

HOUSE FINANCE COMMITTEE  
March 27, 2007  
1:44 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:44:19 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair  
Representative Kevin Meyer, Co-Chair  
Representative Bill Stoltze, Vice-Chair  
Representative Harry Crawford  
Representative Richard Foster  
Representative Les Gara  
Representative Mike Hawker  
Representative Reggie Joule  
Representative Mike Kelly  
Representative Mary Nelson  
Representative Bill Thomas, Jr.

MEMBERS ABSENT

None

ALSO PRESENT

Michael Pawlowski, Staff, Co-Chair Meyer; Ben Mulligan, Staff, Representative Bill Stoltz; Representative Paul Seaton; Representative Bob Buch; Linda Gohl, AARP, Capital City Task Force, Juneau

PRESENT VIA TELECONFERENCE

Dr. Higgins, Fairbanks; Dr. Glenn Martin, Public Health Dentist; Royann Royer, Dental Hygienist, Chugiak; David Logan, Alaska Dental Society, Juneau; Mary Cerney, Dental Hygienist; Dr. Mike Booth, Chugiak; Jim Towle, Alaska Dental Society; Rena Bower, Alaska Dental Hygienist Association; Herb Simon, Nelchina; C.D. McCurry, Kenny Lake

SUMMARY

HB 19 "An Act relating to ignition interlock limited driver's license privileges."

CSHB (19) was REPORTED out of Committee with a "do pass" recommendation and with a new zero fiscal note by the Department of Transportation and Public Facilities, and with fiscal note #2 by the Department of Administration.

HB 136 "An Act relating to dental hygienists."

CSHB 136 (FIN) was REPORTED out of Committee with "no recommendation" and with a new indeterminate fiscal note by the Department of Commerce, Community and Economic Development.

HB 137 "An Act amending the requirements for the identification card needed for sport fishing, hunting, and trapping without a license by residents who are 60 years of age or more."

CSHB 137 (RES) was heard and HELD in Committee for further consideration.

HB 168 "An Act authorizing two exchanges of land between the Alaska Railroad Corporation and the Department of Transportation and Public Facilities; and providing for an effective date."

HB 168 was scheduled but not heard.

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HOUSE BILL NO. 19

"An Act relating to ignition interlock limited driver's license privileges."

[1:45:00 PM](#)

Vice Chair Stoltze MOVED to ADOPT the work draft to HB 19, labeled 25-LS0133\N, Luckhaupt, 3/20/07. There being NO OBJECTION, it was so ordered.

MICHAEL PAWLOWSKI, STAFF, CO-CHAIR MEYER, explained the changes in the new CS. The first technical change on page 1, line 13, clarifies language. The second change in Section 2 (d), addresses the concern about how to deal with a person who lacks access yet wants to get an interlock device installed. This section provides that such a person can apply to the court for the old type of limited license. It removes DMV's authority to grant a limited license.

Mr. Pawlowski explained the change in Section 3. The primary change is on page 4, lines 4-6, where the type of person qualified to request a limited license is changed. It eliminates the person who is guilty of refusal to take a breathalyzer test. Page 4, lines 24-30, adds items to the application process for a limited license. These changes allow that someone who is eligible to apply for a limited license today is also eligible to apply for an ignition interlock device.

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Mr. Pawlowski summarized that the purpose of the ignition interlock device is to keep a person from re-offending.

Co-Chair Meyer asked if a person convicted for a felony DUI would be eligible for the device. Mr. Pawlowski clarified that they could not under current statute, and they cannot under CSHB 19 (FIN).

Mr. Pawlowski referred to the letter from DPS about the reduction of repeat DWI's with the use of this device in Canada (copy on file.)

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Representative Hawker asked if there is a change to the fiscal note. Mr. Pawlowski reported that DMV did not anticipate higher costs because the new CS would expand the number of persons qualifying for a limited license.

Representative Crawford thought the original version of the bill was a better bill. He wondered about safeguards that would prevent misuse of the device. Mr. Pawlowski related several scenarios. He described how the device works when someone impaired tries to drive. He noted that new technologies are coming up with new ways to prevent misuse. He pointed out that the devices are fairly tamper resistant.

Co-Chair Meyer added that currently there are abuses of the system. Representative Crawford agreed with the ideas in the bill, but liked the original bill better.

