

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

March 17, 2003

1:45 p.m.

**TAPE(S) 03-11**

**MEMBERS PRESENT**

Senator Fred Dyson, Chair  
Senator Lyda Green, Vice Chair

**MEMBERS ABSENT**

Senator Gary Wilken  
Senator Bettye Davis  
Senator Gretchen Guess

**COMMITTEE CALENDAR**

Overview Presentation: On behalf of the Alaska Mental Health Trust Authority and the Institute for Circumpolar Health Studies—University of Alaska Anchorage, by Mr. Jeff Jessee

**SENATE BILL NO. 95**

"An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees."

HEARD AND HELD

**SENATE BILL NO. 30**

"An Act relating to information and services available to pregnant women and other persons; and ensuring informed consent before an abortion may be performed, except in cases of medical emergency."

HEARD AND HELD

**SENATE BILL NO. 55**

"An Act relating to tampering with public records."

SCHEDULED BUT NOT HEARD

**SENATE BILL NO. 8**

"An Act relating to tampering with public records."

SCHEDULED BUT NOT HEARD

**PREVIOUS ACTION**

SB 95 - No previous action to consider.

SB 30 - No previous action to consider.

**WITNESS REGISTER**

Mr. Bruce Johnson  
Association of Alaska School Boards  
316 W 11th Street  
Juneau AK 99801

**POSITION STATEMENT:** Supported SB 95.

Mr. Pete Fuller, Southeast Regional Manager  
Alaska Public Employees Association  
211 4th Street  
Juneau AK 99801

**POSITION STATEMENT:** Opposed SB 95.

Ms. Barbara Huff-Tuckness, Director  
Legislative and Governmental Affairs, Local 959  
520 E 34th Street  
Anchorage AK 99503

**POSITION STATEMENT:** Opposed SB 95.

Mr. Carl Rose  
Association of Alaska School Boards  
316 W 11th St.  
Juneau, AK 99801

**POSITION STATEMENT:** Supported SB 95.

MS. KARLEEN JACKSON, Deputy Commissioner  
Department of Health &  
Social Services  
PO Box 110601  
Juneau, AK 99801-0601

**POSITION STATEMENT:** Commented on SB 30.

**ACTION NARRATIVE**

**TAPE 03-11, SIDE A**  
Number 0001

**CHAIR FRED DYSON** called the Senate Health, Education and Social Services Standing Committee meeting to order at 1:45 p.m. and announced that he and Senator Green were present. Senators Davis and Wilken were excused. He said the committee would hear SB 30 today, but would also hear it next week, along with SB 55 and SB 8. He asked Mr. Jessee if he still wanted to proceed with the Mental Health Trust Overview and he indicated he would.

**Overview Presentation: Evaluation of Substance Abuse Treatment System in Alaska**

On behalf of the *Alaska Mental Health Trust Authority* and the *Institute for Circumpolar Health Studies—University of Alaska Anchorage*, JEFF JESSEE addressed the Committee. Because of the alcohol excise tax, he began, legislators have an interest in the results of the programs that have begun with these increased funds. In this presentation, he aimed to: (1) Describe the effectiveness of substance abuse treatment in Alaska; (2) Address the issues in defining and measuring success; (3) Compare Alaska's past evaluation efforts with the rest of the U.S.; (4) Discuss the future of this evaluation; and (5) Receive feedback from legislators concerning the direction of these treatment programs.

Success can be measured on the community level, on the family level, and on the individual level. Community level measures include reductions in adult binge drinking, Driving Under the Influence convictions, per capita alcohol consumption, alcohol-related injuries requiring hospitalization, 12-hour protective custody holds (Title 47), and drug-related convictions. Alaska, as a state, has among the highest risk factors for the following alcohol health indicators: drinking mothers, population at risk of abuse, chronic drinking, binge drinking, motor vehicle fatalities, mortality, fetal alcohol syndrome, arrests, admissions to alcohol programs, and clients in treatment.

Next, Mr. Jessee reported on the individual measures that indicated the performance of the state-supported substance abuse treatment system. Previously, Alaskan studies emphasized abstinence and treatment completion. Now, we are beginning to use other outcomes, which focus on behavior changes and specific functions such as job absence, alcohol-related crimes, domestic violence, etc. Treatment, historically, has produced positive changes.

