

HOUSE FINANCE COMMITTEE
February 28, 2005
1:39 P.M.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:39:14 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair
Representative Kevin Meyer, Co-Chair
Representative Bill Stoltze, Vice-Chair
Representative Eric Croft
Representative Richard Foster
Representative Mike Hawker
Representative Jim Holm
Representative Reggie Joule
Representative Carl Moses
Representative Bruce Weyhrauch

MEMBERS ABSENT

Representative Mike Kelly

ALSO PRESENT

Pat Davidson, Director, Legislative Auditor, Legislative Audit Division; Sam Kito III, Chair, Legislative Liaison Council, Alaska Professional Design Council; Scott Clark, Notary Administrator, Office of Lieutenant Governor; Brian Westad, Intern, Office of Lieutenant Governor; Sgt. Tim Birt, Juneau, Alaska State Troopers, Department of Public Safety, Juneau; Anne Carpeneti, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law

PRESENT VIA TELECONFERENCE

Representative Vic Kohring; James Steele, Manager, Office of Children Services, Department of Health and Social Services, Wasilla; Terry Schoenthal, American Society of Landscape Architects, Anchorage

SUMMARY

HB 35 An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date.

HB 35 was HEARD and HELD in Committee.

HB 66 An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date.

HB 66 was POSTPONED.

HB 67 An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date.

HB 67 was POSTPONED.

HB 97 An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date.

HB 97 was HEARD and HELD in Committee.

HB 99 An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date.

HB 99 was HEARD and HELD in Committee.

HB 134 An Act making supplemental, capital, and other appropriations, and reappropriations; amending appropriations; making appropriations to capitalize funds; making an appropriation under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date.

HB 134 was POSTPONED.

[1:39:35 PM](#)

#HB66

#HB67

HOUSE BILL NO. 66

An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date.

HOUSE BILL NO. 67

An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date.

Co-Chair Chenault advised that HB 66 and HB 67 would be POSTPONED until a latter date.

#HB35

HOUSE BILL NO. 35

An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date.

REPRESENTATIVE VIC KOHRING, (TESTIFIED VIA TELECONFERENCE), MAT-SU, stated that HB 35 would extend the termination date for the Board of Registration for Architects, Engineers and Land Surveyors (AELS) adding an additional five years. The current termination date is June 30, 2005. If the Legislature takes no action to extend the board, it would go into a one-year phase out to conclude administrative operations, followed by termination.

Representative Kohring pointed out that the board consists of 11 members appointed by the Governor:

- Two civil engineers,
- Two land surveyors,
- One mining engineer,
- One electrical or mechanical engineer,
- One engineer from another branch of the profession of engineering,
- Two architects,
- One landscape architect, and
- One public member.

Representative Kohring highlighted that the board's purpose is to adopt regulations, oversee examinations, suspend, revoke or refuse the issuance of new licenses, and issue licenses to practice to architects, engineers, and land surveyors who meet the standards of education and training determined necessary by the board.

Representative Kohring pointed out that Legislative Audit Division performed a November 1, 2004 board audit, as required by statute and recommended that the board be

extended to June 30, 2009. The Division found the board to be operating in the public interest by effectively regulating individuals who hold themselves out to the public as registered architects, engineers, land surveyors, and landscape architects. Furthermore, the Division found that the board demonstrated an ability to conduct business in a satisfactory manner, has been effective in developing regulations, has ensured that licensees are competent and consistently practice within requirements and ethical standards of their respective professions.

Representative Kohring pointed out that there are a couple of amendments proposed by the organization, one of which adds an additional member. He requested someone present address those amendments.

SAM KITO III, CHAIR, LEGISLATIVE LIASION COMMITTEE, ALASKA PROFESSIONAL DESIGN COUNCIL, stated that the Council fully supports the legislation and the extension of the sunset for the Board so that they can continue to meet professional standards.

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Vice-Chair Stoltze remembered legislation in the late 1990's, which encouraged the addition of landscape architects. He asked if an analysis had been done on the benefits of adding that group.

Mr. Kito pointed out the basic benefit to date is limited as there are only 30 licensed landscape architects statewide. He noted that they perform duties separate from architects or civil engineers. He added that the addition of the landscape architects to the board would help by adding another voting member, changing it from 10 to 11 members.

