

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

April 17, 2018

1:32 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Kevin Meyer, Vice Chair
Senator Berta Gardner
Senator Gary Stevens

MEMBERS ABSENT

Senator Peter Micciche

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 346(L&C)
"An Act relating to the licensure of dentists."

- MOVED CSHB 346(L&C) OUT OF COMMITTEE

SENATE BILL NO. 160

"An Act relating to the regulation of broadband Internet; and making certain actions by broadband Internet service providers unlawful acts or practices under the Alaska Unfair Trade Practices and Consumer Protection Act."

- MOVED SB 160 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 346

SHORT TITLE: DENTIST: TEMPORARY PERMIT

SPONSOR(s): LABOR & COMMERCE

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|----------|-----|--------------------------------------|
| 02/14/18 | (H) | READ THE FIRST TIME - REFERRALS |
| 02/14/18 | (H) | L&C, FIN |
| 02/19/18 | (H) | L&C AT 3:15 PM BARNES 124 |
| 02/19/18 | (H) | Heard & Held |
| 02/19/18 | (H) | MINUTE(L&C) |
| 02/23/18 | (H) | L&C AT 3:15 PM BARNES 124 |
| 02/23/18 | (H) | Moved CSHB 346(L&C) Out of Committee |
| 02/23/18 | (H) | MINUTE(L&C) |

02/26/18 (H) L&C RPT CS(L&C) 7DP
02/26/18 (H) DP: SULLIVAN-LEONARD, STUTES, WOOL,
JOSEPHSON, BIRCH, KNOPP, KITO
03/16/18 (H) FIN AT 1:30 PM ADAMS ROOM 519
03/16/18 (H) Moved CSHB 346(L&C) Out of Committee
03/16/18 (H) MINUTE(FIN)
03/19/18 (H) FIN RPT CS(L&C) 10DP
03/19/18 (H) DP: GARA, WILSON, KAWASAKI, ORTIZ,
PRUITT, GUTTENBERG, GRENN, TILTON,
SEATON,
03/19/18 (H) FOSTER
04/11/18 (H) TRANSMITTED TO (S)
04/11/18 (H) VERSION: CSHB 346(L&C)
04/12/18 (S) READ THE FIRST TIME - REFERRALS
04/12/18 (S) L&C, FIN
04/17/18 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 160

SHORT TITLE: BROADBAND INTERNET: NEUTRALITY/REGULATION
SPONSOR(S): BEGICH

01/24/18 (S) READ THE FIRST TIME - REFERRALS
01/24/18 (S) L&C, STA
02/13/18 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/13/18 (S) Heard & Held
02/13/18 (S) MINUTE(L&C)
04/17/18 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

REPRESENTATIVE SAM KITO III
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 346.

SARAH CHAMBERS, Deputy Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions related to HB 346.

DR. PAUL SILVEIRA, Member
Board of Dental Examiners
Valdez, Alaska

POSITION STATEMENT: Testified in support of HB 346 on behalf of
the board.

DR. DAVID LOGAN, Executive Director
Alaska Dental Society
Juneau Alaska

POSITION STATEMENT: Testified in strong support of HB 346 on behalf of the Alaska Dental Society.

SENATOR TOM BEGICH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 160.

SYDNEY LIENEMANN, Staff
Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions related to SB 160 on behalf of the sponsor.

MIKE ROBINSON, Head of Systems, UAA; Chair of Intellectual Freedom, Alaska Library Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 160.

JENNIE STEWART, Founder
Custom Everything, Inc.
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 160.

ACTION NARRATIVE

[1:32:55 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Meyer, Gardner, and Chair Costello. Senator Stevens arrived soon thereafter.

HB 346-DENTIST: TEMPORARY PERMIT

[1:33:26 PM](#)

CHAIR COSTELLO announced the consideration of HB 346 and noted that the committee previously heard the companion bill. She stated her intention to move the bill after taking public testimony.

