

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

April 1, 2004

1:37 p.m.

TAPE(S) 04-29

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 27

"An Act relating to pesticide use; relating to program receipts collected by the Department of Environmental Conservation for registrations and licenses relating to pesticides; and providing for an effective date."

HEARD AND HELD

HOUSE BILL NO. 305

"An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 365

"An Act relating to the regulation of speech-language pathologist assistants; and providing for an effective date."

MOVED SB 365 OUT OF COMMITTEE

HOUSE BILL NO. 341

"An Act relating to the dive fishery management assessment."

HEARD AND HELD

SENATE BILL NO. 377

"An Act relating to the state's mechanical code, to mechanical contractors and mechanical administrators, to mechanical standards and inspections involved in certain housing loans, and to the adoption of the state's mechanical code; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 27

SHORT TITLE: TRACKING OF PESTICIDE USE

SPONSOR(s): SENATOR(s) ELLIS

01/21/03	(S)	PREFILE RELEASED 1/17/03
01/21/03	(S)	READ THE FIRST TIME - REFERRALS
01/21/03	(S)	L&C, RES, FIN
02/26/04	(S)	L&C AT 1:30 PM BELTZ 211
02/26/04	(S)	Heard & Held
02/26/04	(S)	MINUTE(L&C)
04/01/04	(S)	L&C AT 1:30 PM BELTZ 211

BILL: HB 305

SHORT TITLE: UNEMPLOYMENT COMPENSATION BENEFITS

SPONSOR(s): LABOR & COMMERCE

05/07/03	(H)	READ THE FIRST TIME - REFERRALS
05/07/03	(H)	L&C, FIN
05/09/03	(H)	L&C AT 3:15 PM CAPITOL 17
05/09/03	(H)	Moved Out of Committee
05/09/03	(H)	MINUTE(L&C)
05/10/03	(H)	L&C RPT 4DP 2NR
05/10/03	(H)	DP: CRAWFORD, GUTTENBERG, DAHLSTROM,
05/10/03	(H)	ANDERSON; NR: LYNN, ROKEBERG
05/15/03	(H)	FIN RPT 6DP 3NR
05/15/03	(H)	DP: KERTTULA, BERKOWITZ, FOSTER,
05/15/03	(H)	MEYER, HARRIS, WILLIAMS; NR: HAWKER,
05/15/03	(H)	STOLTZE, MOSES
05/15/03	(H)	FIN AT 8:30 AM HOUSE FINANCE 519
05/15/03	(H)	Moved Out of Committee
05/15/03	(H)	MINUTE(FIN)
05/16/03	(H)	TRANSMITTED TO (S)
05/16/03	(H)	VERSION: HB 305
05/17/03	(S)	READ THE FIRST TIME - REFERRALS
05/17/03	(S)	L&C, FIN
05/19/03	(S)	L&C AT 8:00 AM BELTZ 211
05/19/03	(S)	Heard & Held

05/19/03 (S) MINUTE(L&C)
02/03/04 (S) L&C AT 1:30 PM BELTZ 211
02/03/04 (S) Heard & Held
02/03/04 (S) MINUTE(L&C)
04/01/04 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 365

SHORT TITLE: SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS
SPONSOR(s): LABOR & COMMERCE

03/17/04 (S) READ THE FIRST TIME - REFERRALS
03/17/04 (S) L&C, FIN
04/01/04 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 341

SHORT TITLE: DIVE FISHERY MANAGEMENT ASSESSMENT
SPONSOR(s): REPRESENTATIVE(s) WILLIAMS

01/12/04 (H) PREFILE RELEASED 1/2/04
01/12/04 (H) READ THE FIRST TIME - REFERRALS
01/12/04 (H) FSH, RES
02/04/04 (H) FSH RPT 6DP 1NR
02/04/04 (H) DP: GARA, OGG, HEINZE, WILSON,
02/04/04 (H) SAMUELS, SEATON; NR: GUTTENBERG
02/04/04 (H) FSH AT 8:30 AM CAPITOL 124
02/04/04 (H) Moved Out of Committee
02/04/04 (H) MINUTE(FSH)
02/16/04 (H) RES AT 1:00 PM CAPITOL 124
02/16/04 (H) Scheduled But Not Heard
02/25/04 (H) RES AT 1:00 PM CAPITOL 124
02/25/04 (H) Moved Out of Committee
02/25/04 (H) MINUTE(RES)
02/26/04 (H) RES RPT 8DP 1DNP
02/26/04 (H) DP: HEINZE, STEPOVICH, GATTO, LYNN,
02/26/04 (H) WOLF, KERTTULA, MASEK, DAHLSTROM;
02/26/04 (H) DNP: GUTTENBERG
03/15/04 (H) TRANSMITTED TO (S)
03/15/04 (H) VERSION: HB 341
03/17/04 (S) READ THE FIRST TIME - REFERRALS
03/17/04 (S) L&C, FIN
04/01/04 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 377

SHORT TITLE: STATE MECHANICAL CODE
SPONSOR(s): LABOR & COMMERCE

03/26/04 (S) READ THE FIRST TIME - REFERRALS

03/26/04 (S) L&C, FIN
04/01/04 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

Ms. Garan Tarr, Chief of Staff
Senator Johnny Ellis
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 27 for sponsor.