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In response to Vice-Chair Stoltze, Mr. Kito pointed out that they do not have information available that identifies projects they got with including the landscape architecture license.

Representative Weyhrauch inquired about the audit report.

PAT DAVIDSON, DIRECTOR, LEGISLATIVE AUDITOR, LEGISLATIVE AUDIT DIVISION, explained that an audit was conducted and recommended that the date be extended to 2009. She noted, based on the results of the audit on the Board of Registration for Architects, Engineers, and Land Surveyors, the Division recommends the termination date of June 30, 2005 be extended until June 30, 2009.

Ms. Davidson pointed out that during the last sunset review, Division recommended that the Legislature modify statutes allowing the Board to implement continuing professional education requirements. While the Legislature made that statutory change, the board has not implemented the requirement. The Division recommends that either the board implement a continuing professional education requirement or the Legislature consider modifying the statutes from a permissive program to a mandatory one.

Ms. Davidson continued, the second recommendation involves the continuing evolution of the engineering profession. Alaska recognizes the core disciplines of civil, chemical, electrical and mechanical engineering as well as mining and petroleum engineers. Other states have recognized other specialties or sub-disciplines. In the report, the Division recommended that the Board, in conjunction with the professional society or the University of Alaska, conduct a comprehensive study regarding the public benefits and related costs associated with recognizing additional engineering specialties in Alaska's licensing structure.

Ms. Davidson added that the Legislature should also consider making the landscape architect a full voting member of the board.

Representative Weyhrauch asked the importance of the continuing education requirement for civil engineers and architects.

Ms. Davidson stated that what the Audit Division looks at is why should the State become involved with licensing of professionals for public health, safety and welfare. No matter the level of training, the same level of protection is necessary. Although, not perfect, continuing education is one of the main mechanisms used for maintaining professional standards.

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Representative Holm commented on the landscape architect process. Ms. Davidson explained that the division has not done extensive work in regards to the landscape architects. It has been a progression and those represented on the board consist of all categories. Landscape architects have about the same number of licensees and by statute, there must be a member on that board.

Representative Holm voiced concern with the legislation. He stated he has been a horticulturist in Alaska for the past 50-years. Alaska does not have an association of Alaskan nurserymen. Because of that, there is not a "platform" from which to build that a horticulturist can use. Those that come from other parts of the world, bring information, which

often does not translate in Alaska. He cautioned that landscaping in Alaska is peculiar. It is not like building, given the particulars. There are no books that adequately explain what types of foliage grow in which places in Alaska.

Representative Holm stressed this is a major problem. Some landscape architects specify products that will not grow in Alaska. Because of that peculiarity, Representative Holm suggested that they do not have a place on the board until there is a horticultural set up that can address the State by regions.

Co-Chair Meyer interjected that there was someone on line who could testify regarding these concerns.

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Representative Croft inquired if all professions should be moved to some sort of continuing education requirement. Ms. Davidson stated that was not the intent. She indicated that it is important to determine how the public is being served and/or maintaining the quality of the profession. Continuing professional education is a common way to lead professionals into continued competency.

Representative Croft questioned if the Legislature should be deciding that information for the professions. He asked if it would be more appropriate to defer to the boards. Ms. Davidson stated that is up to the Legislature.

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Representative Weyhrauch agreed that it is important. He asked about legislative jurisdiction of overseeing of a professional board. He pointed out that a member of the public often hires professional expertise because of their lack of knowledge about a situation. He wanted some degree of comfort, knowing that there is a board that provides oversight and a code of ethics for the oversight. He asked for an update regarding what the board does to regulate their own members.

Mr. Kito pointed out that last year, there had been legislation that authorized the board to adopt regulations in continuing education. That legislation came at the urging of the surveyors. The architects are close behind them recognizing the importance of continuing education. The national scale has adopted continuing education standards. He admitted that there are professions that are not quite ready for the standard and listed various boards, which have national standards.

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Representative Hawker asked if there was an amendment before the Committee. Co-Chair Meyer responded there is no amendment at this time.

