separate endorsement allowing them to prescribe. The training received in dental school, which is about the same length as optometry school, has been viewed such that it's safe for a dentist to prescribe [drugs].

REPRESENTATIVE BERKOWITZ asked whether any of the aforementioned professions have the authority to prescribe pharmaceutical agents by systemic administration.

MS. REARDON replied yes, they all do.

REPRESENTATIVE BERKOWITZ inquired as to how those professions are licensed. Is that licensure process consistent with the proposal in this bill, he asked.

MS. REARDON pointed out that each licensing system is slightly different. For dentists, when the dentist receives his/her license, he/she can prescribe systemic drugs; there's no extra qualification process to do so. Advanced nurse practitioners who want to prescribe controlled substances have to show that they have specific training in addition to their basic qualifications.

REPRESENTATIVE BERKOWITZ asked whether [those two professions] are required to have any affiliation with a physician.

MS. REARDON specified that dentists and advanced nurse practitioners are not required to have any affiliation with a physician.

MS. SYLVESTER interjected:

Today in Alaska you have a situation where an optometrist who is fully trained to do this must go to someone who is lesser trained to prescribe the medication because Alaska statute doesn't allow these people to practice at the full level of their training. The question isn't: Are ophthalmologists more qualified. They are. The question is: Are optometrists qualified? And yes they are.

Number 0319

REPRESENTATIVE BERKOWITZ moved that the committee adopt the following amendment, Amendment 1:

Page 7, lines 10 and 23,
Delete "that was"

There being no objection, Amendment 1 was adopted.

Number 0466

REPRESENTATIVE McGUIRE moved that the committee adopt the following amendment, Amendment 2:

Page 7
Delete lines 7-8 and 20-21
Page 7, line 19,
Delete "either"

There being no objection, Amendment 2 was adopted.

REPRESENTATIVE PORTER noted that Amendment 2 would require conforming numbering changes.

Number 0509

REPRESENTATIVE BERKOWITZ questioned whether the course requirement without guidance as to the content of the course is problematic.

REPRESENTATIVE JOULE pointed out that the Board of Examiners of Optometry decides the content of the course.

REPRESENTATIVE BERKOWITZ pointed out that there could be a situation in which someone could take a course in systemic administration of pharmaceutical agents but want to prescribe different pharmaceutical agents.

MS. REARDON remarked on the difficulty in having a law that requires an individual to take a course in prescribing a particular systemic agent because new drugs are developed daily. She pointed out that there is a continuing education requirement for optometrists who have endorsements to prescribe.

REPRESENTATIVE BERKOWITZ clarified that wasn't what he was suggesting. He specified that there are different systemic administrations.

MS. SYLVESTER informed the committee that these are established courses by schools of optometry. Optometrists, including those in Alaska, are already taking these courses. If this bill were to become law, optometrists in Alaska would take the course again.

REPRESENTATIVE BERKOWITZ said, "There's a piece of me that wants to say, 'and approved by the Boards of Examiners in Optometry and Ophthalmology meeting in joint session'."

REPRESENTATIVE McGUIRE concurred, and mentioned inclusion of the medical board as well.

Number 0693

REPRESENTATIVE McGUIRE inquired as to the inclusion of anaphylaxis.

MS. SYLVESTER explained that the current law prevents optometrists from injecting, which is how anaphylaxis is administered. Therefore, the inclusion allows this particular injection for first aid.

REPRESENTATIVE McGUIRE asked why a law is necessary for this and why it's included in a licensing requirements. She viewed this as opening up an entire area of practice.

MS. REARDON recalled that there is concern that the law would prevent an optometrist from administering an anaphylactic injection because their prescriptive authority wouldn't allow it in a medical emergency.

REPRESENTATIVE McGUIRE characterized it as a liability issue, and asked if it is.

MS. REARDON said that she didn't know.

MS. SYLVESTER noted that the liability issue was never discussed. From discussions with optometrists, the concern was that they are the one group that aren't allowed to perform injections per statute. Therefore, one could argue that the liability is skewed in the other direction.

Number 0892

REPRESENTATIVE BERKOWITZ turned to the requirements for ophthalmologists and referred to page 3 of the bill. He highlighted the requirement of passing the examination with an acceptable score versus merely passing a course. [The optometrist requirements that are being established] don't specify a requirement for an acceptable score. Furthermore, there is no experience requirement [for optometrists].

MS. REARDON said that the assumption is that "passing the course" means that the individual successfully completed the course. She mentioned that this would be based on what the

school requires for passing its courses. She pointed out that this is the case with other professions.

Number 1035

CHAIR KOTT asked whether there is a problem with removing paragraph (1) from Sections 16 and 17.

MS. REARDON replied no.

REPRESENTATIVE MCGUIRE inquired as to what would happen if this bill doesn't pass.

MS. REARDON said that the opticians would go into a wind-down year and would return to the legislature and request introduction of legislation continuing the board.

CHAIR KOTT mentioned the concern that a wind-down year would have some negative effect.

MS. REARDON specified that it depends upon the board. In terms of occupational licensing boards, there isn't much disturbance created. However, for those boards involved with the regulation of an industry, such as with the RCA, there could be different implications. Ms. Reardon said the closer to adjournment, the more of a problem it may become because of scheduling, anxiety of applicants, and concern as to whether the profession will be left unregulated.

Number 1215

REPRESENTATIVE KOHRING moved to report HCS CSSB 270, Version U, as amended out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 270(RLS) was reported from the House Rules Standing Committee.

ADJOURNMENT

The committee was recessed to the call of the chair at 12:00 p.m. [The committee didn't reconvene.]