Mr. Everett Walton
American Pest Management
Anchorage AK
POSITION STATEMENT: Opposes SB 27.

Ms. Kristin Ryan, Director
Division of Environmental Health
Department of Environmental Conservation
410 Willoughby
Juneau, AK 99801-1795
POSITION STATEMENT: Supports SB 27.

Representative Tom Anderson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 305.

Ms. Pam LaBolle, President
Alaska State Chamber of Commerce
217 Second Street
Juneau, Alaska 99801
POSITION STATEMENT: Supports SCS HB 305(L&C)

Mr. Don Etheridge, President
AFL-CIO
710 West 9th Street
Juneau, Alaska 99801
POSITION STATEMENT: Opposes SCS HB 305(L&C).

Commissioner Greg O'Claray
Department of Labor & Workforce
Development
PO Box 21149
Juneau, AK 99802-1149
POSITION STATEMENT: Commented on HB 305.

Ms. Laura Young-Campbell
Alaska Speech and Hearing Association
No address provided
POSITION STATEMENT: Supports SB 365.

Ms. Patricia Olmstead
Alaska Speech Language and Hearing Association
PO Box 774462
Eagle River AK
POSITION STATEMENT: Supports SB 365.

Ms. Dixie Alms
Public School Speech Pathologist
Juneau AK
POSITION STATEMENT: Supports SB 365.

Ms. Nancy Lovering, President
Alaska Speech and Hearing Association
Anchorage AK
POSITION STATEMENT: Supports SB 365.

Ms. Marjorie Kassier, Director of Training
Center for Human Development
University of Alaska Anchorage
Anchorage AK
POSITION STATEMENT: Supports SB 365.

Mr. Tim Barry
Staff to Representative Bill Williams
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 365 for sponsor.

Ms. Julie Decker, Executive Director
Southeast Alaska Regional Dive Fisheries Association (SARDFA)
PO Box 2138
Wrangell AK 99929
POSITION STATEMENT: Supports HB 341.

Mr. Zach Warwick
Staff to Senator Gene Therriault
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 377 for sponsor.

Mr. Eugene Rutland, Executive Director
Mechanical Contractors of Alaska

Fairbanks AK

POSITION STATEMENT: Supports SB 377.

Mr. Doug Mathers
Building Official
City of Kodiak
Kodiak, Alaska 99615

POSITION STATEMENT: Opposes SB 377.

Mr. Greg Moore
Nana/Colt Engineering
Anchorage AK

POSITION STATEMENT: Opposes SB 377.

Mr. Colin Maynard
Alaska Professional Design Council (APDC)
Anchorage AK

POSITION STATEMENT: Opposes SB 377.

Mr. Craig Fredeen, Mechanical Engineer
ASCG, Inc.
Anchorage AK

POSITION STATEMENT: Opposed SB 377.

Mr. Jeff Robinson
Klebs Mechanical, Inc.
Anchorage AK

POSITION STATEMENT: Opposes SB 377.

Ms. Eden Larson, President
Associated Builders and Contractors (ABC)
Anchorage AK

POSITION STATEMENT: Opposes SB 377.

Mr. Sam Kito, III
Alaska Professional Design Council (APDC)

POSITION STATEMENT: Opposes SB 377.

Mr. Craig Stevenson, Regional Manager
Governmental Relations Office
International Code Council (ICC)
No address provided

POSITION STATEMENT: Opposes SB 377.

ACTION NARRATIVE

TAPE 04-29, SIDE A

^#SB27

SB 27-TRACKING OF PESTICIDE USE

CHAIR CON BUNDE called the Senate Labor and Commerce Standing Committee meeting to order at 1:37 p.m. Present were Senators Ralph Seekins, Hollis French, Bettye Davis and Chair Con Bunde. The first order of business to come before the committee was SB 27.

SENATOR RALPH SEEKINS moved to adopt CSSB 27(L&C), version \D, for discussion purposes. There were no objections and it was so ordered.