Substance abuse recovery is similar to recovery from other medical problems. Successful outcomes are influenced by: early treatment, treatment availability and length, continuing care services, and patient compliance with treatment. Like other medical problems, substance abuse treatment can involve relapse and may not involve complete cure or abstinence but rather improved functioning within family and community and improved quality of life.

Family and individual improvement in functioning is measured by legal status, work productivity, DFYS compliance, family relationships, and spirituality. Such improvements are also measured by abstinence, reduced consumption, and engagement in the treatment process—but these measures are not valued as significantly. According to client self-reports (25% response rate), families and individuals are, in fact, reducing legal problems, working for wages, engaged in productive activity, and moving off public assistance—following treatment.

Today, the State is working to implement a new data system by the end of calendar year 2003. Our current system is obsolete; the new system would be compatible with federal data systems as well as those from other states. Our new system will integrate substance abuse and mental health data. Ideally, the system will provide consistent, real-time web updates that display current performance.

Mr. Jessee reported that future grants are based on previous grants, which may not be the most effective method of funding. In response to a question from Senator Green, Mr. Jessee defined "evidence-based practices" as strategies that specifically examine the results of specific programs; previous results shape future plans and practices. Mr. Jessee concluded by requesting legislative guidance for shaping the use of excess capital funds.

### **SB 95-72-HOUR NOTICE OF TEACHER STRIKE**

CHAIR FRED DYSON announced SB 95 to be up for consideration.

SENATOR LYDA GREEN, sponsor of SB 95, said that some people have a hard time during the period between the time a strike is noticed and the time it begins. SB 95 would require public school employees to provide a school district with written notice of an impending strike 72 hours prior to any labor action. Current labor regulations allow public school employees to strike without prior warning to the school district or the

community. Without a provision mandating proper notice, student safety is severely compromised. Seventy-two hours would give parents sufficient time to make alternative arrangements for their children if schools are actually going to be closed. The primary purpose of SB 95 is to allow time for a school district to make the best decisions and inform students, parents, and the community of that decision.

CHAIR DYSON asked how much notice is required now. Senator Green said she would try to find that information.

MR. BRUCE JOHNSON, Association of Alaska School Boards (AASB), said the board supported SB 95. Student safety is the primary reason that working families need some advance notice to make arrangements for their children. However, he said the AASB needs clarification of what the 72-hour notice actually includes. For instance, does it mean school employees have to strike within that time or do they give notice and then strike one week out.

SENATOR GREEN pointed out that language on page 2, line 26, says, "If advisory arbitration fails, a strike may not begin until at least 72-hours after notice of the strike." She noted however, that a strike is not mandatory.

MR. JOHNSON responded that is one interpretation, but it could also mean that a strike can't begin before 72 hours, but could also begin 200 hours after the notification has been given.

SENATOR GREEN asked if "advisory arbitration" has a definition.

MR. JOHNSON replied that advisory arbitration is one of the steps that must be taken before any action towards a work stoppage can occur.

MR. PETE FULLER, Southeast Regional Manager, Alaska Public Employees Association, said the Public Employee Relations Act already provides for a relatively complicated and somewhat detailed procedure as the collective bargaining process reaches culmination. There is also a process whereby the parties are permitted to voluntarily participate in advisory arbitration, which might bring about a binding result to those negotiations.

He said it seems to him that imposing, particularly a one-sided, notice period for the union begins to unbalance the process and might stimulate unnecessary saber rattling and posturing. He stated, "At least if there's going to be notice, there ought to

be notice imposed on both parties rather than having a no-notice lockout and a requirement of notice for strike action."

MR. FULLER said he had been in Alaska for only two years and hadn't heard of any school district strikes; employees had been able to negotiate settlements. He thought this rule might bring too much structure and imbalance to the negotiating process when it's at its most delicate point.

CHAIR DYSON asked if by school district strike he meant a walk out.

MR. FULLER replied no, he meant a strike is an action instigated by employees.

CHAIR DYSON said Senator Green's primary interest is not to imbalance the bargaining process, but to protect kids and to give families time to adapt to a situation. He asked Mr. Fuller if federal law already contains a requirement for adequate notification.

MR. FULLER replied that he wasn't aware of a notification requirement in federal law, but federal laws require notification of a strike that takes place in a health care facility. He thought that when a strike approaches, the parties would be mutually concerned about the children and take that into consideration. He added:

If the legislature feels the need to insure against the wayward party that wouldn't do that, then we would like to see that protection balanced so that the protection doesn't create an unfair advantage to one party or the other in the bargaining process.

