

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

April 3, 2003

1:35 p.m.

MEMBERS PRESENT

Senator Con Bunde, Chair
Senator Ralph Seekins, Vice Chair
Senator Bettye Davis
Senator Hollis French

MEMBERS ABSENT

Senator Gary Stevens

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 64(JUD)

"An Act relating to court approval of the purchase of structured settlements."

MOVED CSHB 64(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 124

"An Act relating to commercial motor vehicle drivers and their employers and to railroad-highway grade crossings; and providing for an effective date."

MOVED HB 124 OUT OF COMMITTEE

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. 64

"An Act requiring certain consumer reporting agencies to provide individuals with certain information without charge."

MOVED SB 64 OUT OF COMMITTEE

PREVIOUS ACTION

SB 64 - See Labor and Commerce minutes dated 2/20/03.
HB 64 - See Labor and Commerce minutes dated 3/27/03.
HB 124 - See Labor and Commerce minutes dated 3/27/03.
SB 95 - See HESS minutes dated 3/17/03 and 3/24/03.

WITNESS REGISTER

Mr. Todd Larkin
Staff to Representative Jim Holm
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on HB 124 for the sponsor.

Ms. Kim Floyd
PO Box 874699
Wasilla AK 99687
POSITION STATEMENT: Supported SB 95.

Mr. Tom Harvey, Executive Director
National Education Association of Alaska (NEA)
114 Second Street
Juneau AK 99801
POSITION STATEMENT: Supported SB 95.

ACTION NARRATIVE

TAPE 03-18, SIDE A

SB 64-CREDIT INFORMATION

CHAIR CON BUNDE called the Senate Labor and Commerce Standing Committee meeting to order at 1:35 p.m. Present were SENATORS SEEKINS, DAVIS and FRENCH. SENATOR STEVENS was excused. Chair Bunde announced SB 64 to be up for consideration.

SENATOR DAVIS moved to adopt Amendment 1.

CHAIR BUNDE objected for discussion purposes.

SENATOR FRENCH, sponsor of SB 64, explained that the purpose of Amendment 1 is to clarify where responsibility lay for spreading the word to consumers about this bill should it become law. Concern was expressed that the responsibility would devolve upon

small businesses that offer credit, but it shouldn't be a burden on them. Typically, information like this is posted on a state's website under a consumer report section.

CHAIR BUNDE asked if it would be possible to put this language in the statute itself. He noted, "Sometimes intent makes pretty thin soup."

SENATOR FRENCH responded that conversely some attorney would have to get involved to force a small business to disseminate the information. He said it would certainly be more cumbersome to put the language in statute.

SENATOR SEEKINS said it is just as easy to put the language in the bill as it is to do a letter of intent and that he wouldn't vote for the bill unless the language was in it.

SENATOR FRENCH said he would take a look at that.

SENATOR SEEKINS added that it's very clear the committee's intent is to put the burden solely on the people who collect the information.

SENATOR DAVIS moved to rescind her motion. There were no objections.

CHAIR BUNDE asked Senator French if he knew how similar legislation has impacted credit agencies in other states and how often consumers use it.

SENATOR FRENCH replied at least one of the credit agencies has posted directions on how to get a free credit report on its own website. He sensed that the credit agencies are not resisting it and are willing partners.

CHAIR BUNDE asked if there is any evidence that the cost of credit reports has increased in the states that have enacted similar legislation.

SENATOR FRENCH replied not that he was aware of.

CHAIR BUNDE stated the committee would hold this bill until next Tuesday.

CSHB 64(JUD)-PURCHASE OF STRUCTURED SETTLEMENTS

CHAIR BUNDE announced CSHB 64(JUD) to be up for consideration. He said he had a question about the zero fiscal note at the last meeting and talked to a representative of the court system who felt the number of settlements in one year would likely be less than a dozen, so the cost would not be a significant factor in the court system's budget.

MR. PAUL LABOLLE, staff to Representative Foster, sponsor, was present to answer questions.

SENATOR SEEKINS moved to pass CSHB 64(JUD) and its attached fiscal note from committee with individual recommendations.

The roll was called. SENATORS DAVIS, SEEKINS, FRENCH, and BUNDE voted yea, therefore CSHB 64(JUD) moved from committee.

HB 124-COMMERCIAL MOTOR VEHICLE DRIVERS/EMPLOYER

CHAIR BUNDE announced HB 124 to be up for consideration.

