

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 26, 2009

1:36 p.m.

MEMBERS PRESENT

Senator Joe Paskvan, Chair
Senator Joe Thomas, Vice Chair
Senator Bettye Davis
Senator Kevin Meyer

MEMBERS ABSENT

Senator Con Bunde

COMMITTEE CALENDAR

Confirmation Hearings

SENATE BILL NO. 142

"An Act authorizing the conveyance of certain land of the Alaska Railroad Corporation to the Department of Transportation and Public Facilities; and providing for an effective date."

MOVED SB 142 OUT OF COMMITTEE

SENATE BILL NO. 42

"An Act relating to break times for employees who nurse a child."

HEARD AND HELD

SENATE BILL NO. 14

"An Act expanding the motor fuel tax suspension period."

MOVED SB 14 OUT OF COMMITTEE

SENATE BILL NO. 106

"An Act disapproving all recommendations of the State Officers Compensation Commission relating to the compensation, benefits, and allowances of state officers; and providing for an effective date."

MOVED SB 106 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 142

SHORT TITLE: TRANSFER RAILROAD LAND TO DOTPF:FAIRBANKS

SPONSOR(s): SENATOR(s) PASKVAN

03/09/09 (S) READ THE FIRST TIME - REFERRALS
03/09/09 (S) TRA, L&C
03/17/09 (S) TRA AT 1:00 PM BUTROVICH 205
03/17/09 (S) Moved SB 142 Out of Committee
03/17/09 (S) MINUTE(TRA)
03/18/09 (S) TRA RPT 4DP
03/18/09 (S) DP: MENARD, DAVIS, MEYER, PASKVAN
03/26/09 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 42

SHORT TITLE: NURSING MOTHERS IN WORKPLACE

SPONSOR(s): SENATOR(s) ELLIS

01/21/09 (S) PREFILE RELEASED 1/9/09
01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) L&C, HSS
03/26/09 (S) L&C AT 1:30 PM BELTZ 211

BILL: SB 14

SHORT TITLE: EXTEND MOTOR FUEL TAX SUSPENSION

SPONSOR(s): SENATOR(s) DAVIS

01/21/09 (S) PREFILE RELEASED 1/9/09
01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) L&C, TRA, FIN
03/10/09 (S) L&C AT 1:30 PM BELTZ 211
03/10/09 (S) Heard & Held
03/10/09 (S) MINUTE(L&C)
03/24/09 (S) L&C AT 1:30 PM BELTZ 211
03/24/09 (S) Scheduled But Not Heard

BILL: SB 106

SHORT TITLE: REJECT RECOMMENDATION OF COMP. COMMISSION

SPONSOR(s): SENATOR(s) BUNDE

02/11/09 (S) READ THE FIRST TIME - REFERRALS
02/11/09 (S) L&C, JUD, FIN
03/17/09 (S) L&C AT 1:30 PM BELTZ 211
03/17/09 (S) Heard & Held
03/17/09 (S) MINUTE(L&C)

WITNESS REGISTER

JEFF STEPP
Aide to Senator Paskvan
Alaska State Legislature

Juneau, AK

POSITION STATEMENT: Commented on SB 142 for the sponsor.

DONNA GIARDINO, Coordinator

Metropolitan Planning Organization

Fairbanks Metropolitan Area Transportation System (AFMATS)

POSITION STATEMENT: Supported SB 142.

JOHN BENNETT

Northern Region Right-of-way Chief

Department of Transportation and Public Facilities (DOTPF)

POSITION STATEMENT: Supported SB 142.

SENATOR JOHNNY ELLIS

State Capitol Bldg.

Juneau, AK

POSITION STATEMENT: Sponsor of SB 42

AMORY LELAKE

Staff to Senator Ellis

State Capitol Bldg.

Juneau, AK

POSITION STATEMENT: Commented on SB 142 for the sponsor.

SARAH GROSSHUESCH

Department of Health and Human Services

Municipality of Anchorage

POSITION STATEMENT: Strongly supported SB 42.

VANISHA LISTON

WIC Program

Municipality of Anchorage

POSITION STATEMENT: Supported SB 42.

JENNIFER AIST, Director

Parent Education Program

Providence Children's Hospital

POSITION STATEMENT: Supported SB 42.

DEBBIE FALLON, Nurse Parent Educator

Bartlett Regional Hospital

POSITION STATEMENT: Supported SB 42.

MINDY BARRY, Teacher

Juneau School District

POSITION STATEMENT: Supported SB 42.

