

HOUSE FINANCE COMMITTEE
April 7, 2005
1:48 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:48:59 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 Mike Kelly
Representative Carl Moses
Representative Bruce Weyhrauch

MEMBERS ABSENT

Representative Reggie Joule

ALSO PRESENT

Suzanne Cunningham, Staff, Representative Meyer;
Representative Jay Ramras; Josh Applebee, Staff,
Representative Tom Anderson; Rick Urion, Director
Occupational Licensing, Department of Community and Economic
Development; Representative Norm Rokeberg; Heather Nobrega,
Staff, Representative Norm Rokeberg; Representative
Gabrielle LeDoux; Nico Bus, Acting Director, Division of
Administrative Services, Department of Natural Resources;
Wendy Hamilton, Therapeutic Court Coordinator, NCADD; Pat
Davidson, Legislative Auditor, Legislative Audit Division;
John Walsh, Lobbyist, Alaska Psychological Association,
Juneau; Caren Robinson, Lobbyist, Alaska Women's Lobby

PRESENT VIA TELECONFERENCE

Judge James Wannamaker, Alaska Center for Therapeutic
Courts, Anchorage; Barry Christensen, Alaska Pharmacy
Association, Anchorage; Dr. Robert Lane, Alaska
Psychological Association, Anchorage; Cindy Buehler, Chair,
Alaska State Board of Pharmacy, Anchorage

SUMMARY

HB 149 "An Act relating to further regulation of the
sale, possession, and delivery of certain

chemicals and precursors used in the manufacture of methamphetamine."

CSHB 149 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with the following fiscal impact notes: zero note #1 by the Alaska Court System, zero note #2 by the Department of Law, indeterminate note #3 by the Department of Administration, indeterminate note #4 by the Department of Corrections.

HB 83 "An Act relating to the Alaska Seismic Hazards Safety Commission."

CSHB 83 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new indeterminate fiscal impact note by Military and Veterans Affairs, and with a zero fiscal impact note #2 by Department of Natural Resources.

HB 136 "An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

HB 136 was REPORTED out of Committee with a "do pass" recommendation and with six fiscal impact notes: zero note # 1 by the Department of Corrections; zero note #2 by the Alaska Court System; zero note #3 by the Department of Public Safety; indeterminate note #4 by the Department of Administration; indeterminate note #5 by the Department of Law; indeterminate note #6 by the Department of Law.

HB 123 "An Act relating to occupational licensing fees and receipts; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and Psychological Associate Examiners, and Veterinary Examiners; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

CSHB 123 (L&C) was heard and HELD in Committee for further consideration.

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HOUSE BILL NO. 83

"An Act relating to the Alaska Seismic Hazards Safety Commission."

SUZANNE CUNNINGHAM, STAFF, REPRESENTATIVE MEYER, introduced the new CS for HB 83.

Representative Weyhrauch MOVED to ADOPT the work draft to HB 83, labeled 24-LS0372\Y, Bullock, 4/7/05. There being NO OBJECTION, it was so ordered.

REPRESENTATIVE GABRIELLE LEDOUX, sponsor, noted that she is comfortable with the changes in the new CS. She reported that it changes the extension date until 2008, but sunsets in 2006 if the governor has not yet made an appointment.

Representative Weyhrauch asked why there are three representatives from local governments. Ms. LeDoux replied that local governments are important to the process and would be an asset to this commission.

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Co-Chair Meyer related that changes were made in Sections 6, 7, and 8.

Vice-Chair Stoltze asked if it is assumed that the local government would have some history with seismic occurrences. Representative LeDoux replied yes and added that she is comfortable with the language.

Co-Chair Meyer summarized that if the commission were extended, in 2008 another sunset audit would be done to evaluate the progress.

Representative Foster moved to report CSHB 83 (FIN) out of Committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 83 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new indeterminate fiscal impact note by Military and Veterans Affairs, and with a zero fiscal impact note #2 by Department of Natural Resources.

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At ease.

[1:57:14 PM](#)

HOUSE BILL NO. 149

"An Act relating to further regulation of the sale, possession, and delivery of certain chemicals and precursors used in the manufacture of methamphetamine."

Vice-Chair Stoltze MOVED to RESCIND the committee's previous action to adopt HB 149. There being NO OBJECTION, it was so ordered.

Ms. Cunningham explained that when the bill was taken up before the committee yesterday, Amendment 1 was adopted. It involved confidentiality issues regarding customers who purchase selected ingredients. Legislative Legal determined that it was not necessary to link the confidentiality issue to the Public Information Act, AS 40.25.100 - 40.25.220, because retailers are not a public entity or agency such as state government, which would be subjected to this law.

Co-Chair Meyer explained that the bill already contains Amendment 1.

