

**ALASKA STATE LEGISLATURE  
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

May 3, 2005

1:40 p.m.

**MEMBERS PRESENT**

Senator Ralph Seekins, Chair  
Senator Charlie Huggins, Vice Chair  
Senator Bettye Davis  
Senator Ben Stevens

**MEMBERS ABSENT**

Senator Johnny Ellis

**COMMITTEE CALENDAR**

CS FOR HOUSE BILL NO. 123(RLS) am  
"An Act relating to occupational licensing fees, fines, and penalties and to regulatory board fines; 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 psychologist licensing by credentials; relating to an exemption that allows one bill to continue more than one board, commission, or agency program; and providing for an effective date."

MOVED CSHB 123(RLS)am OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 169(FIN)  
"An Act relating to the educational requirements for certain real estate brokers, associate brokers, and salespersons with new or suspended licenses; relating to review of real estate transactions by attorneys or associate brokers; relating to the requirements for a real estate broker license and an associate real estate broker license; and providing for an effective date."

MOVED CSHB 169(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 120

"An Act relating to safety devices and sharp instruments for the prevention of the spread of bloodborne pathogens in health care employees; and providing for an effective date."

MOVED HB 120 OUT OF COMMITTEE

HOUSE BILL NO. 213

"An Act relating to alcohol server education."

MOVED HB 213 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 181(L&C)

"An Act authorizing a waiver for active duty military service of continuing education requirements for renewal of occupational licenses."

MOVED CSHB 181(L&C) OUT OF COMMITTEE

SENATE BILL NO. 180

"An Act relating to breaches of security involving personal information, consumer report security freezes, protection of social security numbers, disposal of records, and the accuracy of reports on credit history, score, and ranking."

REMOVED FROM THE AGENDA

#### PREVIOUS COMMITTEE ACTION

BILL: HB 123

SHORT TITLE: OCCUPATIONAL BDS:EXTENSION/RECEIPTS/PSYCH

SPONSOR(s): LABOR & COMMERCE

02/02/05	(H)	READ THE FIRST TIME - REFERRALS
02/02/05	(H)	L&C, FIN
02/07/05	(H)	L&C AT 3:15 PM CAPITOL 17
02/07/05	(H)	Moved CSHB 123(L&C) Out of Committee
02/07/05	(H)	MINUTE(L&C)
02/09/05	(H)	L&C RPT CS(L&C) 6DP
02/09/05	(H)	DP: CRAWFORD, LYNN, LEDOUX, GUTTENBERG, ROKEBERG, ANDERSON
04/01/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/01/05	(H)	<Bill Hearing Postponed to Thurs 4/7/05>
04/07/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/07/05	(H)	Heard & Held
04/07/05	(H)	MINUTE(FIN)
04/11/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/11/05	(H)	Moved CSHB 123(FIN) Out of Committee
04/11/05	(H)	MINUTE(FIN)
04/12/05	(H)	FIN RPT CS(FIN) NT 2DP 5NR 1AM
04/12/05	(H)	DP: HAWKER, FOSTER;
04/12/05	(H)	NR: HOLM, STOLTZE, MOSES, WEYHRAUCH, MEYER;
04/12/05	(H)	AM: KELLY
04/20/05	(H)	RLS AT 8:30 AM CAPITOL 106
04/20/05	(H)	Moved CSHB 123(RLS) Out of Committee
04/20/05	(H)	MINUTE(RLS)

04/21/05 (H) RLS RPT CS(RLS) NT 2DP 1NR 3AM  
04/21/05 (H) DP: COGHILL, ROKEBERG;  
04/21/05 (H) NR: MCGUIRE;  
04/21/05 (H) AM: KOHRING, BERKOWITZ, KERTTULA  
04/21/05 (H) RETURNED TO RLS COMMITTEE  
04/22/05 (H) RLS CS ADOPTED Y21 N13 E2 A4  
04/25/05 (H) TRANSMITTED TO (S)  
04/25/05 (H) VERSION: CSHB 123(RLS) AM  
04/26/05 (S) READ THE FIRST TIME - REFERRALS  
04/26/05 (S) L&C, FIN  
05/03/05 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 169