CHAIR BUNDE pointed out the changes, which are the result of an agreement between the administration and the bill's sponsor. On page 1, line 9, the registration fee is changed to \$80; page 2, line 10, adds a new subsection that requires the department to compile and make available on the Internet a list of pesticides registered for use in the state; page 2, line 30, defines notice of spraying on properties adjacent to the location; page 4, line 24, says the department "shall" conduct this study; page 6, line 19, refers to development of the household survey to be used by the department to gather information relating to household pesticides; page 7, line 6, makes the appointments to the board effective immediately; page 8, line 9, removes a section; page 8, line 20, removes the Pesticide Advisory Board; and page 9, sections 7 - 9, make the effective date June 30, 2008.

MS. GARAN TARR, Chief of Staff to Senator Johnny Ellis, acknowledged the changes iterated by Chair Bunde and said that the CS is supported by the administration, the department and Senator Ellis.

SENATOR HOLLIS FRENCH asked why the effective date is delayed.

MS. TARR explained that the Pesticide Board didn't have an end point...the original bill was created with three-year staggered terms. The department felt that added a layer of bureaucracy that it wasn't interested in maintaining for the long-term. So, it was agreed that the board would become responsible for tangible results like development of the household survey, helping implement the tracking program, and help retail establishments with the notification component. Once those things were done, it would be appropriate to sunset the board and the department would maintain what it had put in place.

SENATOR FRENCH acknowledged her answer and then pointed out that changing the registration fee from \$150 to \$80 is one of the major changes and asked how that number was chosen.

MS. TARR replied that the nationwide average is actually \$135 and the sponsor wanted to stay with that higher number because the extra revenue could have gone to other important programs the department maintains or into the general fund. However, the department felt more comfortable with the \$80 fee. A consumer group wrote a letter saying that manufacturers would be comfortable with a fee that paid for the program, but didn't feel they should be charged in excess of that. The \$80 fee pays for all that.

SENATOR FRENCH asked if she was able to win industry support for the bill's changes.

MS. TARR answered that she wasn't sure they were jumping on board, even with the changes, but they felt \$80 was a more appropriate fee. She has every reason to believe the department will make implementation of the program easy for industry, especially with use of the Internet.

MR. EVERETT WALTON, American Pest Management, said that until a competitor called an hour ago to tell him about it, he didn't know anything about the bill and asked that industry be given more notification in the future. He said his company might buy only \$100 worth of a certain chemical in a whole year and the \$80 registration fee would not be practical in that instance. The chemicals his company deals with are some of the most modern with the least toxicity available. New York and California can charge a \$135 fee because they have 30 million or 40 million people, but there are only 600,000 people in Alaska - mostly in Anchorage, Fairbanks, Juneau and Ketchikan - in many instances, small companies wouldn't have incentive to do any registration at all.

Right now they are doing blanket registrations because it's free. If they have to pick and choose, they might just decide that it's too much trouble, because there's no profit margin there and that is a concern I have.

MR. WALTON also pointed out that most of the bill is already covered by existing municipal or state statutes. All this bill will do is add to the cost of doing business and it has no enforcement provisions.

He said the same groups pushing this issue are trying to stop development all over the state. Of the seven or eight companies in Alaska, only two have more than one employee. He also thought that the big chain stores like Fred Meyer and Wal-Mart should have been invited to have input on this bill. In response to communities that do not want aerial spraying, he pointed out that Nebraska has the longest life expectancy in the nation and also has one of the highest spraying rates. A DEC tracking system is okay with him, but he didn't want to have to add a person to the payroll just to feed information to the state.

CHAIR BUNDE pointed out that the bill has two more committees to go through and there was a substantial amount of time for input on these issues.

MS. KRISTIN RYAN, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), said the pesticide program is in the laboratory services component of the department's budget. The registration fees are in alignment with other states and would be sufficient to cover costs for the Pesticide Advisory Board, creating the web-based information system for pesticide use and doing a household use survey of pesticides. Alaska is currently the only state without a pesticide fee.

CHAIR BUNDE asked if she felt the \$80 fee would be burdensome to the point of eliminating the availability of pesticides in Alaska.

MS. RYAN replied that she didn't think so. Many pesticides are registered because their companies want to be able to say they are registered in 50 states. If their chemical is not used here, there is no point in doing so if they would have to pay a fee. She expected a certain amount of attrition of pesticides names, but not their use.

CHAIR BUNDE reiterated that the department is not making money on the \$80 fee. It's not a hidden tax.

MS. RYAN said the CS has a new fiscal note and explained the state has primacy and employs four staff people. The state contributes a \$56,000 match for the revenues it receives from the Environmental Protection Agency (EPA).

SENATOR GARY STEVENS arrived at 1:55 p.m.