TERRY SCHOENTHAL, (TESTIFIED VIA TELECONFERENCE), AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS, ANCHORAGE, commented on testimony by Representative Holm, acknowledging the validity of his points. Mr. Schoenthal highlighted areas which his group operates, noting that they rely heavily upon State nurseries and the University. He pointed out that the State Board is fundamentally there for the purposes of health, safety and welfare of the State's citizens. There is not a planned laboratory for testing for Alaskan plants; however, the reason for licensing is to deal with health and safety concerns. There are issues associated with specific designs such as advice on drainage and storm water management.

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Mr. Schoenthal pointed out other areas including highway design. He stressed the importance of having the understanding of plant materials and the impact they have on the site distance. These are issues essential for the work of the board members.

Mr. Schoenthal stated that the board constitutes about 30 licensed professionals statewide. He thought that the numbers could double in the next decade. Like other professionals on the board, it brings forward national trends and changes, which influence how the requirements are changed. He mentioned continuing education and offered to answer questions of the Committee

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Representative Holm stated that he was not against landscape architects, however, he pointed out how ill informed that industry is. He stressed that the professionals coming from schools in other states have information does not "translate" well in Alaska. Representative Holm voiced concern that a standard for competency would be put in place.

Representative Holm mentioned an example of the depth of topsoil necessary for lawns in various sections of Alaska. He emphasized that if horticultural knowledge is not at hand, it is difficult to implement specifications that make sense.

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Mr. Schoenthal agreed in part with Representative Holm, pointing out that there are issues with multiple conditions

statewide. He acknowledged that simple availability is also a concern and stressed that the role of the board is more related to the statewide health, welfare and risk factors versus materials used in landscape design.

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Representative Holm acknowledged that competency is an important reason to have a professional board.

Vice-Chair Stoltze remembered a time there was not a lot of statewide regulatory function. He wanted "make certain" that the decision for a board was headed in the right direction. He noted constituent's complaints regarding "things" that do not make sense.

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Co-Chair Meyer noted that the bill would be held in Committee to address amendments.

HB 35 was HELD in Committee for further consideration.

[2:17:21 PM](#)

#HB97

HOUSE BILL NO. 97

An Act relating to the authority to take oaths, affirmations, and acknowledgments in the state, to notarizations, to verifications, to acknowledgments, to fees for issuing certificates with the seal of the state affixed, and to notaries public; and providing for an effective date.

SCOTT CLARK, NOTARY ADMINISTRATOR, OFFICE OF LIEUTENANT GOVERNOR, voiced support for the legislation and asked that Mr. Westad, intern for Lt. Governor Lemman summarize it.

BRIAN WESTAD, INTERN, OFFICE OF LIEUTENANT GOVERNOR, stated that HB 97 identifies changes in the Alaska Statutes, which have not been updated since 1961. These changes have been suggested by the Alaskan Notaries working together with Lt. Governor Lemman's office.

Mr. Westad referenced the handout: Notary Statute Comparison - CSHB 97 (JUD). (Copy in File). The comparison is arranged in sections highlighting the qualifications, terms, fees, bonds, commission types, commission revocation, notary data and non-commissioned notaries.

Mr. Westad provided an overview of the handout.

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Mr. Westad continued with the overview.

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Representative Croft was confused how the procedure for revocation changes. He referenced the proposed "shared" responsibility with the Lt. Governor.

Mr. Clark responded that Section 68, Page 16, provides the Lt. Governor the authority to revoke or suspend the commission based on grounds for that subsection. If the status for the notary changes and they no longer qualify for the commission, that would constitute grounds. An extreme case would be a notary convicted of a felony during the course of their commission. Failure to comply with the chapter gives the Lt. Governor the authority to revoke or suspend.

Mr. Clark pointed out that the #3 category for "incompetence or malfeasance" is more nebulous. All the changes are fairly technical and relate to the legislation itself.

Mr. Clark noted that Section 44.50.069 deals with situations where the public might call and complain about a notary. In that situation, instead of the Lt. Governor having the authority to revoke the commission, it would go through the Office of Administrative hearings. He thought that situation could be less defined and would require some degree of investigation.

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Representative Croft referenced that section and asked about the final analysis and determination of a violation in the chapter. He stated that Section 44.50.068 surprised him in that it repeats Section 44.50.069 and gives the Lt. Governor the sole power. He pointed out that language would not require a hearing.