TINA MARTIN, Employee
Department of Administration
Juneau, AK
POSITION STATEMENT: Supported SB 42.

TANYA WINKE, representing herself
State of Alaska Employee
Juneau, AK
POSITION STATEMENT: Supported SB 42.

CHEYENNE SCHMIDT, representing herself
State of Alaska employee
POSITION STATEMENT: Supported SB 42.

LENAE WALDRON, business owner
POSITION STATEMENT: Supported SB 42.

DEBBIE GOLDEN
Division of Public Health
Department of Health and Social Services (DHSS)
POSITION STATEMENT: Supported SB 42.

LORIE MORRIS
Executive Director of a small non-profit
Anchorage, AK
POSITION STATEMENT: Supported SB 42.

CATHERINE TAPEY, President
Alaska Breastfeeding Coalition,
POSITION STATEMENT: Supported SB 42.

JEFFREY MITTMAN, Executive Director
American Civil Liberties Union of Alaska
POSITION STATEMENT: Supported SB 42.

CLOVER SIMON
Planned Parenthood of the Great Northwest
POSITION STATEMENT: Supported SB 42.

ACTION NARRATIVE

[1:36:37 PM](#)

CHAIR JOE PASKVAN called the Senate Labor and Commerce Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Davis, Thomas, Meyer and Paskvan.

[1:37:30 PM](#)

CHAIR PASKVAN announced that the confirmation hearings would be the first order of business. He said they would leave the comment time open until next Tuesday. He then closed the hearing until next Tuesday.

SB 142-TRANSFER RAILROAD LAND TO DOTPF:FAIRBANKS

[1:38:28 PM](#)

CHAIR PASKVAN announced SB 142 to be up for consideration.

JEFF STEPP, aide to Senator Paskvan, sponsor of SB 142, said this is a pretty simple bill. The Department of Transportation and Public Facilities (DOTPF) is preparing to reconstruct Illinois Street in Fairbanks, which provides primary access to the downtown area from the north. It needs to acquire approximately five acres to do this, and according to the Alaska Railroad Corporation (ARRC) Act, the Legislature has to approve the transaction.

MR. STEPP said the ARRC supports this as well as the City of Fairbanks.

CHAIR PASKVAN said there is no fiscal note as the purchase price is part of the construction budget.

[1:40:44 PM](#)

DONNA GIARDINO, Metropolitan Planning Organization Coordinator, Fairbanks Metropolitan Area Transportation System (AFMATS), supported SB 142. AFMATS is funding the Illinois Street reconstruction project out of its transportation improvement program that has been going on since 1985 and is now in the final stages of right-of-way acquisitions. This is a top priority for the Planning Committee and they hope to begin building in 2011 at the latest.

[1:42:23 PM](#)

SENATOR THOMAS asked what other properties remain to be purchased for the project.

JOHN BENNETT, Northern Region Right-of-way Chief, Department of Transportation and Public Facilities (DOTPF), answered there are still quite a few parcels remaining to be acquired. They have been focusing on the structures in the vicinity of the Chena River, such as Sampson's Hardware and they have just let a

contract for the appraisal services for the remainder of the parcels heading north to College Road.

SENATOR THOMAS asked if the transfer of the property from the intersection of Phillips Field Road and Illinois Street would be all taken care of if this bill passes.

MR. BENNETT replied no; there are several more slivers of land still remaining to be acquired, but they already have a majority of the large improved properties south of Phillips Field Road.

CHAIR PASKVAN asked if this is the only purchase that needs legislative approval.

MR. BENNETT replied yes.

CHAIR PASKVAN closed public testimony.

SENATOR THOMAS moved to report SB 142 from committee with individual recommendations and attached fiscal note(s). There were no objections, and it was so ordered.

At ease from 1:46 p.m. to 1:47 p.m.

SB 42-NURSING MOTHERS IN WORKPLACE

[1:47:42 PM](#)

CHAIR PASKVAN announced SB 42 to be up for consideration.

SENATOR JOHNNY ELLIS, sponsor of SB 42, asked his staff, Amory LeLake, to join him for the initial presentation. He thanked the committee for hearing his "latest breast feeding progressive legislation."

This legislation costs the state nothing, he reviewed, and provides preventative health benefits, cuts down significantly on health care costs for mother and infant and serves to grow the economy by providing several significant advantages for employers and communities.

SENATOR ELLIS said 21 states and 107 countries have recognized the broad sweeping rewards that come from promoting breastfeeding accommodation in the workplace. Many years ago, while no one was ever arrested, breast feeding in Alaska was technically considered indecent exposure in Alaska statute. Breastfeeding women were relegated to "sometimes not the cleanest toilet stalls" to feed their babies in public places.