Representative Hawker MOVED to ADOPT Amendment 2:

Page 9, lines 20-22:

Delete all material.

Insert "have access to the log. The log and the information entered into the log is confidential. The retailer may not allow access to the log or release information contained within the log except to the Department of Public Safety or other law enforcement officers."

He explained that the amendment makes it clear that an individual's privacy is protected when they are required to sign a log when purchasing Sudafed. The information is kept confidential and the data will not be used inappropriately.

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Representative Croft commented about how the Freedom of Information Act applies when the log is in the possession of Public Safety. He wondered what is so private about this record.

Representative Hawker stated that this is a mandate that protects the person who signs a log, and that makes this information confidential. He voiced concern about requiring retailers to keep records without the protection of privacy.

REPRESENTATIVE JAY RAMRAS, sponsor, spoke about the personal information contained on the Fred Meyer Rewards card. He

concurred with Amendment 2, but noted that he does not want to lose sight of the intent of the bill.

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Representative Hawker referred to Representative Croft's concern about confidentiality should law enforcement agencies avail themselves of these records. He agreed that the problem is taken care of in statute.

There being NO OBJECTION, Amendment 2 was adopted.

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Representative Croft MOVED to ADOPT Conceptual Amendment 3:

In Section 11, following subsection (e), insert language to the following effect:

If a law enforcement agency voluntarily designates itself as a central repository for the information collected in (a) or (b) in this section, with the intention of disseminating the information to other law enforcement agencies, each wholesaler, manufacturer, and distributor shall regularly report that information to the law enforcement agency.

Representative Weyhrauch OBJECTED for discussion purposes.

Representative Croft explored the reasoning behind the amendment. He questioned how to establish the process of reporting the information in the logs to law enforcement agencies.

Co-Chair Meyer asked if the law enforcement agency is responsible for voluntarily sharing the information.

Representative Ramras referred to page 10 of the bill and pointed out that this concern is addressed in Section (e). He noted that there are certain communities that have a more severe methamphetamine problem and will have an acute approach; others don't need to gather the information into a central depository site. He stated opposition to Amendment 3 because it could require one law enforcement agency to require all others to comply. He maintained that this issue was adequately addressed in House Judiciary Committee.

Co-Chair Meyer termed it a "local option". Representative Ramras agreed. For example, Barrow does not have the same problem that MatSu or North Pole have.

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Representative Croft asked what would happen if one community decides to do this and the neighboring community does not. Representative Ramras replied that the Department of Public Safety agrees with this language. He pointed out that local law enforcement agencies tend to cooperate in these matters.

Representative Croft WITHDREW Amendment 3.

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Representative Kelly inquired if the logbook is actually going to be used as a deterrent. Representative Ramras responded that it is a deterrent to these types of criminals. They will not buy these substances if they know they have to show identification and sign a log.

Representative Foster MOVED to REPORT CSHB 149 (FIN) out of Committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 149 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with the following fiscal impact notes: zero note #1 by the Alaska Court System, zero note #2 by the Department of Law, indeterminate note #3 by the Department of Administration, indeterminate note #4 by the Department of Corrections.

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HOUSE BILL NO. 136

"An Act restricting the authority of a court to suspend execution of a sentence or grant probation in prosecutions for driving while under the influence and prosecutions for refusal to submit to a chemical test; and allowing a court to suspend up to 75 percent of the minimum fines required for driving while under the influence and for refusal to submit to a chemical test if the defendant successfully completes a court-ordered treatment program."

REPRESENTATIVE NORM ROKEBERG, sponsor, related the three main requirements of HB 136, which speaks to the issue of wellness through therapeutic courts. It requires that the minimum fines set out by the legislature for driving while under the influence shall be collected and imposed by the courts. It allows for therapy courts to be used for felony DUI offenses. It increases the amount of fines that may be waived upon successful completion of therapeutic court programs. He referred to a letter of support from MADD (copy on file.)

Representative Weyhrauch asked if there is any benefit to having an amendment to require the person to pay at least the minimum fine. He asked if they could be made to pay more than the minimum fine.

HEATHER NOBREGA, STAFF, REPRESENTATIVE NORM ROKEBERG, replied that it does not prohibit the courts from imposing more than the minimum fine. The courts often suspend the amount imposed over the minimum fine. Representative Weyhrauch suggested adding the words "at least". Ms. Nobrega opined that the bill is adequate as written. Representative Weyhrauch asked if it applies both to previous offenders and first time convictions. Ms. Nobrega replied yes.

Representative Croft referred to Section 3 and asked what if they can't get into a treatment program. Representative Rokeberg requested Judge Wannamaker to answer that question.

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Representative Weyhrauch asked if there are certain conditions that would allow for suspended imposition of DUI sentences. Representative Rokeberg replied that the statutes work together regarding offenses and it could be troublesome.