SENATOR FRENCH asked if this bill would require new labeling by stores like Wal-Mart.

MS. RYAN replied yes. It would require a placard to be posted for certain chemicals the department thought needed additional warning. Homeowners are the ones who misuse chemicals most often; commercial applicators are certified and it's their business to apply them correctly.

SENATOR FRENCH asked her if she thought Round Up would be required to have a placard.

MS. RYAN replied that she didn't know, but a recent Washington state court decision required that to occur for 10 - 15 pesticides.

SENATOR FRENCH commented that he was trying to get a handle on the burden this law would put on retailers and asked her what pesticides are commonly used.

MS. RYAN replied that she didn't have any idea right now. Over 500 are registered for use in the state. Maybe 10 percent would be required to have that placard.

SENATOR RALPH SEEKINS asked if farmers or landowners are required to register their use of pesticides either by the state or the federal government.

MS. RYAN replied that the registration process is a responsibility of the product maker. A product cannot be used or sold in a state where it is not registered. A farmer would be an applicator and is required by the federal government to be certified to use certain pesticides. The state has the additional responsibility, in regulation, to require a permit for spraying by airplane or helicopter. If one farmer were to spray multiple farmers' properties, he would need to get a permit.

SENATOR SEEKINS asked if section 5 would require a farmer or private landowner to give notice of applying pesticides.

MS. RYAN answered that only certified applicators have to give notification.

CHAIR BUNDE said he would hold the bill for more information on its impact to retailers.

SENATOR SEEKINS asked why information listed on page 6, line 2, was being gathered if it wasn't going to be regulated in the future.

CHAIR BUNDE referred the question to Ms. Ryan to answer when the bill came up in committee again.

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^#HB305

HB 305-UNEMPLOYMENT COMPENSATION BENEFITS

CHAIR CON BUNDE announced HB 305 to be up for consideration.

SENATOR RALPH SEEKINS moved to adopt SCS HB 305(L&C), version \D, for the working document. There were no objections and it was so ordered.

CHAIR BUNDE summarized the CS saying that Legislative Legal Services advised using effective dates to make the bill more efficient. Another change on page 14, line 24, says if someone left suitable work voluntarily, was fired for good cause, discharged for misconduct or failed to seek reemployment in a comparable job, the five-week waiting period for benefits would change to a 25-week waiting period. Another change increases the amount of benefits to as much as \$312. Alaska's rank would go from 47 to 30 in the nation in unemployment benefits after the final increase. This increases cost for employers also, but it is slowly phased in through 2010.

REPRESENTATIVE TOM ANDERSON, sponsor, said the current bill is the result of negotiations and a compromise by the administration, labor organizations and those businesses directly affected by the bill. Employee representatives are concerned that the idea of leaving work voluntarily for whatever reason is broad on page 14. If someone were fired unfairly, making him wait for 25 weeks would be unfair. It's also viewed that both versions don't affect hotel, restaurant and tourism jobs in general, because the increase in benefits begins at a wage of about \$27,000 per year and most of those jobs are below that.

REPRESENTATIVE ANDERSON said employees are an integral part of the unemployment insurance system by contributing to the fund themselves. Increasing the waiting period is not consistent with the other two states that have a similar design that believe it isn't right to punish the worker who pays under the system. Mortgages and car payments are only some of the things that

could be in jeopardy and would adversely affect the employee. He urged the committee to change the waiting period or the definition of good cause for discharge in the CS.

CHAIR BUNDE suggested working with his staff to tighten up that language to avoid someone being treated unfairly.

SENATOR SEEKINS asked if good cause is defined currently in regulation.

REPRESENTATIVE ANDERSON answered that he assumed it was defined some place and suggested using a computer search to find all the places.

SENATOR FRENCH asked where the 25-week waiting period came from.

CHAIR BUNDE indicated that Pam LaBolle, Alaska State Chamber of Commerce, would answer that question in later testimony.

MS. PAM LABOLLE, President, Alaska State Chamber of Commerce, supported SCS HB 305(L&C). She found the actuarial study done by the Department of Labor noting that Alaska has the most liberal policy in the nation for paying unemployment insurance benefits. Forty-seven states totally deny benefits for anyone who is fired for misconduct, refuses an offer of suitable work or quits voluntarily without good cause.

Paying unemployment to people who quit their jobs encourages a poor work ethic, but on the other hand, one of the divisions in the Department of Labor is to train people so they are more employable. Alaska is second only to Connecticut as far as the percentage of people who are unemployed who gain benefits. Alaska is one of twelve states that provides benefits for up to three dependents (\$24 per week) above the national benefit amount. The department has reported that 50 percent of applicants receive benefits for dependents, which would put Alaska above the 30 place.

