

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

February 11, 2014

1:31 p.m.

MEMBERS PRESENT

Senator Mike Dunleavy, Chair
Senator Peter Micciche, Vice Chair
Senator Donald Olson
Senator Bert Stedman
Senator Johnny Ellis

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 167(RLS)

"An Act relating to the regulation of architects, engineers, land surveyors, and landscape architects."

- HEARD & HELD

SENATE BILL NO. 163

"An Act relating to the education and employment of individuals with disabilities."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 167

SHORT TITLE: ARCHITECTS, ENGINEERS, SURVEYORS

SPONSOR(s): LABOR & COMMERCE

03/15/13	(H)	READ THE FIRST TIME - REFERRALS
03/15/13	(H)	L&C
03/29/13	(H)	L&C AT 3:15 PM BARNES 124
03/29/13	(H)	Moved Out of Committee
03/29/13	(H)	MINUTE(L&C)
04/01/13	(H)	L&C RPT 3DP 2NR
04/01/13	(H)	DP: SADDLER, JOSEPHSON, OLSON
04/01/13	(H)	NR: CHENAULT, REINBOLD
04/09/13	(H)	RLS TO CALENDAR PENDING REPORT
04/09/13	(H)	IN RULES

04/09/13 (H) RLS RPT CS(RLS) 3DP 3NR
 04/09/13 (H) DP: OLSON, GRUENBERG, JOHNSON
 04/09/13 (H) NR: HERRON, CHENAULT, HAWKER
 04/09/13 (H) TRANSMITTED TO (S)
 04/09/13 (H) VERSION: CSHB 167(RLS)
 04/09/13 (H) RLS AT 9:30 AM CAPITOL 120
 04/09/13 (H) Moved CSHB 167(RLS) Out of Committee
 04/09/13 (H) MINUTE(RLS)
 04/10/13 (S) READ THE FIRST TIME - REFERRALS
 04/10/13 (S) L&C
 02/11/14 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 163

SHORT TITLE: EMPLOYMENT OF PERSONS WITH DISABILITIES
 SPONSOR(S): MCGUIRE

02/07/14 (S) READ THE FIRST TIME - REFERRALS
 02/07/14 (S) EDC
 02/10/14 (S) L&C REFERRAL ADDED BEFORE EDC
 02/11/14 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

ANNA LATHAM, Staff
 Representative Kurt Olson
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Introduced HB 167 on behalf of the sponsor.

DALE NELSON, Chair
 Liaison Committee
 Alaska Professional Design Council(APDC)
 Anchorage, Alaska

POSITION STATEMENT: Stated support for HB 167 on behalf of APDC.

HARLEY HIGHTOWER, Architect
 Anchorage, Alaska

POSITION STATEMENT: Stated support for HB 167.

GENEVIEVE WOJTUSIK, Staff
 Senator Lesil McGuire
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Introduced SB 163 on behalf of the sponsor.

CATHERINE A. BABUSCIO, Human Resources Director
 Mat-Su Regional Medical Center (MSRMC)

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 163.

LES MOORSE, Deputy Commissioner

Department of Education and Early Development (DEED)

Juneau, Alaska

POSITION STATEMENT: Answered questions about the DEED fiscal note for SB 163.

POSIE BOGGS, representing herself, said she believes that SB 163 has good intent, but the unintended effect is harmful.

POSITION STATEMENT: Warned

RIC NELSON, representing himself

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 163.

ERIC YANUSZ, representing himself

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 163.

LUANN YANUSZ, representing herself

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 163.

ART DELAUNE, representing himself

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 163.

MILLIE RYAN, Executive Director

Reach Inc.

Juneau, Alaska

POSITION STATEMENT: Testified in strong support of SB 163 on behalf of Reach.

ACTION NARRATIVE

[1:31:07 PM](#)

CHAIR MIKE DUNLEAVY called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Stedman, Ellis, Micciche, and Chair Dunleavy. Senator Olson arrived during the course of the meeting.

HB 167-ARCHITECTS, ENGINEERS, SURVEYORS

[1:31:53 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 167. "An Act relating to the regulation of architects, engineers, land surveyors, and landscape architects." [CSHB 167(RLS) was before the committee.]