Mr. Clark acknowledged that was correct and that it was not intended to "rob" the notaries of their right to appeal. He thought it might be appropriate to add a subsection to Section 44.50.068 that would clarify that the notary would have the authority to appeal any decision made by the Lt. Governor.

Representative Croft thought that the two provisions should be combined into one section. As it appears now, the two seem to be on different tracks. Mr. Clark agreed and suggested that Representative Croft could make an amendment, which their office would support. The current situation is quite cumbersome. He suggested that if an amendment is created, it should approach the situation by letting the Lt.

Governor suspend or revoke and then using the administrative hearing officer to become the appeal mechanism.

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Representative Croft commented it should be a matter of suspending. Mr. Clark agreed.

Representative Hawker agreed with Representative Croft and thought that an amendment should be brought forward before the bill was moved from Committee.

Representative Weyhrauch recommended that if there is going to be an appeal, it should be in a separate section applying to other provisions. Mr. Clark asked if direction was being given for the Office of the Lt. Governor to draft an amendment.

Representative Weyhrauch asked about the qualifications of the notary. He referenced Section 8, Page 8, which stipulates the qualifications of those not having been incarcerated for a felony within 10 years before the commission takes effect. He asked if a person would qualify if they were convicted of a felony but had not been incarcerated. Mr. Clark did not know if it was possible.

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Representative Weyhrauch commented that if you choose a notary, you choose someone that can be trusted. He thought that a probation felon should be reconsidered. Mr. Clark replied that it had not occurred to them that someone could be accused of a felony and not be incarcerated. He recommended establishing language that would take both situations into consideration. Mr. Clark agreed it could be addressed at the same time as the other amendment.

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Co-Chair Meyer pointed out that the application fee had not been changed; he asked if it had been the same cost since 1961. Mr. Clark responded that fee had been raised from \$20 dollars to \$40 dollars in 1990. The Lt. Governor did not proposed that a change be made to that number.

In response to Representative Weyhrauch's comments regarding the fees, Mr. Clark explained that the \$40 dollar fee was reasonable compared with other states.

Representative Weyhrauch questioned the cost to buy a bond in 1990 as compared to now. Mr. Clark did not know, but guessed that they had not increased.

Representative Weyhrauch asked if a notary test was required. Mr. Clark replied that the test is no longer required; when researching the statutes, there was no statutory authority to make it mandatory. The changes proposed to HB 97 intends to expand the testing program to make it self guided through the website.

Representative Weyhrauch asked it was required that the notaries keep a log. Mr. Clark replied that law does not require it, but notaries are strongly urged to keep a notary journal. He added that it is an essential element to the act of notarization. It is not mentioned in the statutes or in the bill and is a contentious subject. There has been a lot of objection to a mandatory journal. He commented that a journal serves the public's best interest as it provides a record of important information.

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Representative Hawker referenced the \$40 dollar fee and asked if the State was receiving sufficient revenue to run the cost of the program with that amount. Mr. Clark believed so.

Co-Chair Meyer interjected that since the legislation is in the process of raising the fees, that section should be "bumped up" a little. Mr. Clark responded that if the fee was raised, the bill might not pass. He stressed that passage is important and that the Office of the Lt. Governor had looked at the fee schedule closely.

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Representative Holm asked if it might be called a tax on the notary. He inquired about the number of notaries. Mr. Clark stated that their office processes about 3,000 commissions each year and that there are around 12,000 active notaries.

Vice-Chair Stoltze asked if any industry dominates the notary commissions. Mr. Clark replied that the banking industry is a common business; however, all businesses find it convenient to have notaries on staff.

Vice-Chair Stoltze asked if banks offer the service as a convenience or as a service. Mr. Clark responded that most banks offer notary services free of charge to their customers.

Representative Croft referenced the \$40 dollar charge and asked if that fee had been too high in 1990. He suggested that the question should be if the amount generates enough money to cover the services and asked if it was comparable to other states.

Co-Chair Meyer stated he would not suggest an increase if costs were being met.

Representative Weyhrauch thought it was important to scrutinize those costs closely and requested that more information be made available. Mr. Clark offered to provide that information.