[1:33:44 PM](#)

REPRESENTATIVE SAM KITO III, Alaska State Legislature, Juneau, Alaska, sponsor of HB 346 introduced the legislation paraphrasing the following sponsor statement:

House Bill 346 would allow the Alaska Board of Dental Examiners to grant temporary licenses when a dental specialist is suddenly incapacitated or when a small community does not have access to specialized care.

Alaska has a limited number of dental specialists, many of whom serve multiple small communities. There are nine dental specialties as defined by the American Dental Association: oral surgery, orthodontics, periodontics (gums), endodontics (root canals), pedodontics (kids), prosthodontics (replacing teeth), public health, , oral pathology (oral diseases), and oral radiology (x-rays); however, Alaska does not have a single specialist in oral radiology. Of the 647 licensed dentists in Alaska, 136 dentists are specialists.

Dental specialists in Alaska are limited in number and have full schedules. If a specialist is suddenly incapacitated, there is no reserve to draw from, and multiple small communities could be without specialist care for an extended period of time. Small communities have historically had a hard time recruiting healthcare practitioners and the trend seems to be worsening.

Temporary dental licenses would allow the Alaska Board of Dental Examiners to maintain dental care in these communities until a full-time dentist can be found. The board is ideally qualified to evaluate the need to circumvent transitional licensing procedures for dentists in exceptional circumstances.

HB 346 will allow temporary licenses to be granted in times of need at the discretion of the Alaska Board of Dental Examiners.

REPRESENTATIVE KITO III advised that the bill was changed in the other body to give the board the authority to bring a licensed dentist from another jurisdiction to Alaska to fill in for a short period of time. One extension is allowed but the temporary dentist would need to get an Alaska license if they spend more time working in Alaska.

[1:36:29 PM](#)

SENATOR GARDNER asked if he anticipates that a lot of dentists will be interested in taking advantage of this opportunity.

REPRESENTATIVE KITO III deferred the question to the representative from the dental society. He shared his experience when the Southeast Alaska Regional Health Center was having difficulty recruiting a dentist to come to Juneau, and opined that this provision might have allowed SEARHC to bring somebody in temporarily to fill the gap.

SENATOR GARDNER asked if he envisions the pool of dentists would be those who are already licensed - but perhaps not practicing - and interested in coming to Alaska for a limited period.

REPRESENTATIVE KITO replied the target pool was dentists who are not licensed in Alaska.

SENATOR GARDNER directed attention to the provision on page 2, lines 3-5. It says the temporary permit is valid only to treat patients of the incapacitated dentist at the address listed on the business license of the incapacitated dentist. Noting that the companion bill had the same problematic language, she asked what would happen if the incapacitated dentist did business in more than one location.

REPRESENTATIVE KITO III said he suspects the bill would accommodate the emergency replacement of a dentist who had offices in more than one location. However, if each office offered different specialty services, the replacement dentist may not have both specialties. He deferred further comment to the board.

CHAIR COSTELLO said she assumes each location has a business license, and her reading is that the bill does contemplate multiple locations.

SENATOR GARDNER observed that the license is for the facility, not the individual.

CHAIR COSTELLO added that the bill is written to accommodate a dentist who has multiple licenses.

SENATOR MEYER asked if other states grant temporary dental licenses.

REPRESENTATIVE KITO III said he didn't know.

CHAIR COSTELLO asked Sarah Chambers to respond to any questions she'd heard.

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SARAH CHAMBERS, Deputy Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, confirmed that businesses must maintain a business license for each location. Thus, someone with a temporary permit could cover the dental office of the incapacitated dentist.

CHAIR COSTELLO asked if the administration had a position on the bill.

MS. CHAMBERS replied the administration has not taken a position on the bill but the dental board supports it.

SENATOR MEYER asked what it costs for a temporary permit.

MS. CHAMBERS explained that a typical temporary permit for a health care profession ranges from \$50 to \$100. It would not be cost prohibitive.