ANNA LATHAM, Staff, Representative Kurt Olson, sponsor of HB 167, explained that the bill clarifies statutory language and intends to prevent the misuse of professional seals. She provided a sectional analysis.

Section 1 amends AS 08.48.221 and requires registrants to sign the seal on documents. It deletes language that allows the registrant to certify on the face of the document the extent of the registrant's responsibility.

Section 2 adds a new subsection to AS 08.48.221 that requires documents containing the work of multiple fields of practice to be sealed and signed by a registrant in each of the fields covered by the document.

Section 3 adds "architect, land surveying, or landscape architecture" to this section wherever "engineering" appears. It adds language to the exceptions regarding revegetation or placement of plant material to require a board determination that the action does not affect the public health, safety, or welfare.

Section 4 adds definitions for "design of minor importance," "shop drawing" and "field drawing."

She pointed out that the proposed changes were brought forward by the Architects, Engineers and Land Surveyors (AELS) Board. She explained that one of the purposes of a professional licensing board is to take into account the concerns of its licensees and serve as a conduit for bringing those concerns to the attention of the legislature. She highlighted that while most registrants work within their field of expertise, current statutes allow a crossover of disciplines and, therefore, the misuse of seals.

MS. LATHAM explained that the statute was intended to allow multiple engineering disciplines to stamp a drawing and indicate the portion for which they were responsible. However, this has been exploited or misinterpreted to allow designers to opt out of taking responsibility for large portions of their work. This has resulted in building code violations that are costly and time consuming for the board and harmful to public health and

safety. She noted that the AELS Board added 490 new licensees to its oversight in 2012 and, with that increase, it's an opportune time to clean up the statutes.

[1:35:00 PM](#)

MS. LATHAM said that the only change between the original bill and the committee substitute (CS) is found in Section 3. The AELS Board suggested on page 3, line 14, changing the exemption from four to three residential units. Contractors were opposed to this change and the sponsor decided to offer an amendment to revert to the language currently in statute. Under current statute, an architect's stamp is only required on fiveplexes and larger.

[1:37:12 PM](#)

ERIC ERICKSON, Chair, Architects, Engineers, Land Surveyors Board, introduced himself.

[1:37:46 PM](#)

DALE NELSON, Chair, Liaison Committee, Alaska Professional Design Council(APDC), Anchorage, Alaska, stated support for HB 167 on behalf of APDC.

[1:38:12 PM](#)

CHAIR DUNLEAVY opened public testimony.

[1:38:25 PM](#)

HARLEY HIGHTOWER, Architect, Anchorage, Alaska, said he served eight years on the AELS Board, seven of which were spent on the enforcement investigative committee. He stated that the revisions in HB 167 address issues that were continually before the committee. Generally, they clarify the intent of the statutes.

[1:39:39 PM](#)

SARA CHAMBERS, Administrative Operations Manager, Corporations, Business and Professional Licensing Division, Department of Commerce, Community and Economic Development (DCCED), said she was available to answer questions.

[1:40:08 PM](#)

CHAIR DUNLEAVY stated that he would keep public testimony open and hold HB 167 in committee for further consideration.

[1:40:19 PM](#)

At ease.

SB 163-EMPLOYMENT OF PERSONS WITH DISABILITIES

[1:41:40 PM](#)

CHAIR DUNLEAVY reconvened the meeting and announced the consideration of SB 163. "An Act relating to the education and employment of individuals with disabilities."

[1:41:48 PM](#)

GENEVIEVE WOJTUSIK, Staff, Senator Lesil McGuire, sponsor of SB 163, stated that this is the companion to HB 211. She explained that SB 163 essentially makes Alaska an Employment First State. This is a national movement for states to conform the agencies and departments that provide services to persons with disabilities with the objective that these individuals will have preferred outcomes and become gainfully employed after high school. This would include everything from educational policy to the way that jobs services are provided through the departments.

Section 1 requires the Department of Education and Early Development (DEED) to report annually to the Mental Health Trust Authority on the progress of school districts toward the objective of AS 14.30.278(b).