CHAIR BUNDE said he understood that receiving the dependent's allowance would put those who receive maximum benefits up to 11th or 12 in the nation.

2:25 p.m.

TAPE 04-29, SIDE B

MS. LABOLLE said studies indicate that 50 percent or more of UI recipients assisted in the Case Management Program were fired or quit their job.

So, they are voluntarily unemployed. The employers' UI tax rates are higher than they need to be in order to cover benefits to individuals who quit or were fired.... We fully believe in the Unemployment Insurance Program. We absolutely believe that employees who are involuntarily, who through no fault of their own, which is language that the national law uses in this statement, are unemployed, they should receive assistance and it should be of an amount that will hold them over till they get their jobs. It's only those who choose to be unemployed either through their actions or voluntary efforts or their lack of desire to accept another job that shouldn't receive benefits at all.

SENATOR FRENCH asked if she recognized that a person who is unemployed through no fault of his or her own, who has five children, should probably get more unemployment than a single worker.

MS. LABOLLE replied that by doing it that way, the state policy appears to be based on need, not based on what insurance is usually based on - how much you paid in. Philosophically, though, she felt it was important for families to have benefits.

SENATOR FRENCH asked if she agreed that parents, who are unemployed, need to have a way to feed their family.

MS. LABOLLE assented - on the condition that an employee became unemployed through no fault of his own.

SENATOR FRENCH said the department's numbers show that in 2002, only 10 percent of Alaskan claimants received the maximum dependents allowance. He extrapolated that 90 percent of the other claimants didn't get the maximum dependent's allowance.

So, it isn't that we can automatically add the maximum dependent's allowance on to the average claim of the Alaskan worker, because that would be misleading. We wouldn't be looking at the real picture. The document goes on to point out that the average dependent's allowance for FY02 is \$19.30, which is quite a bit less than that maximum of \$72. **What it doesn't tell**

you is what percentage [of claimants] take no dependent's allowance, whatsoever.... I wouldn't want anyone to get the impression from the testimony here today that we're lavish with our dependent allowance - that we throw a lot of it around - that it's a big change in our unemployment. It looks like the average change is \$19.

MS. LABOLLE replied that last year, 44 percent of claimants had dependents and received dependent coverage, although they might not all have been at the maximum weekly benefit amount and the number of dependents wasn't indicated.

CHAIR BUNDE said he wanted more information from the department about the last three years on the number of claimants who claimed dependents.

SENATOR SEEKINS said he wanted clarification as well.

MS. LABOLLE reminded the committee that the proposed increase in the maximum weekly benefit amount has an \$8 million cost to the private sector employers, but it would cost the state, the largest employer, as well. The last fiscal note was zero and she wanted to know how that could be.

MR. DON ETHERIDGE, Alaska State AFL-CIO, opposed SCS HB 305(L&C) and didn't want anything but the original bill passed. He said it's real easy to talk about people getting fired for cause or voluntarily quitting, but when you are in the business of representing people, you realize that people quit a job voluntarily, but don't want to. It's to the point where they have to quit. Many times the stress of a particular job gets to someone and they have to quit for their health reasons. His concern is not for the construction workers who would get a little bit more, but for the people who don't make as much money. Sometimes, processing a grievance takes a year and in the meantime, people have lost their homes, maybe lost their family, been on welfare, or whatever. "We just can't buy into this. We'd just as soon see it go away as to make this change to it."

CHAIR BUNDE asked Commissioner Greg O'Claray to comment and to prepare a chart showing three to five years of numbers of folks who claim maximum dependents to no dependents and any other information that he thought would be useful.

COMMISSIONER GREG O'CLARAY, Department of Labor and Workforce Development (DOLWD), acknowledged his request and said that the department supported the original bill, but not the SCS.

There are a couple of facts that I think I need to enter into the record. One of the prior witnesses testified that to her knowledge, over 50 percent of the claimants fit into the voluntarily quit, terminated for cause, refusal to accept suitable employment [category]. That's not exactly a fact in this case. Last year, there were 64,000 claimants for UI benefits.

SENATOR SEEKINS interrupted to clarify that he heard that testimony regarding the group was in the case management study, not the overall universe.

COMMISSIONER O'CLARAY continued:

I just wanted to say that because I didn't want anyone to be misled and I'm sure that Ms. LaBolle didn't intend to mislead anyone, either, but the number of folks that would fall within the CS for denial of benefits of up to 25 weeks under the bill were 13,758. That's what we denied last year or required the waiting period that fit into that particular category, out of the total of 64,000 claimants. That was in the neighborhood of about 27 percent of the total claimants.