SENATOR SEEKINS asked if this language would bring the state into compliance with federal requirements.

MR. TODD LARKIN, staff to Representative Jim Holm, sponsor, said it would.

SENATOR SEEKINS asked Mr. Larkin if he had an opinion from the Department of Law on that.

MR. LARKIN responded that the Administration found the discrepancy and had its lawyers look into it. Legislative Legal and Research Services took their word for it. His discussions with departments and officials since then have confirmed that position. The federal regulation is in members' packets and its language is a close duplication.

SENATOR SEEKINS moved to pass HB 124 from committee with individual recommendations.

The roll was called. SENATORS FRENCH, SEEKINS, DAVIS and BUNDE voted yea, therefore HB 124 moved from committee.

SB 95-72-HOUR NOTICE OF TEACHER STRIKE

CHAIR BUNDE announced SB 95 to be up for consideration.

SENATOR GREEN, sponsor of SB 95, said this measure would require notification to a school district 72-hours prior to a walk-out resulting from a labor action. SB 95 was requested by school districts that have recurring fears that students will either be left at bus stops or at empty schools. Without proper notification, districts will be unable to inform parents of either a change in the schedule or the arrangements for the school day.

CHAIR BUNDE asked if the bill should contain language saying that districts should notify parents as well.

SENATOR GREEN said she hadn't considered that but the onus would be on school districts to complete notification, as they would normally do in the course of business.

CHAIR BUNDE asked if a district would be required to provide 72-hour notice if it chose to lock out teachers.

SENATOR GREEN replied that isn't covered in this legislation and that Legislative Legal and Research Services could not come up with language that would work.

SENATOR FRENCH asked if she had the chart of cooling-off periods. She indicated that she did. He asked if they are talking about a required notice.

SENATOR GREEN replied that all of the steps had been undertaken at this point. This was an actual decision by a group of public employees who serve that district to strike and walk out.

MS. KIM FLOYD, Mat-Su Borough parent, said she is the parent of two school age children and is a public information specialist for the Mat-Su Borough School District. She strongly supports SB 95, which would require education bargaining groups to provide 72-hours advance notice of a strike. She stated:

From my position, this bill is about our children's safety. It's not about contracts. It's not about the adults. It's not about the unions or the balance of power. It is about, again, children and their safety.

She pointed out that about 40 percent of the Valley workforce commutes to Anchorage on a daily basis. Many people leave home by 6:00 a.m., which is well before students report to bus stops for school. It is her responsibility to communicate full closure information to parents, which is a challenge because her

district covers a 25,000 square mile area, roughly the size of West Virginia. She noted:

Currently, the media is the only resource we have to notify parents of a change in the school day. When our district does close a school, which has only happened two days in the past seven years, the decision is made at approximately 4:00 a.m. This leaves little more than an hour to alert media and ask for assistance in announcing the closure. While we have a local radio station, it only serves the greater Palmer and Wasilla areas. Anchorage media [is] helpful, but they do not begin reporting until 6:00 a.m., well after many commuters leave for work. On poor weather days, parents and caregivers are more likely to tune into broadcast media for school closure reports. On normal winter or spring weather days, it is highly unlikely that the community would consider school closures a possibility.

Therefore, many people would be left unaware of any changes to the school day and, in the event school is to be cancelled at the last minute due to an unannounced employee strike, children will be placed at risk. Without adequate notice, children may be left unattended at bus stops and at home or arrive in the cold without adequate staffing and supervision. Parents send their children to school with the reasonable expectation that they will be cared for and supervised. It is our professional and moral obligation to provide for a safe learning environment. Our ability to do so in the event of a strike is minimal. Parents at work or on their way to work may be in a position where they can't return home to supervise their children. If they're not tuned into the news, they may never hear of a school closure. If and when they are alerted to this situation, home may be more than an hour away. There will be no [indisc.] if they can't leave their work and children may be left without supervision.

Again, a failure to give notice puts our children at risk; it is not acceptable. For these reasons, again, I strongly support this legislation. The 72-hour time frame is necessary to cover the Friday to Monday weekend period. Communicating closures over that timeframe is even more challenging as many of our

Valley residents are outdoors or elsewhere. Again, I believe this bill is about children's safety and first and foremost, we should do all that we can to protect them. As a parent and a professional communicator for our school district, I respectfully ask you to strongly consider this bill as a school safety effort and as a means to protect our children from unnecessary harm, because I do believe that one small child left unattended is one too many.