Section 2 adds a new subsection AS 14.30.278(b) that requires school districts, when providing services to children with disabilities who are over 15 years of age, to make it their primary objective to help those children become gainfully employed in an integrated workplace.

Sections 3, 4, and 5 have the same aspirational language embedded in the requisite titles for the Department of Labor and Workforce Development (DOLWD) and the Department of Health and Social Services (DHSS).

SB 163 has four fiscal notes, three of which are zero. The sponsor is working with DEED on a committee substitute (CS) to add the process to an existing program, which would reduce the \$100,000 fiscal note substantially.

[1:43:41 PM](#)

SENATOR STEDMAN asked how many states have adopted similar legislation.

MS. WOJTUSIK offered to follow up with the exact number.

SENATOR MICCICHE read from a document in the packet that says that 26 states have something akin to an official Employment First policy and that 15 states have a policy directive.

CHAIR DUNLEAVY asked if there are potential problems mandating that workplace fitness become the primary objective.

MS. WOJTUSIK said she didn't believe so.

CHAIR DUNLEAVY asked if this could take resources away from those that may not be on a career path.

MS. WOJTUSIK said she didn't believe so.

CHAIR DUNLEAVY asked if this might lead to other programs soliciting individuals that are most likely to enter workplace for the purpose of becoming more competitive for funding.

MS. WOJTUSIK deferred to the Department of Education and Early Development.

SENATOR MICCICHE asked if the bill has an education referral.

MS. WOJTUSIK answered yes.

[1:45:59 PM](#)

SENATOR OLSON joined the committee.

CATHERINE A. BABUSCIO, Human Resources Director, Mat-Su Regional Medical Center (MSRMC), Palmer, Alaska, testified in support of SB 163. She explained that Project Search is a business-led vocational program for adult students age 18-22 who experience disabilities. These students explore careers and develop transferable job skills with the goal of becoming independent adults who find employment in their community. The program is a collaborative agreement between the Mat-Su Borough School District, the hospital, the Governor's Council on Disabilities and Special Education and the Division of Vocational Rehabilitation (DVR).

MR. BABUSCIO reported that, in three completed programs, 100 percent of the students are employed in the community receiving an average wage of more than \$13/hour. Twenty percent of those students found employment at the Mat-Su Regional Medical Center. She described these dedicated and skilled workers as a benefit to the hospital.

[1:47:42 PM](#)

LES MOORSE, Deputy Commissioner, Department of Education and Early Development (DEED), said he was available to answer questions on the bill and the potential reduction to the fiscal note if the bill is amended.

CHAIR DUNLEAVY asked him to discuss the fiscal note in the packet.

MR. MOORSE explained that the bill, in Section 2 on page 2, subsection (c), requires DEED to collect more detailed information regarding gainful employment than it currently collects. To meet this new reporting requirement DEED submitted a fiscal note indicating it would cost \$100,000 in FY15 and \$45,000 for the next three years. He explained that the initial cost is due to programming software and technical assistance to districts to collect the additional data. He noted that another difficulty is that only 50 percent of former students are responding to the surveys asking about their employment status. Additional resources may be needed to increase that response rate, but DEED is looking at whether it can be done with current resources.

If the language in the bill is amended, DEED would be able to reduce the fiscal note to \$45,000; the department is investigating whether it could use current resources and zero the fiscal note, he said.

SENATOR MICCICHE noted that the Department of Administration (DOA), the Department of Labor and Workforce Development (DOLWD) and the Department of Health and Social Services (DHSS) submitted zero fiscal notes, but DEED anticipates it will need additional funding to meet the new reporting requirements.

MR. MOORSE said the issue is that the bill asks for information about wages and wages relative to other employed former students and DEED currently only collects data about employment status. The department would need to make adjustments to its collection system in order to collect this additional data.

[1:51:49 PM](#)

CHAIR DUNLEAVY opened public testimony.