SENATOR SEEKINS asked if paying dependent benefits shortchanged people without dependents who qualify for a benefit. According to his interpretation of the chart, the state is only paying 10.7 percent of what someone deserves.

CHAIR BUNDE jumped in saying he didn't think that was accurate. He read it to say ten percent of the claimants received the maximum dependent's allowance.

SENATOR SEEKINS wanted to make sure everyone received what they were entitled to.

COMMISSIONER O'CLARAY commented that he would provide the information that was requested. He said that the department paid out \$174 million in benefits last year. Nearly 80 percent of those dollars found their way into the Alaskan economy and making claimants wait for 25 weeks takes a pretty big bite out

of the Alaskan economy. There is a difference of opinion on why Alaska is more liberal in terms of its qualification for payout, but it is because of the high cost of remaining in Alaska during an unemployed period. Prior legislatures have recognized that.

CHAIR BUNDE thanked everyone for their comments and said he looked forward to bringing the bill up at another time.

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^#SB365

SB 365-SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS

CHAIR CON BUNDE announced SB 365 to be up for consideration and said that it was introduced on the behalf of the Alaska Speech Pathologists. There is currently a shortage of speech and language pathologists in Alaska and this bill aims to give credentials and supervisory authority to speech and language pathologist assistants. The use of an assistant does not replace the work of a pathologist, but rather extends it.

MS. LAURA YOUNG-CAMPBELL, Mat-Su Speech Pathologist, said she is also on the executive board of the Alaska Speech and Hearing Association and that there is a nationwide shortage of language and speech pathologists. According to U.S. Bureau of Labor statistics, 34,000 additional language and speech pathologists will be needed nationwide to fill the demand between 2000 to 2010, a 39 percent increase. Alaska is experiencing a shortage in schools, private practice and hospitals and has been trying to deal with the shortage for years.

The Alaska Speech and Hearing Association has been working with the University of Alaska and other organizations to bring up programs or develop training opportunities specific to our unique needs. The Prince William Sound Community College offers a Speech Pathology Assistant Program where students graduate with an associate degree, which includes appropriate course work specific to speech language pathology and practical experience in a variety of employment settings. One of the larger needs for speech and language pathologists is in schools. When a speech pathologist is absent or needs to attend a meeting, usually speech therapy is cancelled. Having an assistant would facilitate consistent and ongoing therapy treatment. Having an assistant would allow students to work in smaller groups and receive more individual instruction. In a majority of cases, with consistent and enhanced services, students will complete their goals in less time.

SB 365 will allow speech pathology assistants to be recognized for their training while providing them with a scope of practice, which is under the supervision of a licensed or certified speech language pathologist. Due to the forecast of long-term shortages, I feel that SB 365 does support these services to all Alaskans. I urge you to pass this bill.

CHAIR BUNDE asked if this bill runs counter to any federal requirements in the area of special education.

MS. CAMPBELL replied no and that it would meet the professional standards in the No Child Left Behind Act.

CHAIR BUNDE asked if the American Speech and Hearing Association (ASHA) had taken a position on this bill.

MS. CAMPBELL replied that ASHA drafted guidelines in March and 31 states currently recognize the use of support personnel. Twenty-two of those use registration and the others use licensure.

CHAIR BUNDE indicated there were no further questions for her.

MS. PATRICIA OLMSTEAD said she is a life-long Alaskan and returned in 1979 to practice as a certified speech language pathologist. She has been traveling mostly remote regions since that time, both in school district capacities and with the early intervention network. She is the official legislative counselor for the Alaska Speech Language Pathologists and Audiologists Association, representing them at the American Speech Language Hearing Association where she was applauded when she announced these initiatives were taking place in Alaska.

She said there is a tremendous shortage because there is more demand in schools, hospitals and private settings. She supported previous testimony on how use of assistants will help services to be extended. Practically speaking, she relies almost exclusively on third-party payment. She will be able to bill for an assistant if he or she is appropriately trained and certified by her.

MS. DIXIE ALMS said she has been a public speech pathologist in Juneau for 29 years. She urged the committee's support of SB 365. She is currently split between Riverbend and Gastineau Elementary Schools. She has about 22 kids at Riverbend, but her

caseload at Gastineau is 30 and climbing. She has formally written a complaint to both of her principals and the school district to document the challenges she is experiencing at Gastineau because she can't do her job. If she had a trained assistant, her kids would receive better and more competent and complete services than she can provide half-time.

MS. NANCY LOVERING, President, Alaska Speech and Hearing Association, said she is also a licensed speech language pathologist in private practice in Anchorage for the past 14 years. She supported SB 365. Many of these assistants would receive their training from a program offered through Prince William Sound Community College and the University of Alaska Anchorage. She explained that the program includes courses such as Introduction to Communication Disorders, Voice and Diction, Communication Disorders for Adults and Children, Therapy Techniques, Early Childhood Communication Disorders and two 100-hour practicums - one being in a generalized special education arena and the other in specific speech and language services.