SENATOR GREEN said this is not meant to be a bargaining issue. She expressed concern that children have shown up at school in the winter and no one is there.

CHAIR DYSON said he knows that making the public uncomfortable or angry helps your bargaining position.

MS. BARBARA HUFF-TUCKNESS, Director, Legislative and Governmental Affairs, Local 959, opposed SB 95. She actually negotiates collective bargaining agreements within the Anchorage School District and believes this bill is a direct assault on the collective bargaining process. If passed, SB 95 would have a significant impact on both parties' positions at a bargaining

table. If the parties reach a deadlock or impasse, advisory arbitration takes place prior to any strike vote. Both parties look at the advisory opinion and sometime it is another opportunity to bring the parties together and other times it lays the groundwork on where the parties are as they go through the negotiations. There is the ability to declare impasse or deadlock even after the advisory opinion if the parties have not reached any conclusion to the process. At that time, they have the right as representatives of their employees to make notice. Once it reaches the advisory opinion, often something makes the headlines in the newspaper. She added that she makes an effort to educate her people prior to a strike and said:

If you've never been at the table, it is somewhat difficult to find that level playing field, but in this day and age with the employers' right to hire striker replacements, when you're attempting to define how much notice an employee has to get, where it ties in - and as the Senator asked earlier - my intent is not to impact the process....

She gave an example of a 1999 bus driver strike that the teamsters were involved in. She gave public notice with written paid ads in the newspaper prior to taking official strike action. Since 1999, she has negotiated three collective bargaining agreements that have been successful and she hadn't heard if any strikes since then. She encouraged the legislature to let negotiations take place at the table and not attempt to legislate that process.

CHAIR DYSON asked her if she was saying the 72-hour notice should be part of negotiated bargaining.

MS. TUCKNESS replied yes and that was her suggestion when the bill was introduced in 1999 as well. She offered another alternative:

If there was such a public concern about employees within the school districts going out on strike instead of requiring them to go out and strike, why not make it mandatory that they can't strike and give them binding arbitration instead?

SENATOR GREEN asked if she would support binding arbitration.

MS. TUCKNESS said she mentioned it as an alternative. Additionally, she was concerned that language on page 2, line

20, (b) was very limiting and restrictive and could potentially create an inherent conflict with a selected arbitrator.

SENATOR GREEN said that language is currently in statute, but it had been moved from page 1, line 10 to a new section on page 2, line 11 and might look a little different. The only actual new language is in the underlined sections on page 1 and section 2 on page 2.

MS. TUCKNESS concluded that Teamsters Local 959 is very concerned about the bill and hopes that it doesn't move out of committee.

MR. CARL ROSE, Association of Alaska School Boards, said this issue was resolved in the early '90s when the discussion was about binding arbitration. The legislature placed school employees in classification A3, which provided them with the right to strike. He thought school districts understand the economic and political pressure that's brought to bear by a strike and the bill simply is asking that school employees not compromise student safety. That is the extent of their concern.

CHAIR DYSON asked if it is impractical to include an agreement on the amount of hours of pre-notification per day as part of the contracts.

MR. ROSE replied that he didn't think it is impractical and it could be a negotiating point unless it conflicts with law.

CHAIR DYSON thanked everyone for their comments and closed the discussion on SB 95.

**SB 30-ABORTION: INFORMED CONSENT; INFORMATION**

CHAIR FRED DYSON announced SB 30 to be up for consideration.

MS. KARLEEN JACKSON, Deputy Commissioner, Department of Health and Social Services (DHSS), said:

The department currently produces, procures and disseminates a range of materials regarding how to have a healthy baby and ways to keep it safe and healthy after birth. In addition, the department maintains a 24-hour referral line for services....

To comply with the bill, they would need additional resources for the production and distribution of additional information.

Implementation of this bill would be difficult because currently the department does not regulate, monitor or license gynecological clinics or doctors offices. Informed consent is already required for any surgical procedure including abortion.

CHAIR DYSON asked if she thought this bill is unnecessary.

MS. JACKSON said that some issues would need to be resolved before it would be workable. Whether or not it is necessary is up to the legislature.

CHAIR DYSON asked if anyone else wanted to speak to SB 30 today. Hearing no one, he held the bill and adjourned the meeting at 3:10 p.m.