JUDGE JAMES WANNAMAKER, ALASKA CENTER FOR THERAPEUTIC COURTS, (via teleconference) endorsed the wellness court model. In response to Representative Croft's question about unavailability of therapeutic courts, he responded that there is no backup at present.

Representative Croft opined that it is unfair if there is no access to the court. Judge Wannamaker replied that the answer is to get the roadblocks to the operations of the courts fixed. Representative Croft decided not to offer Amendment 1.

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Representative Rokeberg noted that the biggest problem is lack of support for treatment programs by state bureaucracy. He agreed to work with Representative Croft on this issue.

Representative Hawker noted that at Representative Rokeberg's request, efforts have been taken to expand these programs.

Representative Kelly commented on various bureaucratic problems and said it is widespread.

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WENDY HAMILTON, THERAPEUTIC COURT COORDINATOR, JUNEAU, spoke in favor of HB 136. Juneau is currently planning for a therapeutic court, which will deal with misdemeanor and felony DUIs. She related that the bill would increase the efficacy of the court, extending the incentives from misdemeanor DUIs to felony DUIs. It would allow a reduction in fines from 50 percent to 75 percent, and help the Juneau, Ketchikan, Bethel, and Fairbanks courts run more efficiently.

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Co-Chair Chenault questioned the indeterminate fiscal note by the Department of Law regarding expense for more trials for people who can't pay the minimum fines. He asked what is happening to these people now.

Representative Rokeberg explained that the bill would ask the courts to collect fines and should increase revenues. Co-Chair Chenault asked how many more would roll over to the therapeutic court system. Representative Rokeberg responded that the number would stay the same but recidivism would be lessened.

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Representative Hawker pointed out that there is a Judiciary Letter of Intent with the bill.

Representative Foster moved to report HB 136 out of Committee with individual recommendations and the attached fiscal notes, and with the attached letter of intent. There being NO OBJECTION, it was so ordered.

HB 136 was REPORTED out of Committee with a "do pass" recommendation and with six fiscal impact notes: zero note # 1 by the Department of Corrections; zero note #2 by the Alaska Court System; zero note #3 by the Department of Public Safety; indeterminate note #4 by the Department of Administration; indeterminate note #5 by the Department of Law; indeterminate note #6 by the Department of Law.

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At ease.

[2:49:39 PM](#)

HOUSE BILL NO. 123

"An Act relating to occupational licensing fees and receipts; extending the termination dates of the Boards of Barbers and Hairdressers, Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and

Psychological Associate Examiners, and Veterinary Examiners; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

JOSH APPLEBEE, STAFF, REPRESENTATIVE TOM ANDERSON, sponsor of HB 123, explained that the bill extends the sunset for several boards. The dates were extended to meet the requirements of the legislative audit.

Representative Weyhrauch wondered why the boards are audited together in this bill. Mr. Applebee replied that it is an experiment that has turned out not to be as efficient as originally intended.

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Vice-Chair Stoltze asked why it is not efficient. Mr. Applebee explained that six boards were selected and soon different interests pulled the bill in different directions. Vice-Chair Stoltze opined that there could be a tendency to bog down on multiple sunsets.

RICK URION, DIRECTOR, OCCUPATIONAL LICENSING, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, explained sections 1, 2, 3, 4, and 11 of the bill. He explained that what it costs to regulate a particular profession is what the license cost is. Fines generated can be used to establish fees for licensees. The law requires regulation by profession at the board level. For example if there was a case against a physician's assistant under existing law, whatever that cost is would be borne only by physician's assistants. Every licensed profession supports these amendments.

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Vice-Chair Stoltze mentioned that barbers complain about bearing more costs due to tattoo artists' fines. He wondered if that is true.

Mr. Urion said no. Vice-Chair Stoltze repeated that it is a big complaint. Mr. Urion said he could recall no complaints by the barber board.

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ROBERT LANE, ALASKA PSYCHOLOGICAL ASSOCIATION, ANCHORAGE, (via teleconference) spoke in support of HB 123. He asked for an amendment that would keep license agreements reciprocal throughout the nation and Canada.

CINDY BUEHLER, CHAIR, ALASKA STATE BOARD OF PHARMACY, ANCHORAGE, (via teleconference) voiced support of HB 123.

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PAT DAVIDSON, LEGISLATIVE AUDITOR, LEGISLATIVE AUDIT DIVISION, spoke about audits conducted under the various boards and the recommendations for extensions. She elaborated upon each board's requirements.

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Representative Weyhrauch referred to Section 11, the fee extension. Ms. Davidson noted that funds would be moved into a program receipt form. She observed that the fines and the penalties vary. She explained that individual boards vary greatly and gave examples.