Some business concerns had been brought forward since introduction of this legislation, but he was confident they could be addressed because other states had.

He said that breastfeeding provides a free and simple approach to preventative medicine. Breastfed children have lower rates of diabetes and obesity and fewer respiratory and ear infections. Infants who are exclusively breastfed tend to need far fewer health care visits, prescriptions and hospitalizations resulting in a lower total medical cost compared to never breastfed infants.

Breastfeeding also provides long-term preventative health benefits for the mother including an earlier return to pre-pregnancy weight, reduced risks of premenopausal breast cancer and osteoporosis. Data from the Department of Labor and Workforce Development (DOLWD) for 2005 show that 65 percent of women work outside of the home today. Furthermore, mothers are the fastest growing number on the workforce - 55 percent of whom have children under the age of three. Providing this growing workforce segment with the very reasonable option of breastfeeding makes sense economically and will help insure the health of Alaskan workers for generations.

In addition to the individual health benefits, providing opportunities for breastfeeding results in substantial rewards to employers including reduced health care costs, reduced employee absenteeism for care attributable to infant illness, improved employee productivity and happiness, higher morale and greater loyalty to the company, improved ability to attract and retain valuable employees and a family-friendly image in the community.

[1:53:02 PM](#)

AMORY LELAKE, staff to Senator Ellis, did a sectional explanation of SB 142, which says that employers are to provide reasonable unpaid break time each day to an employee who is nursing so that she may breastfeed or express breast milk. These break times may run concurrently with other times provided by the employer.

Subsection (b) provides that the employer shall provide a private and sanitary location within close proximity to the work area other than a toilet stall. Subsection (c) provides that nothing in this section requires an employer to allow a child in the workplace at times other than break times. Subsection (d) defines "employer" as a corporation, company, partnership, firm,

association, organization or sole proprietor including any state political subdivision of the state.

[1:54:12 PM](#)

She said the bill packet provides extensive evidence for how breastfeeding promotes health among mothers and infants. It benefits employers and can be achieved at relatively little cost and has broad support. This bill is on the short list of the 2009 Anchorage municipal legislative priorities.

[1:54:52 PM](#)

SENATOR MEYER asked what the penalty is for non-compliance.

MS. LELAKE answered the bill doesn't have a penalty, but they are willing to work with small businesses to come to some sort of agreement.

CHAIR PASKVAN said he looked forward to receiving the committee substitute when the important issues had been worked out. He then opened public testimony.

[1:56:17 PM](#)

SARAH GROSSHUESCH, Department of Health and Human Services, Municipality of Anchorage, strongly supported SB 42. She said that increasing breastfeeding initiation and duration through positive public policy impacts several municipal public health programs. The Municipality of Anchorage's WIC program is a staunch advocate for breastfeeding, and the ability for a mom to breastfeed or express milk is brought up as a major concern when clients are returning to work. The committee had already heard testimony about the health benefits, but it should be noted if a woman cannot pump every 2-3 hours, the milk production, which is a biological mechanism, dwindles rapidly. The use of an electric breast pump is a fast and convenient way for a mom to be able to rejoin the workforce and continue to take care of her infant in the best possible method for both of them.

As an employer, the Municipality of Anchorage recognizes that breastfeeding support makes smart business sense. New mothers have three times as many one-day absences from work as breastfeeding mothers because their children are sick more often. Infants fed formula for the first three months of life incur \$331 more in health care costs according to one study just for respiratory tract infections compared to infants who were fed only breast milk.

[1:58:33 PM](#)

VANISHA LISTON, WIC Program, Municipality of Anchorage, supported SB 42. She related that returning to work after she became a mom didn't seem like it was going to work, but with the support of her employer and the clients at work understanding how important breastfeeding really is, made it possible. She believed that employers supporting mothers being able to breastfeed their babies at work had changed the way that mothers feel about it, as well.

She said that breastfeeding gives babies all the nutrition they need to protect their immune system and protect them from infections. Allowing breastfeeding at work really changes the way people feel to where clients feel comfortable about asking questions about it.

2:00:08 PM

JENNIFER AIST, Board Certified Lactation Consultant, said she is the director of the Parent Education Program, Providence Children's Hospital, and that she also serves as the contact lactation consultant for the statewide WIC program. In her 15 years of working in Alaska she has witnessed women breastfeeding their babies in all sorts of different work environments ranging from stockers at Wal-Mart to commercial fishing to surgeons in hospitals. She finds it disturbing that more employers do not support a woman's basic right to provide milk to her babies. And more relevant to this committee, she finds it completely foolish, economically speaking, that all employers don't support mothers collecting their milk during the workday. It would help employers to recruit and retain employees and keep them on the job longer.