SHORT TITLE: REAL ESTATE LICENSEES  
SPONSOR(S): REPRESENTATIVE(S) ROKEBERG

02/22/05 (H) READ THE FIRST TIME - REFERRALS  
02/22/05 (H) L&C, FIN  
04/06/05 (H) L&C AT 3:15 PM CAPITOL 17  
04/06/05 (H) Moved CSHB 169(L&C) Out of Committee  
04/06/05 (H) MINUTE(L&C)  
04/08/05 (H) L&C RPT CS(L&C) NT 5DP 1NR  
04/08/05 (H) DP: CRAWFORD, LYNN, LEDOUX, ROKEBERG,  
ANDERSON;  
04/08/05 (H) NR: GUTTENBERG  
04/13/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/13/05 (H) Heard & Held  
04/13/05 (H) MINUTE(FIN)  
04/14/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/14/05 (H) Moved CSHB 169(FIN) Out of Committee  
04/14/05 (H) MINUTE(FIN)  
04/18/05 (H) FIN RPT CS(FIN) NT 7DP 2NR  
04/18/05 (H) DP: HAWKER, STOLTZE, CROFT, HOLM,  
MOSES, FOSTER, MEYER;  
04/18/05 (H) NR: KELLY, CHENAULT  
04/21/05 (H) TRANSMITTED TO (S)  
04/21/05 (H) VERSION: CSHB 169(FIN)  
04/22/05 (S) READ THE FIRST TIME - REFERRALS  
04/22/05 (S) L&C, FIN  
04/26/05 (S) L&C AT 1:30 PM BELTZ 211  
04/26/05 (S) -- Meeting Canceled --  
05/03/05 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 120

SHORT TITLE: HEALTH CARE EMPLOYEE PROTECTION  
SPONSOR(S): REPRESENTATIVE(S) WILSON

02/02/05 (H) READ THE FIRST TIME - REFERRALS  
 02/02/05 (H) HES, L&C  
 02/24/05 (H) HES AT 3:00 PM CAPITOL 106  
 02/24/05 (H) Moved Out of Committee  
 02/24/05 (H) MINUTE(HES)  
 02/25/05 (H) HES RPT 4DP 1NR  
 02/25/05 (H) DP: CISSNA, GARDNER, SEATON, WILSON;  
 02/25/05 (H) NR: KOHRING  
 03/22/05 (H) L&C AT 1:00 PM CAPITOL 17  
 03/22/05 (H) Moved Out of Committee  
 03/22/05 (H) MINUTE(L&C)  
 03/23/05 (H) L&C RPT 4DP 2NR  
 03/23/05 (H) DP: CRAWFORD, LYNN, GUTTENBERG,  
 ANDERSON;  
 03/23/05 (H) NR: LEDOUX, ROKEBERG  
 04/12/05 (H) TRANSMITTED TO (S)  
 04/12/05 (H) VERSION: HB 120  
 04/13/05 (S) READ THE FIRST TIME - REFERRALS  
 04/13/05 (S) HES, L&C  
 04/25/05 (S) HES AT 2:00 PM BUTROVICH 205  
 04/25/05 (S) Scheduled But Not Heard  
 04/27/05 (S) HES AT 1:30 PM BUTROVICH 205  
 04/27/05 (S) Moved HB 120 Out of Committee  
 04/27/05 (S) MINUTE(HES)  
 04/28/05 (S) HES RPT 3DP 1NR  
 04/28/05 (S) DP: DYSON, ELTON, WILKEN  
 04/28/05 (S) NR: OLSON  
 05/03/05 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 213

SHORT TITLE: ALCOHOL SERVER EDUCATION  
 SPONSOR(S): REPRESENTATIVE(S) RAMRAS

03/09/05 (H) READ THE FIRST TIME - REFERRALS  
 03/09/05 (H) L&C, FIN  
 04/13/05 (H) L&C AT 3:15 PM CAPITOL 17  
 04/13/05 (H) Moved Out of Committee  
 04/13/05 (H) MINUTE(L&C)  
 04/18/05 (H) L&C RPT 5DP 1NR  
 04/18/05 (H) DP: LYNN, KOTT, LEDOUX, ROKEBERG,  
 ANDERSON;  
 04/18/05 (H) NR: GUTTENBERG  
 04/25/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 04/25/05 (H) Moved Out of Committee  
 04/25/05 (H) MINUTE(FIN)  
 04/26/05 (H) FIN RPT 6DP 2NR