SENATOR MEYER noted that the fiscal note reflects \$2,600 in receipt services.

MS. CHAMBERS explained that those services would generally be covered by the licensing fees.

CHAIR COSTELLO asked if the board could call an emergency meeting to approve an emergency license.

MS. CHAMBERS replied the Administrative Procedures Act allows all boards to call a teleconference meeting within five days.

[1:44:32 PM](#)

CHAIR COSTELLO opened public testimony on HB 346.

[1:44:57 PM](#)

DR. PAUL SILVEIRA, Board of Dental Examiners, Valdez, Alaska, stated that the board supports HB 346 to expedite a temporary permit to help an incapacitated dentist.

[1:45:23 PM](#)

DR. DAVID LOGAN, Executive Director, Alaska Dental Society, Juneau Alaska, stated that the Alaska Dental Society is in strong support of HB 346. He cited examples of the need for temporary permits to fill in for dental specialists who were unexpectedly incapacitated. One had a stroke and another had a major traffic accident. This isn't a common occurrence, he said, but a temporary permit is a necessary tool for the board to maintain continuous dental health care in Alaska. Unlike other states, Alaskans can't easily move to another community for treatment. It is more effective to bring one dentist to a community than flying members of a community to another location for treatment. He reiterated that this would be a valuable tool for the board.

[1:47:08 PM](#)

SENATOR MEYER asked how this would work.

DR. LOGAN said the expectation is that the incapacitated specialist or their designee would put somebody's name forward. He posited that they would pull from former classmates, colleagues, and friends in the field.

SENATOR MEYER asked if someone would need to obtain a temporary permit before they could be considered as a replacement.

DR LOGAN said the expectation is the name would be submitted to the board for temporary license approval. If the board approved the name, the individual would take over the practice temporarily.

SENATOR MEYER asked if it would be a fairly quick process.

DR LOGAN said it could be fairly quick. The board is able to meet on an emergency basis and it can also circulate an application amongst the members for approval. This might take just a week, which isn't an unrealistic gap.

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CHAIR COSTELLO closed public testimony on HB 346.

[1:50:07 PM](#)

SENATOR MEYER moved to report the CS for HB 346, version D, from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO found no objection and CSHB 346(L&C) moved from the Senate Labor and Commerce Standing Committee.

[1:50:29 PM](#)

At ease

SB 160-BROADBAND INTERNET: NEUTRALITY/REGULATION

[1:52:28 PM](#)

CHAIR COSTELLO reconvened the meeting and announced the consideration of SB 160. She noted that this was the second hearing and public testimony was closed. She asked the sponsor to comment.

[1:53:08 PM](#)

SENATOR TOM BEGICH, Alaska State Legislature, Juneau, Alaska, sponsor of SB 160, reminded members that SB 160 would require internet service providers to abide by net neutrality principles in Alaska. That means no blocking lawful content, no paid prioritization or throttling unless the reasonable network management practices make an exception for distance learning and telemedicine. It would ensure continued access to a fair and open internet that treats all data equally and fairly.

He noted the following slight changes since the committee heard the bill last:

- Six governors have now signed executive orders requiring internet service providers (ISPs) with government contracts to abide by net neutrality.
- 28 states have introduced net neutrality legislation
- 22 state attorneys general have filed lawsuits against the FCC. Alaska is not yet one of those states but the governor and Senator Murkowski have both written op-ed pieces about net neutrality.

SENATOR BEGICH warned that the deadline for Congress to reverse the FCC Title II net neutrality order was just a week away so it was even more imperative to pass this legislation. He emphasized that state legislatures must set the template for what Congress does on this matter. He noted who his office had invited to testify.

[1:56:13 PM](#)

SENATOR MEYER asked if there was an ongoing federal lawsuit.

SENATOR BEGICH replied Alaska is not engaged in a federal lawsuit, but 22 state attorneys general have filed lawsuits against the FCC on this particular action. Many of those states

have also introduced legislation similar to SB 160 in an effort to set a common template for a proper net neutrality statute.