MS. AIST said she talks to women every day who are not returning to work because their boss is not supportive of breastfeeding, and she has talked to women who are forced to stop breastfeeding due to an unsupportive work environment. This is most often seen in lower income jobs. These moms are likely on Denali Kid Care so the cost to the State of Alaska for health care increases exponentially for every formula-fed baby.

Breastfeeding saves money for everyone, she said. Women are not asking for fancy lounges to pump in; they are simply asking for the unpaid time and a clean space in which to do it. Pumping only takes 15 minutes every 4 hours or so. Most moms only need to pump for a maximum of one year. That means a mom taking 10 weeks maternity leave will be pumping for a maximum of 42 weeks - 10 times per week - which is a total of 420 times. It will

keep her and her baby healthier and saves insurance, Medicaid and the employer money.

2:02:25 PM

DEBBIE FALLON, Nurse Parent Educator as well as a board certified lactation consultant, Bartlett Regional Hospital, said there is a huge impact from not being breastfed. It means not that there is less risk of dying from sudden infant death syndrome (SIDS), but it does mean there is a two times increased risk of dying of SIDS. There is actually a 10 times increased risk of being hospitalized for any reason in your first year of life if you are not provided with breast milk. One of the biggest reasons able women don't go back to work is because they can't express their milk there. Removing milk at work is a biological function, and if they don't do it, the pressure backs up the milk and that makes the glands stop working.

MS. FALLON said that Southeast Alaska Regional Health Consortium (SEARHC) established a breastfeeding policy in its work place and it has been working very well for the last year and a half. The reality is that most women aren't pumping for a whole year. Most women don't come back for 2 or 3 months after having their baby; so they are asking for just a pretty small amount of time.

2:04:56 PM

She, as a parent educator, has an email list of 100 families in Juneau and she asked them to come to the meeting, and if they were unable, to tell her their stories. She found that women are going into bathroom stalls to express milk now. She has a woman in the federal building who said she is stringing an extension cord across the bathroom entrance and under the stall door, and putting a chair in the handicapped stall. She didn't realize how busy the women's bathroom on her floor was until she sat there for 15 minutes. She felt seriously uncomfortable as people tripped over the cord and the noise of the pump was heard. She also remarked how unsanitary it was to be in the bathroom producing food for her baby because she doesn't prepare dinner for her family in the toilet.

MS. FALLON said she got this kind of story over and over again from women all over Juneau. She also heard some stories about how people were given a place at work and they talked about how they were able to do it for a year and how much they appreciated their employers' letting them do that and were glad to work for them. But most of them had to do it in the bathroom.

She read another message from an employee who works for a big box store in Juneau who said the company has great benefits, including for domestic partner benefits, but it has no place to pump. Mothers had to go to the bathroom that was not cleaned regularly and was usually "filthy."

MS. FALLON reiterated that the health care costs of not breastfeeding aside from the lost work days are estimated to run \$1200-\$1500 per child (according to Kaiser Permanente in California) or a total of \$3.6 billion/yr. in the U.S.

[2:07:42 PM](#)

MINDY BARRY, teacher, Juneau School District, introduced her children and niece and nephew who were all breastfed babies. She just went back to work as a first grade teacher and supported SB 42. She took the first half of the year off to be home with her daughter who struggled with feeding and was starting to lose weight. Because she needed to go back to work, she was nervous she would lose the opportunity to feed her. Her job allowed a parent educator to cover her first class so she could nurse her daughter and provided other needed breaks during the day. "It works out really great," she said. There are five nursing mothers in her building now, and they have a room and a rocking chair. Her sister, a lawyer in Anchorage, was allowed to pump at work after she had her baby, but her other sister who lives here in Juneau was unable to pump during the day, and as a result her daughter went on to formula and became very sick.

[2:10:09 PM](#)

TINA MARTIN, Department of Administration, supported SB 42. She is a brand new mom and she was able to pump for about 8 months - in the bathroom. While her supervisor was very supportive of her, she felt she needed to do it longer, but her supply kept decreasing because she didn't have the time to do it. "In the bathroom you kind of get some looks about, you know, being in there and pumping for your child."