04/26/05 (H) DP: HAWKER, HOLM, WEYHRAUCH, FOSTER,  
MEYER, CHENAULT;  
04/26/05 (H) NR: JOULE, KELLY  
04/29/05 (H) TRANSMITTED TO (S)  
04/29/05 (H) VERSION: HB 213  
05/01/05 (S) READ THE FIRST TIME - REFERRALS  
05/01/05 (S) L&C  
05/03/05 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 181

SHORT TITLE: WAIVE CONTINUING EDUC. REQ FOR MILITARY  
SPONSOR(S): REPRESENTATIVE(S) COGHILL

02/28/05 (H) READ THE FIRST TIME - REFERRALS  
02/28/05 (H) MLV, L&C  
03/17/05 (H) MLV AT 1:00 PM CAPITOL 124  
03/17/05 (H) Moved Out of Committee  
03/17/05 (H) MINUTE(MLV)  
03/18/05 (H) MLV RPT CS(MLV) 6DP  
03/18/05 (H) DP: THOMAS, GRUENBERG, CISSNA, ELKINS,  
MCGUIRE, LYNN  
04/15/05 (H) L&C AT 3:15 PM CAPITOL 17  
04/15/05 (H) Moved CSHB 181(L&C) Out of Committee  
04/15/05 (H) MINUTE(L&C)  
04/18/05 (H) L&C RPT CS(MLV) 5DP  
04/18/05 (H) DP: LYNN, LEDOUX, GUTTENBERG, ROKEBERG,  
KOTT  
04/19/05 (H) CORRECTED L&C RPT CS(L&C) NT 4DP 1NR  
04/19/05 (H) DP: GUTTENBERG, LYNN, LEDOUX, KOTT;  
04/19/05 (H) NR: ROKEBERG  
04/21/05 (H) TRANSMITTED TO (S)  
04/21/05 (H) VERSION: CSHB 181(L&C)  
04/22/05 (S) READ THE FIRST TIME - REFERRALS  
04/22/05 (S) STA, L&C  
04/28/05 (S) STA AT 3:30 PM BELTZ 211  
04/28/05 (S) Moved CSHB 181(L&C) Out of Committee  
04/28/05 (S) MINUTE(STA)  
04/29/05 (S) STA RPT 5DP  
04/29/05 (S) DP: THERRIAULT, ELTON, WAGONER,  
HUGGINS, DAVIS  
05/03/05 (S) L&C AT 1:30 PM BELTZ 211

**WITNESS REGISTER**

JOSH APPLEBEE  
Staff to Representative Tom Anderson  
Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Commented on HB 123 for the sponsor.

PAT DAVIDSON

Division of Legislative Audit

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Supported HB 123.

REPRESENTATIVE ROKEBERG

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of HB 169.

PEGGY ANN MCCHONNICHIE

Alaska Association of Realtors

Juneau AK

**POSITION STATEMENT:** Supported HB 169.

REPRESENTATIVE PEGGY WILSON

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Sponsor of HB 120.

CAMILLE SOLEIL, Executive Director

Alaska Nurses Association

Juneau AK

**POSITION STATEMENT:** Supported HB 120.

GREY MITCHELL, Director

Labor Standards and Safety

Department of Labor & Workforce

Development

PO Box 21149

Juneau, AK 99802-1149

**POSITION STATEMENT:** Supported HB 120.

JANE PIERSON

Staff to Representative Ramras

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Introduced HB 213 for sponsor.

DOUG GRIFFIN, Director

Alcohol Beverage Control Board (ABC)

Anchorage AK

**POSITION STATEMENT:** Supported HB 213.

KAREN ROGINA, CEO  
Alaska Hospitality Alliance  
Anchorage AK  
**POSITION STATEMENT:** Supported HB 213.

TAMMY KILBOURN  
Fairbanks AK  
**POSITION STATEMENT:** Supported HB 213.

PAUL THOMAS  
Alaska Cache Liquor  
Triangle Club Bar  
Juneau AK  
**POSITION STATEMENT:** Supported HB 213.