DR. MARJORIE KASSIER, Director of Training, Center for Human Development, UAA, said this program was started by a request from the Alaska Speech Language and Hearing Association. All of the course work and training has been developed with the cooperation of speech language pathologists. Currently, about 60 students are working towards the assistant degree at the associate level. More than two-thirds of them are in small bush and rural hub communities. The program is distance delivered, which allows training for potential assistants all over the state. The Mental Health Trust Authority has provided substantial scholarships and grants have been received from the federal Department of Education and the Department of Labor.

CHAIR BUNDE asked if a speech language pathologist assistant would be analogous to a teaching assistant at the elementary level of a public school.

DR. KASSIER replied, "Absolutely. In fact, that's a very good way of describing what they would do...."

CHAIR BUNDE also pointed out that becoming an assistant would lead the way to becoming a fully certified pathologist.

DR. KASSIER agreed and said that although the program is only three years old, it already has 10 graduates. That doesn't sound like much, but most of the students already have full time jobs

and families. They are extremely motivated and competent. This suggests to her that they may go on and get bachelor degrees.

SENATOR SEEKINS moved to pass SB 365 and attached fiscal note with individual recommendations. Senators Bettye Davis, Ralph Seekins, Hollis French and Chair Con Bunde voted yea; and SB 365 moved from committee.

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^#HB341

HB 341-DIVE FISHERY MANAGEMENT ASSESSMENT

CHAIR CON BUNDE announced HB 341 to be up for consideration.

MR. TIM BARRY, staff to Representative Bill Williams, sponsor, explained that the bill was requested by the Southeast Alaska Regional Dive Fisheries Association (SARDFA). It's essentially a housekeeping measure to give the organization more flexibility in its operations. SARDFA is an effective management organization and is composed of fishermen, processors and representatives of a number of Southeast Alaska communities; it works closely with the Alaska Department of Fish and Game (ADF&G) to develop management plans for the various dive fisheries. Members of SARDFA pay a tax based on a percentage of the value of their catch and the revenue is spent on managing the dive fisheries. Under current state law, association members elect to tax themselves at a rate of either 1%, 3%, 5% or 7% of the value of their landings in a particular dive fishery. HB 341 would give association members the additional option to tax themselves at 2%, 4% or 6% rates. There is a zero fiscal note.

CHAIR BUNDE asked how the members would choose to change their assessment.

MR. BARRY replied that the members of the association in a particular dive fishery would vote to change the tax rate. This legislation was modeled on the Alaska Seafood Marketing Association (ASMI) and the aquaculture association models.

MS. JULIE DECKER, Executive Director, Southeast Alaska Regional Dive Fisheries Association (SARDFA), said its mission is to develop, expand and enhance new and existing dive fisheries in Southeast. She said that geoducks and sea cucumbers are taxed at 5 and 7 percent for sea urchins. The assessments help pay for the increased cost of management and surveying associated with expansion of the fisheries and for special developmental

projects, which allow them to increase the ex-vessel value of the resources.

CHAIR BUNDE said that similar legislation in other fisheries didn't have unanimous agreement on taxing themselves and asked if she had polled her membership.

MS. DECKER replied that she has received overwhelming response to this legislation and over two-thirds voted to tax themselves in each of the fisheries.

3:12 p.m.

TAPE 04-30, SIDE A

MS. DECKER explained that the association sees the need for flexibility in the future and wants to have this in place ahead of time.

SENATOR HOLLIS FRENCH asked her exactly how the tax money would be spent.

MS. DECKER responded that each year the association develops an annual operating plan in cooperation with ADF&G. Some of the funds are used to pay for SARDFFA administration costs and for ADF&G to survey new areas, a little bit of research that is necessary for sustainable management of the resource and some water and PSP testing costs for the geoduck fishery. Some funds could be used for starting small pilot enhancement projects, which basically consists of reseeding certain areas.

SENATOR RALPH SEEKINS moved to pass HB 341 from committee with individual recommendations.

SENATOR FRENCH objected, because he hadn't had enough time to look at it.

CHAIR BUNDE said he would hold HB 341 over until the next meeting.

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^#SB377

SB 377-STATE MECHANICAL CODE

CHAIR CON BUNDE announced SB 377 to be up for consideration for its first hearing and that he didn't intend to move it today.

MR. ZACH WARWICK, staff to Senator Gene Therriault, sponsor, said it is designed to solve a problem that arose in 2001 when the Department of Public Safety (DPS) adopted a new brand of building code for the State of Alaska.