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Representative Gara pointed out that this version of the bill is strong and includes two requested provisions. He asked if the language is acceptable to the courts. Mr. Pawlowski indicated that it was.

Representative Gara summarized the two parts of the bill. One part allows for the interlock device while the license is suspended. The second provision allows for the device during probation. He spoke in favor of the revised version of the bill, including limiting the device to non-felony cases.

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Representative Joule asked for data on the success of the device in Canada. Mr. Pawlowski read, "In neighboring Canada, one province that has implemented ignition interlocks is showing a reduction in the repeat DWI rate by

80% during the first 12 months for first-time offenders and by 74% during the first 24 months among repeat offenders." Representative Joule recalled a personal story and spoke in favor of the bill.

Mr. Pawlowski pointed out that motorcycles are covered on page 2, Section 2.

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Representative Gara MOVED to REPORT CSHB 19 (FIN) out of committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB (19) was REPORTED out of Committee with a "do pass" recommendation and with a new zero fiscal note by the Department of Transportation and Public Facilities, and with fiscal note #2 by the Administration.

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HOUSE BILL NO. 136

"An Act relating to dental hygienists."

Vice Chair Stoltze MOVED to ADOPT the work draft to HB 136, labeled 25-LS0364\K, Bullard, 3/26/07. There being NO OBJECTION, it was so ordered.

Vice Chair Stoltze noted that this is the third reading of the bill. It is a continuing effort for access for health services for Alaska, especially underserved areas. He spoke of the need for allowing dental hygienists to perform more services. He referred to letters of support included in members' packets.

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BEN MULLIGAN, STAFF, REPRESENTATIVE STOLTZE, explained the three provisions of the bill. It would allow hygienists to obtain a restorative function license endorsement. This would allow a dental hygienist to place "fillings" into a cavity prepared by a dentist. It would allow a dental hygienist to administer local anesthetic agents under general supervision of a dentist. The bill would also allow hygienists and dentists to enter into a collaborative agreement, which would allow the hygienists to perform certain duties unsupervised.

Mr. Mulligan related the changes from the original version of the bill. On page 1, line 14, the jurisdiction was clarified. Page 3, line 2, references the statute where a dentist is licensed. Line 13 on page 3 is a clarification

of terminology. Line 26 on page 3 adds a new subsection (d) in order to clarify the number of agreements between dentists and hygienists.

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Representative Crawford inquired about the training necessary for hygienists to administer radiographs. He also wondered about follow-up procedures by a dentist after the hygienists have done their work. His concern was about having less-qualified health care for rural areas due to this bill.

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Vice Chair Stoltze recalled a past issue with a dental therapist, not a dental hygienist. He explained that a dental assistant does not have a licensing board or training requirements. Representative Crawford thought that past opposition was to a dental therapist. He questioned the amount of training for each level. Vice Chair Stoltze thought there were two separate issues.

Mr. Mulligan related the amount of training needed to become a dental hygienist. Representative Crawford asked if they can take x-rays. Mr. Mulligan deferred to others to answer.

Representative Foster said Indian Health Service dentists used to serve the rural areas and were not licensed by the state.

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Representative Nelson explained what federal dental health aids are. They are studying in New Zealand now and will return to serve rural communities in areas such as education and diet. She emphasized the void in dental providers in rural areas. She noted broad support for dental providers.

Representative Gara asked for clarification of the various categories of aids and providers. He questioned the amount of x-ray training a hygienist has.

Vice Chair Stoltze voiced a concern about public health issues. In his experience a dentist has not been present when x-rays were taken.

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ROYANN ROYER, DENTAL HYGIENIST, CHUGIAK, shared her educational experience as a dental hygienist. She addressed the restorative functions performed by a dental hygienist, including training and personal experience. She described how a hygienist would work together with a dentist. She

spoke about the collaborative agreement, which would have a great impact on rural dental services, as well as in nursing homes and other facilities.

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Ms. Royer maintained that currently dental hygienists would take advantage of providing services on a limited basis. She addressed the local anesthesia provision. Forty states have incorporated this provision without any disciplinary action. She reported that the Alaska Board of Dental Examiners support the bill. The goal is to provide access to quality dental care. She spoke in favor of HB 136.