Co-Chair Meyer requested that Mr. Clark work with Suzanne Cunningham in his office to provide a committee substitute addressing the items of concern.

Co-Chair Chenault inquired if there was a log of how many times a notary uses their seal each year. Mr. Clark replied that without a notary journal, there is no way to track that type of activity.

Co-Chair Chenault questioned the fiscal note request. Mr. Clark advised that the fees referenced are not related to the notaries or the public. They are related to a special type of certificate, attached to documents going to foreign countries. Foreign governments often will not accept documents from any other country without that type of attached certificate. There are between 2,000 and 3,000 of those per year and that is what the fiscal note is based upon.

Co-Chair Chenault asked what most of the certificates deal with. Mr. Clark explained that they verify that the notaries really are notaries.

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HB 97 was HELD in Committee for further consideration.

#HB99

HOUSE BILL NO. 99

An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date.

ANNE CARPENETI, ASSISTANT ATTORNEY GENERAL, LEGAL SERVICES SECTION, CRIMINAL DIVISION, DEPARTMENT OF LAW, summarized what HB 99 would accomplish.

- It provides that it would be a manslaughter conviction for manufacturing or delivering meth in violation of drug laws, AS 11.71, if a person dies as the direct result of ingesting the drug.

- It also provides that there is no additional comparable mental state required for the State to prove the case. Making the conduct specifically homicide does not operate new ground in the law.

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- The bill creates a new form of child endangerment in the 1st degree by providing that it would be a Class C felony to manufacture or attempt to manufacture meth in violation of the State's drug laws in a building, especially if children under 18 use the building as a dwelling.
- The bill changes the penalty for possessing methamphetamine in an organic solution. Right now, it is a Class C felony to possess the substance and it is a Class A felony to possess a precursor to the substance with the intent to manufacture it. It is a known fact that people possess the methamphetamine in an organic solution in order to extract the powdered meth.

Co-Chair Chenault noted an on-going case in Fairbanks where a meth lab was found in a motel. Ms. Carpeneti stated that was correct.

Representative Weyhrauch commented on the vastness of the problem nationally with meth. He pointed out that "methamphetamine" was not in the title of the bill and asked if the bill was directed solely to that drug.

Ms. Carpeneti explained that two of the sections deal directly with meth amphetamines but the bill does have a broader context. The manslaughter provision is for distribution or manufacturing of any drug in violation to the State's drug laws.

Representative Weyhrauch asked if current criminal law allows seizure of a building or car if it is involved in the manufacturing of meth amphetamines. Ms. Carpeneti said she would research that and get back to the Committee.

Representative Weyhrauch asked if it was correct that methamphetamine could not be made without using Sudafed. Ms. Carpeneti deferred to an online expert.

Representative Weyhrauch inquired about the possibility of vapors of the methamphetamine being absorbed into carpets, walls and sheetrock of the lab and outside areas. Ms. Carpeneti understood that was correct and that it could also permeate airwaves of an entire building.

Representative Weyhrauch asked if the intent of legislation was that criminal prosecution and application would address any effect that the meth amphetamine reached. Ms. Carpeneti advised that it clarifies if the drug is manufactured in a building with reckless disregard to the danger of any child in that whole structure, that person would be prosecuted in first degree.

Representative Weyhrauch commented that reckless disregard is a high standard. Ms. Carpeneti responded that it is the highest, "knowingly" is the second highest, "reckless disregard" the next and "criminal negligence" the last.

Representative Weyhrauch discussed "casting a wider net" for lowering that to a comparable mental state. He asked if that change would create a fiscal impact on the prison system. Ms. Carpeneti thought that most meth lab arrests would be able to prove reckless disregard because of the dangerousness of the substance.

Representative Weyhrauch revisited the Sudafed question. He asked if it was a critical component of meth amphetamine, would it then be simpler to outlaw Sudafed sales in Alaska. Ms. Carpeneti noted that there are legitimate uses of Sudafed. There are several bills in the Legislature at this time that could regulate the sale of that type of chemical.

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Representative Holm mentioned a bill passed a couple of years ago that dealt with mandatory cleanup of these sites. He added that HB 149 deals with the meth issue.