The state has five codes for building construction: plumbing, electrical, mechanical, building and fire. The Department of Labor and Workforce Development (DOLWD) has the statutory authority to adopt the mechanical and electrical codes; the DPS by default has used the following statute to adopt the other three codes. It states:

The Department of Public Safety may adopt regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards for fire and safety criteria in commercial, industrial, business, institutional or other public buildings and buildings used for residential purposes containing four or more dwelling units.

MR. WARWICK explained that when the DPS adopted the new codes, which are different than the Uniform Codes, it was done under the guise that if the new codes weren't adopted, the state would lose Federal Emergency Management Agency (FEMA) money. That was a completely untrue statement. Mechanical contractors who are the ones in the field doing the installations didn't have any input on design or installation procedures; the code was primarily designed by architects, engineers and building officials.

Currently, a lawsuit before the Supreme Court of Alaska is trying to revert back to the uniform family of codes. This bill would solve that problem by removing all references to the Uniform Mechanical Code.

CHAIR BUNDE said about 10 people wanted to testify and there were about 11 minutes left and that another hearing would be held at another time.

MR. EUGENE RUTLAND, Executive Director, Mechanical Contractors of Alaska, supported SB 377. He explained that recently Alaska adopted a Mechanical Code and a Plumbing Code that was published by two different entities who did not coordinate their publications with each other.

We need to have these codes under one agency where they can be coordinated. The Department of Public

safety only performs mechanical and electrical plan review for fire and life safety requirements. The balance of the mechanical code is not enforced at this time. The Department of Labor and Workforce Development has field inspectors who physically inspect actual installations. Since mechanical and plumbing are so closely intertwined, these same inspectors could and should inspect the mechanical installation, also.

Finally, the owners of our member firms are licensed mechanical administrators. They have both plumbing and mechanical category endorsements on their licenses. State statutes require them to sign off on each project they are responsible for. This certifies that the project has been solved in accordance with the applicable mechanical or plumbing codes. The penalty for violation ranges from a fine to a loss of license.... We support the passage of SB 377.

MR. DOUG MATHERS, Building Official, City of Kodiak, opposed SB 377. His reasoning is in the fax he sent to the committee.

MR. GREG MOORE, Nana/Colt Engineering, said they are an oil and gas engineering firm and opposed SB 377.

We oppose it because we haven't finished the business, yet, of the Safety Codes Task Force. If we would finish our business there, those items that we're talking about in this bill would be taken care of....

We also oppose it because this bill only tries to solve the problem for 477 mechanical administrators that will be affected by this bill. There are 6,166 engineers, designers and residential builders that will also be affected by this bill, except in a negative way.

MR. COLIN MAYNARD, Alaska Professional Design Council (APDC), opposed SB 377.

We believe that the process that the department of Public Safety has used to adopt the mechanical code for over 40 years has always been the same. The code was written by The International Conference of Building Officials (ICBO) that they have adopted for the last 40 years. ICBO now, under the name of

International Code Council (ICC), has written the International Mechanical Code that we're using, so it's not a different code. It's the same people with the same code.

MR. CRAIG FREDEEN, Mechanical Engineer, ASCG, Inc. opposed SB 377. He thought the code should stay in the Department of Public Safety because it has a more open and public process.

MR. JEFF ROBINSON, Klebs Mechanical, Inc., opposed SB 377.

MS. EDEN LARSON, President, Associated Builders and Contractors, (ABC), opposed SB 377.

MR. SAM KITO III, Alaska Professional Design Council (APDC), said it represents over 5,000 design professionals in the State of Alaska and opposed SB 377.

MR. CRAIG STEVENSON, Regional Manager, Governmental Relations Office, ICC, said it is a nonprofit, public benefit corporation whose history is in three former groups - one of them known as ICBO. Although their process of code development is similar to what ICBO used to do, it's much expanded and includes much more industry in the decision making process. The Uniform Mechanical Code that has been adopted by the State of Alaska was the ICBO version and that is not promulgated and updated by them any more; however, the assets of ICBO are owned by the ICC. His organization helps facilitate a process for safety codes to be used by local and state government. He suggested that SB 377 be held for further investigation to see if it meets the spirit and intent of AS 44.62, Administrative Procedures, and if it meets the state's policy for public meetings. He opposes the bill on the grounds that there hasn't been a complete inquiry into all the organizations, their processes and what others have in terms of providing solutions. Lastly, he noted faulty references on page 1, lines 10, 11 and 13.

CHAIR BUNDE asked him to forward his comments in writing to the committee. There being no further business to come before the committee, he adjourned the meeting at 3:30 p.m.

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