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Representative Gara asked how many states have a collaborative agreement. Ms. Royer thought about 10 do. Representative Gara asked what training a hygienist gets for radiology and local anesthesia. Ms. Royer replied that there is a one semester course on radiology followed by four clinical training semesters. Local anesthesia is a separate licensing requirement with written and clinical exams. In response to a question from Representative Gara, Ms. Royer clarified how the instruction and testing is done.

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DR. HIGGINS, FAIRBANKS, addressed the "access of care" issue. He noted that under the CHAP program, hygienists can already perform cleanings in rural areas. In Oregon the program has been a success. He questioned if the bill would change the access problem. He related that hygienists already spend their time cleaning teeth. He suggested expanding the number of dental auxiliaries. He thought the bill would be helpful, but does not address the real problem of lack of hygienists.

Representative Crawford asked if the collaborative agreement would make health care cheaper. Dr. Higgins thought it would cost more because hygienists' duties would be expanded. In order to see more patients, the duties of the auxiliaries would have to be expanded.

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Representative Crawford asked if the collaborative agreement would allow hygienists to travel to the villages without a dentist. Dr. Higgins replied that the CHAPS program should be doing that already. He questioned how many hygienists would be willing to go out alone.

Vice Chair Stoltze asked for the definition of dental auxiliary. Dr. Higgins replied that they are uncertified

assistants, trained in occlusions. They would need to be certified and pass the boards.

Representative Gara asked if Dr. Higgins' concern is that the bill would not expand treatment, but not with the safety of service delivery. Dr. Higgins repeated that this bill trains the wrong workforce and should be training assistants rather than hygienists.

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DR. GLENN MARTIN, PUBLIC HEALTH DENTIST, read a prepared statement. He described his job experience in traveling to 62 villages. He spoke in strong support for HB 136. He spoke in favor of collaborative agreements and described how that would result in better dental care in villages.

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DR. DAVID LOGAN, ALASKA DENTAL SOCIETY, JUNEAU, noted that the Alaska Dental Society is in favor of CSHB 136 (FIN) except for in the collaborative agreement section. He referred to page 3, line 22, which currently reads "without the dentist's diagnosis and treatment plan unless otherwise specified in the collaborative agreement or in (a) of this section". He preferred it to say "prior to the dentist's diagnosis and with a treatment plan completed within a year" to insure continuation of care and a full range of treatment.

Representative Gara asked if a hygienist can do a cleaning now without a dentist's diagnosis. Dr. Logan said they cannot. All treatment requires a dentist's diagnosis and a treatment plan. Representative Gara thought that was excessive. Dr. Logan agreed. He thought the hygienist should be able to work prior to a dentist's diagnosis and/or treatment plan. He emphasized the importance of the completion of the treatment plan.

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MARY CERNEY, DENTAL HYGIENIST, testified in support of the legislation and provided information regarding the legislation. She observed that a restorative endorsement would be a separate endorsement. She detailed restorative care that would be given. The collaborative practice would provide care that would occur prior to the dentist's treatment plan, not in lieu of a plan. Every dental hygienist receives a Registered Dental Hygienist certificate, which compares to a RN degree. She maintained that the legislation would result in additional care and noted the backlog in some areas. She reported that hygienists had to have a dentist do an exam on each person before a cleaning could be given. The legislation would

improve health care for the whole state, while providing safeguards.

In response to a question by Representative Kelly, Ms. Cerney noted that she supports the committee substitute. She maintained that there is excellent training for both radiology and radiography.

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DR. MIKE BOOTH, CHUGIAK, testified in support of the legislation. He spoke in support of promoting hygienists into rural areas. He maintained that local anesthesia is a drug, which can cause side effects. He wanted to know that hygienist were capable of dealing with conditions which could occur with the use of anesthesia.

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JIM TOWLE, ALASKA DENTAL SOCIETY, informed the committee of his group's efforts to work on the bill. He noted that he had provided the committee with a list of amendments that they would like to see in the bill (copy on file.) He requested that safeguards be included with collaborative agreements.

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RENA BOWER, ALASKA DENTAL HYGIENIST ASSOCIATION, testified in support of the legislation and maintained that dental hygienists are highly trained in radiology. Radiology equipment is maintained and monitored by the state. She hoped that the legislation would encourage students in rural areas to go into the field. She spoke in favor of the collaborative agreement and the ability for hygienists to administer anesthesia.