KAREN LIDSTER  
Staff to Representative Coghill  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Introduced HB 181 for sponsor.

**ACTION NARRATIVE**

[THE RECORDING FOR THE 5/3/05 SENATE LABOR AND COMMERCE MEETING IS IN SENATE THE RESOURCES FOLDER IN THE FTR PLAYBACK PANEL]

**CHAIR RALPH SEEKINS** called the Senate Labor and Commerce Standing Committee meeting to order at [1:40:24 PM](#). Present were Senators Davis, Ben Stevens and Chair Seekins.

**CSHB 123(RLS)am-OCCUPATIONAL BDS:EXTENSION/RECEIPTS/PSYCH**

CHAIR SEEKINS announced CSHB 123(RLS)am to be up for consideration.

JOSH APPLEBEE, staff to Representative Tom Anderson, sponsor, said that this bill combines six boards into one bill - the Board of Barbers and Hairdressers, Social Work Examiners, Board of Pharmacy, Professional Counselors, Board of Psychology and Psychological Associates and Veterinary Examiners. They are all good boards and have been extended as per the recommendation of the Division of Legislative Audit.

In addition, the Board of Psychology and Psychological Associates wanted to adopt regulations that recognize other organizations that credential. Currently, the statute provides for licensing by credential through the American Board of

Professional Psychologists. In adopting regulations regarding licensing by credentials, the board must insure that requirements are essentially similar or higher than the requirements for licensure under the chapter.

PAT DAVIDSON, Division of Legislative Audit, said the extension dates were recommended by her division and are staggered so that the number up for sunset in any given year is even as possible. She saw no discrepancies.

CHAIR SEEKINS noted that no one opposed the bill and closed public testimony.

[1:43:22 PM](#)

SENATOR BEN STEVENS moved to pass CSHB 123(RLS)am from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

1:43:22 recess 1:44:14

#### **CSHB 169(FIN)-REAL ESTATE LICENSEES**

CHAIR SEEKINS announced HB 169 to be up for consideration.

REPRESENTATIVE ROKEBERG, sponsor, explained that HB 169 provides for post-licensing education of 20 hours after the individual takes the examination and receives his initial license. This is very much a consumer protection bill and has the support of the industry. It also ratifies the concept of hiring an attorney to review and supervise transactions, which is particularly helpful to large firms.

PEGGY ANN MCCHONNICHIE, Alaska Association of Realtors, supported HB 169.

[1:46:30 PM](#)

SENATOR BEN STEVENS moved to pass CSHB 169(FIN) from committee with attached fiscal notes and individual recommendations. There were no objections and it was so ordered.

#### **HB 120-HEALTH CARE EMPLOYEE PROTECTION**

CHAIR SEEKINS announced HB 120 to be up for consideration.

REPRESENTATIVE PEGGY WILSON, sponsor, explained that HB 120 is a housekeeping bill that brings Alaska statutes in line with federal statutes as far as blood borne pathogens are concerned.

Dentists and medical offices with less than 25 people were exempted from the provisions when the legislature passed its law in 2000. The federal law passed without the exemption. Not aligning our statutes with federal statutes would prohibit the state from getting federal grants. The bloodborne pathogen statutes try to keep patients and employees safe from diseases like hepatitis and AIDS. Medical offices already do all they can to protect themselves and their patients and this change is not expected to impact anyone.

[1:52:21 PM](#)

SENATOR HUGGINS joined the committee.

CAMILLE SOLEIL, Executive Director, Alaska Nurses Association, supported HB 120.

It's clarification of expectations for compliance and enables safe practices for our nurses and for their patients. In addition, if state laws comply with the federal regulations, state OSHA can then enforce OSHA standards and any OSHA-compliance challenges can be heard locally, which we believe will save businesses money in the long run.

GREY MITCHELL, Director, Division of Labor Standards and Safety, Department of Labor and Workforce Development (DOLWD), supported HB 120.

[1:54:08 PM](#)

SENATOR BEN STEVENS moved to report HB 120 from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered.

1:54 - 1:55 - Recess

### **HB 213-ALCOHOL SERVER EDUCATION**

CHAIR SEEKINS announced HB 213 to be up for consideration.