[2:11:18 PM](#)

TANYA WINKE, representing herself, said she is a State of Alaska employee and wanted to stress the importance of breastfeeding, and supported SB 42. She even attended breastfeeding consultant classes and found that breastfeeding was so beneficial for her child that she continued it throughout her maternity leave. When she came back to work the boss was very accommodating, but she had to pump in the bathroom stall. It was unsanitary, but she did it for the next 6 months. It got to be hard as she heard people talk about her taking up 15 minutes in the toilet stall.

She actually would have liked a chair to sit on instead of a toilet seat. Her son developed croup when she weaned him and the doctor said it could have been due to the weaning.

[2:13:31 PM](#)

CHEYENNE SCHMIDT, State of Alaska employee, said her story is exactly the same as everyone else's; she had to pump in the bathroom stall. The only thing she wanted to add is that despite having to pump in a bathroom stall where you think you are surrounded by other women who according to the statistics are mostly mothers, there is reluctance by some of them to deal with you because you are in the stall. They suggest you go somewhere else or say it makes them uncomfortable. So having a law like this would show that people could be a little more accepting of nursing.

[2:14:53 PM](#)

LENAE WALDRON, business owner and mother of two, said she has been able to accommodate her five employees who have had children. Most of the time the employees are there by themselves, and it allowed them to come back to work 6-8 weeks after having their baby. She takes her own children to work. You just need a quiet place other than a bathroom.

[2:16:44 PM](#)

DEBBIE GOLDEN, Division of Public Health, Department of Health and Social Services (DHSS), supported SB 42. She said although Alaska has a high initiation breastfeeding rate, the drop off rate is significant. She added that people have known for a long time that breastfeeding improves the health of babies and mothers and likely improves their health as they grow older.

[2:19:12 PM](#)

LORIE MORRIS said she is the mother of a seven-month old child, and an Executive Director of a small non-profit in Anchorage; she supported SB 42. She said women hold critical roles within the workforce and she knows that personally if she was not able to nurse at work, she would have left the workforce. In the last several years, she has known at least five professional women who decided not return to work, because their organization did not support nursing at work. Opponents of the bill may say this mandate will be too expensive for small organizations to implement, but research by Etna suggests that for every dollar invested to support lactation there is a return on investment of \$2.80. Families have waited too long for the workplace to voluntarily meet these basic standards.

[2:20:27 PM](#)

CATHERINE TAPEY, President, Alaska Breastfeeding Coalition, said she is a board certified lactation consultant and supported SB 42 because of everything that has already been said. She added that Dr. Audrey Mailer, in the New York Times, said a goal of every woman in the workplace regardless of employment status is to have the opportunity to provide breast milk for her baby.

[2:21:11 PM](#)

JEFFREY MITTMAN, Executive Director, American Civil Liberties Union of Alaska, supported SB 42. This bill recognizes the need to protect the rights of women in the workplace and it will lead to having stronger families and a stronger economy.

[2:21:53 PM](#)

CLOVER SIMON, Planned Parenthood of the Great Northwest, supported SB 42. As an employer they have always allowed new mothers to bring their babies to work if they don't work in the clinic, and if they do work in the clinic, give them ample time to breastfeed. They also have a "great room for all of our staff whether they are sick or if they need to breastfeed." It allows their workers to return to work earlier and it doesn't interfere with their productivity or seeing patients in the clinic at all. She thought that businesses that are against breastfeeding in the workplace are probably against women in general.

[2:22:59 PM](#)

CHAIR PASKVAN closed public testimony and said he was awaiting the CS. [SB 142 was held in committee.]

CHAIR PASKVAN announced an at ease from 2:23 p.m. to 2:27 p.m.

SB 14-EXTEND MOTOR FUEL TAX SUSPENSION

[2:27:56 PM](#)

CHAIR PASKVAN announced SB 14 to be up for consideration.

[2:28:28 PM](#)

SENATOR MEYER moved to report SB 14, version A, from committee with individual recommendations and attached fiscal note(s). There were no objections and it was so ordered.

SENATOR PASKVAN announced an at ease from 2:28 p.m. to 2:31 p.m.

SB 106-REJECT RECOMMENDATION OF COMP. COMMISSION

[2:31:31 PM](#)

CHAIR PASKVAN announced SB 106 to be up for consideration.

2:31:55 PM

SENATOR THOMAS moved to report SB 106, version A, from committee with individual recommendations and attached fiscal note(s). There were no objections and it was so ordered.

2:32:19 PM

There being no further business to come before the committee, Chair Paskvan adjourned the meeting at 2:32 p.m.