[1:51:57 PM](#)

POSIE BOGGS, representing herself, said she believes that SB 163 has good intent, but the unintended effect is harmful. The language on [page 1,] lines 10-15, says that for a child with a

disability who is over 15 years of age, the school's primary objective and preferred outcome would be to help the child get a job. She said her son would have gotten that direction when he went to his Individualized Education Program (IEP) meeting at age 15 and it wouldn't have been appropriate. Today he's an engineer. She pointed out that the primary objective and preferred outcome for her son at age 15, 16, and 17 was not to get a job, but rather to go to college or trade school.

MS. BOGGS asked if the language couldn't be narrowed so that students headed to college or trade school aren't mistakenly told that the district's preferred outcome is for them to get a job.

1:56:01 PM

RIC NELSON, representing himself, Anchorage, Alaska, stated that he is the Chair of the Governor's Council on Disabilities and Special Education. He explained that he is 30 years old, is an individual with cerebral palsy and has worked many different jobs. He offered his belief that SB 163 would give people the freedom and opportunity to select a job that they like no matter what their education is. He said he has a bachelor's degree in business administration and is working on a master's in public administration. After attaining a master's degree he said he would like to open a business that helps people with disabilities so they can have a successful life and career and a bright future.

SENATOR MICCICHE told Mr. Nelson that he's an inspiration and someone that Alaskans can look up to.

SENATOR STEDMAN told Mr. Nelson that he has come to appreciate his testimony more each year.

2:00:51 PM

ERIC YANUSZ, representing himself, Palmer, Alaska, testified in support of SB 163. He stated that he works at the Mat-Su Regional Medical Center. He explained his duties on rotation in day surgery and food service. For the third rotation he looks forward to having a paying job.

LUANN YANUSZ, representing herself, Palmer, Alaska, introduced herself as Eric's parent. She said that any parent wants their child to be independent, healthy, happy and able to support him/herself, but when your child has a disability and doesn't receive a high school diploma there is a lot of uncertainty. She explained that through Project Search and the Mat-Su School

District, Eric has learned to follow directions, work ethics, employer expectations for attendance and communication and how to show initiative on a job. At the end of the program the hope is that he will transition into a job and continue the routine of working in a job. She continued to explain that some of the skills that Eric has learned through work include independence, self-esteem and self-worth. She expressed hope that he will have a long and successful working experience in Alaska. Responding to a question, she confirmed that she supports SB 163.

[2:04:11 PM](#)

ART DELAUNE, representing himself, Fairbanks, Alaska, said he is a member of the Governor's Council on Disabilities and Special Education, but is speaking as a parent. He explained that his two sons have been diagnosed with Fetal Alcohol Spectrum Disorder and both have developmental disabilities. He relayed that it took his youngest son six years to graduate from high school with a diploma. At age 17 he went to the Division of Vocational Rehabilitation (DVR) to learn about opportunities in the workplace. He didn't like the initial suggestions and was finally able to become a part of the new Discovery Project. He started his work experience at Fred Meyer and his aspiration is to become integrated as a full-time employee who earns the same wage as any person with entry level skills. His feels good about himself and has set a personal goal to get off of public benefits and pay his own way.

MR. DELAUNE said he supports SB 163 because it will allow people like his son to become self-sufficient.

[2:07:34 PM](#)

MILLIE RYAN, Executive Director, Reach Inc., stated strong support for SB 163 on behalf of Reach. She explained that Reach places people with intellectual and developmental disabilities in jobs in the community, and operates three enterprise businesses that provide employment. Reach also supports a few people to take post-secondary education class at the University of Alaska Southeast to expand their employment options.

MS. RYAN reported that Reach is implementing Employment First policies and procedures throughout the agency. They are collecting base line data on the percent of youths and adults that have an employment goal in their service plans and the percent that are actually working. She told the committee that service providers can do a lot of things to help people with disabilities get employed, but what is really needed is strong policy from state agencies. SB 163 will help state agencies put

policy in place that and help more people with disabilities become employed.

[2:09:32 PM](#)

CHAIR DUNLEAVY said he would keep public testimony open and hold SB 163 in committee for further consideration.

[2:09:54 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate Labor and Commerce Standing Committee meeting at 2:09 p.m.