JANE PIERSON, staff to Representative Ramras, sponsor, explained the provisions of the bill. The alcohol server education course was instituted several years ago with the intent of reducing the number of impaired drivers on the road and it has been very successful. However, every three years competent bartenders, servers and doormen have to spend three to four hours taking an alcohol server education course, which is quite redundant. In the service industry it could mean losing three to four hours of

wages and gratuities. HB 213 will allow alcohol servers who have been successfully working in the industry to renew their alcohol server education cards without retaking the full course provided that they pass the test. If a server fails the test, he would be required to retake the course.

1:57:08 PM

SENATOR DAVIS asked if you currently have to take a test each time you renew your card.

MS. PIERSON replied yes.

CHAIR SEEKINS asked where the test is administered.

MS. PIERSON replied that the monitored tests are administered by different agencies in different places throughout the state.

1:57:40 PM

SENATOR HUGGINS asked if training people in rural communities was a problem.

MS. PIERSON replied that there are times when the course cannot efficiently be offered in small rural communities, but there are other ways to go about teaching it.

SENATOR HUGGINS said his number one concern is that this becomes a course where someone just comes in and gets his card signed.

DOUG GRIFFIN, Director, Alcohol Beverage Control Board (ABC), responded that he didn't think he should be concerned. The role of the ABC Board is to approve the courses and several vendors offer approved alcohol server training. Nationwide packages are customized to reflect the rules and laws of the State of Alaska. He is satisfied that they are appropriately taught even though this area is evolving with use of computer-generated instruction and testing, some of which were approved for the more rural locations.

2:00:08 PM

SENATOR HUGGINS asked if the training done in a rural areas has problems.

MR. GRIFFIN replied that it is valid for him to be curious about that, but to his knowledge vendors are doing it appropriately. He said the board is looking at the new technology that tests people on each module before going forward to the next module.

It seems to be very effective and he believed the board would tweak the regulations to allow that technology within a year.

[2:02:07 PM](#)

KAREN ROGINA, CEO, Alaska Hospitality Alliance, supported HB 213.

This bill improves alcohol server training in Alaska by making it faster and easier for experienced servers to be in compliance with the law. Effectively, this bill allows someone who is already trained and certified in alcohol server training in accordance with the State of Alaska's provisions in Title 4 to renew their certification by taking a test rather than sitting through another four-hour class.

It's important to note that the cost of the class and the time required to take the class is often paid by the server, not the employer and is done on server's own time. Passing a written test accomplishes the spirit of what was intended by insuring the server is experienced in techniques of alcohol serving and guest management and it makes compliance more accessible as it is easier to make a test available to a server than it is to bring an instructor or otherwise make a four-hour class available to rural areas....

[2:03:56 PM](#)

TAMMY KILBOURN, Fairbanks, said she is a professional bartender and supported HB 213. She believes the test needs to be taken to remind you of your duties and to keep everybody on the same page of the new laws.

[2:04:47 PM](#)

PAUL THOMAS, Alaska Cache Liquor, supported HB 213. He thought it would actually lead to advanced training levels, because instructors would be at the same level and would be able to respond to more specific questions. He also would not be opposed to charging the same fees for both types of classes.

[2:06:00 PM](#)

SENATOR BEN STEVENS moved HB 213 from committee with individual recommendations and attached fiscal notes. There were no objections and it was so ordered.

2:06 - 2:10 - Recess

[2:11:33 PM](#)

**CSHB 181(L&C)-WAIVE CONTINUING EDUC. REQ FOR MILITARY**

CHAIR SEEKINS announced HB 181 to be up for consideration.

KAREN LIDSTER, staff to Representative Coghill, sponsor, explained that HB 181 is a continuing education waiver for members of the armed forces and it eliminates the possibility of a professional licensee losing his or her license because of failure to fulfill statutory requirements for continuing education while serving on active duty, especially in places where continuing education is not available. In the meantime, they are penalized by losing their license. It has a zero fiscal note.

2:12 - 2:17 - Recess

[2:17:15 PM](#)

SENATOR HUGGINS moved to report CSHB 181(L&C) from committee with individual recommendations and attached fiscal note. There were no objections and it was so ordered.

CHAIR SEEKINS adjourned the meeting at [2:19:03 PM](#).