CHAIR BUNDE asked if there isn't a lengthy procedure to go through before a strike can be declared.

MS. FLOYD replied that those regulations had been rescinded. There is no oversight of a strike notice or a requirement to notify the district of a strike vote.

CHAIR BUNDE said he was referring to the negotiating process and asked if it is lengthy and covered in the media.

MS. FLOYD said her district had never reached the point where a strike occurred.

CHAIR BUNDE asked if a precipitous strike had been called anywhere in Alaska.

MS. FLOYD replied there was one in the Anchorage School District. The district requested 24-hour notice of a strike and the union sent a letter back refusing to do so.

MR. TOM HARVEY, Executive Director, National Education Association of Alaska (NEAA), said SB 95 is a solution looking for a problem, however the NEAA is not in opposition to it. He does not believe that acrimonious actions leading to a strike are unknown by anybody. The referenced community clearly had become knowledgeable about the circumstances and it has been NEAA's practice to provide notice to the community in advance of going on strike. An extended process must be undertaken before reaching an impasse situation in order to be able to go on strike. He said the 72-hour notice is fine, but he didn't know why it wouldn't be 24 or 48-hours notice. He suggested finding a different solution to eliminate strikes by public school employees in Alaska if this issue is really one of safety for children. He indicates:

But we want you to be assured and the committee members to be assured that we do in fact, in every

circumstance take the safety of the children and the notification of the community into consideration in every circumstance that we have been engaged in in the state of Alaska in the history of the bargaining law.

CHAIR BUNDE asked what he meant by processes in other states.

MR. HARVEY replied that there is a process that has become useful in other states called binding arbitration, last best offer, issue by issue. It has led to far less arbitration because the parties get to the position of becoming reasonable. If one party is not, the arbitrator doesn't have a choice, as in normal binding arbitration, but to award the party that is closest to being reasonable. Therefore, neither party wants to take the risk of being unreasonable when they get to settlement, which should be the preference of both parties.

CHAIR BUNDE asked if a precipitous strike had ever been called from his bargaining unit.

MR. HARVEY replied that the NEAA has never gone on strike in Alaska without the community and the school district knowing that they were going to strike.

CHAIR BUNDE asked what strike Ms. Floyd was referring to.

MR. HARVEY replied that Ms. Floyd could speak to that, but he knew of a strike that did not provide a 72-hour notice in the Anchorage school district. It was by a local bargaining unit, called Totem, who was not affiliated with any state or national organization. It represents about 1,200 public school employees: secretaries, teacher aides, etc. Everyone in the community knew of the potential of a strike. The exact time it would take place was announced by the chief spokesperson for Totem and that person at the time was a school board member in the Mat-Su area.

MR. BOB DOYLE, Chief School Administrator, Mat-Su School District, said he represents over 14,000 children. He noted he served on the Alaska Labor Relations Agency for over nine years and is thoroughly familiar with labor relations law in Alaska. He said this bill is totally about student safety and that Totem was a union and its actions affected school children. Special education children in Anchorage, due to the precipitous strike, had their individual education plans (IEP) violated. That is a serious concern to him as a school administrator even if it's not of concern to NEAA.

In his bargaining units he has gone the extra mile through all processes. In the last negotiations he accepted the arbitration results. The association rejected those. When he asked for notice to be given, the association refused. He told member:

I have a major concern about the safety for our children, as Kim mentioned before, due to the fact that we have 40% of our commuters going to Anchorage every day. Seventy-two-hours notice won't affect the balance of power, but it will enable parents and children to be safely supervised during a strike if it ever came to be.

CHAIR BUNDE asked if advanced notification could be crafted in the event that a district wanted to do a lock-out.

MR. DOYLE said he didn't think that would be a problem.

CHAIR BUNDE thanked participants for their testimony and said he would hold the bill for further consideration.

SB 64-CREDIT INFORMATION

SENATOR SEEKINS moved to pass SB 64 from committee with individual recommendations.

The roll was called. SENATOR DAVIS, SEEKINS, FRENCH and BUNDE voted yea; and SB 64 passed from committee.

CHAIR BUNDE adjourned the meeting at 2:13 p.m.