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LINDA GOHL, AARP, CAPITAL CITY TASK FORCE, JUNEAU, testified in support of the legislation. She stressed that the legislation would increase access and pointed out that Alaska's dental care is the most expensive in the United States.

Vice Chair Stoltze acknowledged the issue of anesthesia and stated that he would look into it.

Representative Hawker referred to a letter from James R. Towle with a concern about how the local anesthesia would be administered. He requested more information about this.

Co-Chair Meyer noted that that concern would be dealt with before the bill goes to the House Floor. He mentioned the new indeterminate fiscal note that accompanies the bill.

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Representative Foster MOVED to REPORT CSHB 136 (FIN) out of committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSHB 136 (FIN) was REPORTED out of Committee with "no recommendation" and with a new indeterminate fiscal note by the Department of Commerce, Community and Economic Development.

[3:16:59 PM](#)

HOUSE BILL NO. 137

"An Act amending the requirements for the identification card needed for sport fishing, hunting, and trapping without a license by residents who are 60 years of age or more."

REPRESENTATIVE PAUL SEATON, sponsor, explained that HB 137 amends the requirements for the permanent identification card (PID) that would allow residents who are 60 and over to fish and hunt. The House Resources Committee version of the bill adds a provision to "grandfather in" the current PID cards.

Representative Seaton explained that a problem arose because there was no way to determine if the card-holding resident still lived in Alaska. The bill provides that the license would need to be renewed after three years after being checked by the Permanent Fund Dividend Division. The \$2,000 fiscal note by the Department of Fish and Game is to pay for the notices for license renewals. There is also a provision for those who chose not to get a permanent fund to obtain a license.

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Representative Seaton referred to enclosures in members' packets, which show that there have been enforcement issues in the past. He related that more PID's have been issued than there are qualifying Alaskans. He emphasized that this license is for Alaskan seniors, not non-residents.

Co-Chair Chenault questioned the definition of PID and wondered what they look like. Representative Seaton referred to a copy of the PID in the members' packets. He

explained the requirements on the card. He related enforcement difficulties.

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Representative Hawker thought the bill would create two classes of ID cards, the old ones and the new 3-year renewal ones. Representative Seaton noted the legal opinion regarding that. Representative Hawker suggested a sunset for the first category of cards. Representative Seaton reported that there is no way to notify those people. Legislative legal suggested that there are no fundamental rights lost, and therefore the change is not unconstitutional.

Representative Hawker read the definition of "grandfathering" and agreed with that policy direction.

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HERB SIMON, NELCHINA, testified as a disgruntled vendor of Fish and Game Licenses in favor of HB 137. He spoke of the abuses of the license. He spoke of the differences in rights of residents vs. non-residents. He suggested a way to renew current PID holders by attaching a sticker.

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Representative Hawker thanked Mr. Simon for his testimony. He agreed with the idea to renew current PID's, but suggested it would be "annoying and degrading" to have to update the PID. He asked for Mr. Simon's opinion.

Mr. Simon replied that he does not know of anyone who would object to the renewal requirement.

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Representative Thomas asked if the vendors have the authority to not sell a license if the driver's license is out-of-state. Mr. Simon replied that the vendors tired of dealing with it and do not have the authority to deny. Representative Thomas suggested giving the vendors the authority to destroy a false ID. Mr. Simon thought it would complicate a vendor's position and would not work.

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C.D. MCCURRY, KENNY LAKE, asked about the 185 days' requirement for proof of residency. He wondered about fraud possibilities surrounding the issue. Representative Seaton addressed PFD fraud and maintained it is a separate issue. He suggested people turn in reports of fraud. The

identification cards will not be offered by vendors, but by the Fish and Game local field office.

Representative Hawker suggested adding a sunset clause to existing PID's. Representative Seaton replied that there was a concern about people having to reapply for a once-termed permanent card. He spoke of the difficulties of finding current cardholders. He said he is open to the possibility.

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Representative Thomas asked if a vendor could destroy cards of people who are abusing the PID cards and driving with a license from another state. Representative Seaton said there is nothing illegal about not having a current license plate, so it would be hard to enforce. There are residency issues that complicate the matter.

[3:51:26 PM](#)

HB 137 was heard and HELD in Committee for further consideration.

#### ADJOURNMENT

The meeting was adjourned at 3:51 PM.