SGT. TIM BIRT, ALASKA STATE TROOPERS, DEPARTMENT OF PUBLIC SAFETY, JUNEAU, testified in support of passage of HB 99. Sgt. Birt commented on the common trend of the meth labs in the State of Alaska. There is a complete disregard from those that manufacture meth amphetamine for their safety as well as the safety of those around them. The manner in which the chemicals are stored creates situations that are extremely hazardous. He stressed that whether it is intentional or not, a dangerous situation is created with the chemicals that are used. In the actual meth labs, the chemicals are usually found from the floor level up to counter top, the areas in which children spend most of their time.

Vice-Chair Stoltze asked for a description of the compounds. Sgt. Burt explained that in Alaska, there are two primary methods of manufacturing meth amphetamine.

- Using lithium metal and Sudafed
- Using iodine and red phosphorous

Vice-Chair Stoltze inquired about the amounts of Sudafed used. Sgt. Birt explained that in the manufacturing process, the more chemicals put into the front, the more finished product that results. What has been seen in the "box labs" or "mom and pop" labs is that they take a few boxes of Sudafed and manufacture grams and/or ounces of meth. For every one unit of Sudafed in the front end, the result is $\frac{3}{4}$ unit of meth. Some retailers now limit the number of boxes of Sudafed, which can be sold over the counter.

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Co-Chair Chenault asked how many meth labs have been busted in Alaska in the last two to five years. Sgt Birt responded that those numbers are available but that he did not have them at this meeting. In 2004, in the Mat-Su valley, there were 50 to 60 meth labs busted.

Co-Chair Chenault pointed out that the three fiscal notes all indicate a zero fiscal impact, which surprised him given the size of the problem statewide. He requested that the up front anticipated costs be submitted to the Committee.

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Representative Holm noted that Alaska has no restrictions on the purchase of Sudafed. He asked if there should be laws in place to limit the sale of any ephedrine. Sgt. Birt commented that Sudafed actually serves legitimate purposes. He agreed it should be regulated and restricted, which might help with the problem. Other states that have restricted the sales have experienced a dramatic decrease in the meth labs. That drop happened almost immediately with the passage of their legislation.

Representative Holm understood that if ephedrine came off the market, there are other options for those that need it and could be purchased over the counter. Sgt. Birt acknowledged that there are other compositions of Sudafed such as a gel cap or cough syrup. In other states, only the actual cold tablets are regulated.

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Representative Holm questioned if that would be possible in Alaska. Sgt. Birt replied that controlling Sudafed tablets would definitely have an impact on the meth labs.

Representative Holm recommended that the Committee look further into that possibility.

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JAMES STEELE, (TESTIFIED VIA TELECONFERENCE), MANAGER, OFFICE OF CHILDREN SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, WASILLA, testified in support of HB 99. He commented that he comes into contact with the issues of meth labs not only in his role as manager of children's services but also as a deputy fire chief. Mr. Steele stressed that Mat-Su has the fastest growing population and the fastest growing number of drug labs in the State.

Mr. Steele pointed out that two years ago, the local drug teams seized 30 labs; last year, that number increased to 51. He noted that there is a critical problem when cooking meth in that all surfaces become contaminated through the fumes. Toxic fumes and poisonous gases pose an extreme risk for anyone exposed.

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Last year, the Office of Children Services took custody of 8 active labs. There were workers that transported kids who had to be decontaminated because of their exposure to the meth. He stressed that children's normal behavior, places them at risk for contaminates of the meth and dangerous chemicals. Currently, his office receives about 40 monthly reports related to some aspect of meth production. This is a huge growing concern. Mr. Steele offered to answer questions of the Committee.

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Vice-Chair Stoltze asked how often are firemen, the first responders to the meth lab scenes. Mr. Steele acknowledged that it does occur, however, often times the fire department does not find out until later in the process. Sometimes there are explosions. He pointed out that they have responded to car fires with mobile labs. It does occur, but he did not know the number.

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Co-Chair Meyer noted that the bill would be HELD in order to merge it with other bills with a similar concern.

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Representative Weyhrauch hoped that the legislation would not affect homebrew, wine or beer making.

HB 99 was HELD in Committee for further consideration.

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ADJOURNMENT

The meeting was adjourned at 3:18 P.M.