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Representative Weyhrauch questioned if general fund receipts would be needed. Ms. Davidson affirmed that they would.

Vice-Chair Stoltze MOVED to ADOPT Amendment 1:

Page 1, line 1

After "receipts;"

Insert "licensing credentials;"

Page 4

After line 21

Insert new section

"* **Sec. 11.**AS 08.86.150 is amended to read:

AS 08.86.150 License by credentials. A person who is licensed or certified as a psychologist by a licensing authority other than the state is entitled to be licensed in the state without examination of the person applies on the proper application form, submits proof of continued competence as required by regulation of the board, pays the credential review fee, and the person

(1) holds a doctoral degree with primary emphasis on psychology that satisfies the requirements of AS 08.86.130 and the examination and qualification requirements for the person's out-of-state license or certificate were essentially similar to or higher than the examination and qualification requirements for licensure under this chapter;
[OR]

(2) is a diplomate in good standing of the American Board of Professional Psychology[.];or

(3) is certified or registered with a credentialing organization in psychology approved by the board in regulation, and with requirements essentially similar to or higher than the requirements for licensure under this chapter.

Renumber the remaining sections accordingly.

Co-Chair Chenault OBJECTED for the purpose of discussion.

JOHN WALSH, LOBBYIST, ALASKA PSYCHOLOGICAL ASSOCIATION, JUNEAU, explained that Amendment 1 expands AS 08.86.150, licensing by credentials, and allows a person who is certified by the American Board of Professional Psychology to be licensed, as well as a person who is registered by a credentialing organization that has been approved by the board.

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Dr. Lane noted that there are two boards that keep track of credentials for purpose of certification. There are 26 states that have passed similar legislation. There are another 18 states in the works on similar legislation. He stressed that the amendment would allow Alaska to keep up with national trends.

Co-Chair Chenault WITHDREW his OBJECTION.

Mr. Walsh noted that the board would still be required to make regulations.

There being NO OBJECTION, Amendment 1 was adopted.

[3:16:30 PM](#).

Representative Weyhrauch MOVED to ADOPT Amendment 2:

Page 1, line 5, following "**program;**":
Insert "**providing that pharmacists are to be considered health care providers in all instances in the Alaska Statutes in which that term or its definition does not already contain an explicit reference to pharmacists;**"

Page 4, following line 21:
Insert a new bill section to read:
"*** Sec. 11.** AS 08.80 is amended by adding a new section to read:
Sec. 08.80.015. Pharmacists as health care providers. In all instances in the Alaska Statutes in which the term "health care provider" or the definition of the term "health care provider" does not contain an explicit reference to pharmacist, the term "health care provider" shall be considered to refer to or include a pharmacist."

Renumber the following bill sections accordingly.

Representative Hawker OBJECTED for the purpose of discussion.

Vice-Chair Stoltze stated asked for additional information regarding costs.

BARRY CHRISTENSEN, ALASKA PHARMACY ASSOCIATION, ANCHORAGE, (via teleconference) testified in support of the legislation. He noted that the amendment would recognize pharmacists as health care providers in Alaska for Medicaid purposes. The amendment would not change the scope of their practice. He maintained that there would be no increase in fiscal responsibility to pharmacists.

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In response to a question by Co-Chair Chenault, Mr. Christensen acknowledged that the amendment would allow them to bill health care providers, but emphasized that it would not require them to pay.

Co-Chair Chenault expressed concern that the amendment could result in a rather larger fiscal note.

Vice-Chair Stoltze asked if the amendment would open the door for pharmacists to prescribe medications.

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Mr. Christensen noted that the legislation would not expand the scope of practice. Vice-Chair Stoltze observed that simple issues can be expanded through the courts. He stressed that it is a major policy issue.

CAREN ROBINSON, LOBBYIST, explained that the intent is to add the provider status language to the definition section. She maintained that would be an appropriate amendment. She referred to HB 95, a public health bill passed earlier this week, which defined health care providers. She also referred to HB 85, which allows young people to be able to carry aspirators in schools, and which also defined health care providers. She stated that there is no attempt to expand practice or service.

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Representative Croft noted that it did not change the scope of the practice for pharmacists.

Representative Hawker stated that he would not support the amendment because it would affect all sections of the bill and there has not been sufficient testimony on the fiscal note. He stressed that the legislation was intended as a board renewal.

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Representative Kelly suggested a narrowing of the amendment.

Ms. Robinson referred to the definition of pharmacist. She stated that the intent was to simply amend the definitions system by adding, "and who is thereby recognized as a health care provider by the state."

Representative Weyhrauch acknowledged problems with the amendment's drafting. He WITHDREW Amendment 2.

ADJOURNMENT

The meeting was adjourned at 3:34 PM