SENATOR MEYER asked if resolution of the federal lawsuit would trump any state action.

SENATOR BEGICH said it's difficult to say, but lawsuits can take years if not decades to resolve. This and similar legislation is intended to motivate Congress to act and resolve this matter quickly.

[1:57:32 PM](#)

SENATOR STEVENS joined the committee.

SENATOR MEYER said his concern was that if the laws aren't the same in all areas, providers will abandon some areas altogether.

SENATOR BEGICH explained that this was model legislation that represents the voice of the states to ensure that internet companies cannot apply principles that block Alaskan citizens' access to the internet whether they are the wealthiest or poorest. He noted an earlier Senate floor debate regarding broadband access where several Senators emphasized the importance of equal access to all citizens. He opined that SB 160 would be a step towards encouraging equal access.

SENATOR MEYER asked how many other states have passed similar legislation.

SENATOR BEGICH deferred the question to his staff.

[2:01:31 PM](#)

DR. SYDNEY LIENEMANN, Staff, Senator Tom Begich, Alaska State Legislature, Juneau, Alaska, advised that Washington State has passed similar legislation and governors in five other states have signed executive orders. Those states are Hawaii, New Jersey, New York, Montana, and Vermont.

[2:02:29 PM](#)

CHAIR COSTELLO asked the sponsor to comment on her observation that the phrase "in a manner sufficient for" on page 1, line 9, is a statement of philosophy, whereas the bill has more teeth starting on page 2, line 17.

SENATOR BEGICH disagreed with the portrayal of the language as philosophical because the subsequent language is very specific and replicates the existing FCC rules regarding net neutrality

that were repealed in December. He added that if the legislation does make a philosophical statement, it is that Alaska and other states have identified a way of protecting their citizens' free and open access to the internet. It's something that the federal government can use as a guide. He related his early encounters with the internet which supports the importance of a free and open internet.

CHAIR COSTELLO asked if the bill would be unnecessary if the federal government took action.

SENATOR BEGICH confirmed that if the federal government were to pass legislation that replicated this model language, the bill would be unnecessary. But until the federal government takes that action, passing SB 160 will make it possible for the state to defend its citizens' right to a free and open internet.

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CHAIR COSTELLO noted the 2/12/2018 letter of opposition from AT&T in the packet.

[2:07:26 PM](#)

At ease

[2:07:30 PM](#)

CHAIR COSTELLO reconvened the meeting.

[2:08:18 PM](#)

MIKE ROBINSON, Head of Systems, UAA; Chair of Intellectual Freedom Committee, Alaska Library Association, Anchorage, Alaska, said he works in technology at the university library and several years ago he was a representative on Governor Parnell's Broadband Task Force so he is familiar with broadband issues in Alaska. He stated that libraries support network neutrality for two reasons: equitable access and intellectual freedom. He pointed out that libraries are often the gateway for internet access in communities and in some cases they are the only gateway. In that role they serve as an aggregated end user for people trying to get on the internet. Libraries are also a portal for access to online information such as e-books, journal content, and other things. In that sense, they are a content provider or small business. He emphasized the importance of ensuring that library users get to the information they need without hinderance and ensuring that libraries do not have to compete with large content companies whose use may be prioritized by some internet companies.

MR. ROBINSON noted that when Commissioner Pai revoked net neutrality for the FCC, he argued that market competition would solve the problems of any broadband providers that attempt to violate net neutrality. However, that is not a solution for Alaska because many Alaskan communities don't have any broadband competition. Libraries also support network neutrality because broadband companies should not be in a position to decide what content to promote or provide access to. That decision should be left to individual users. In this democracy it's critical that broadband companies remain neutral gateways rather than gatekeepers, he said.

MR. ROBINSON concluded his comments noting that AT&T's comments on the bill basically said they had never violated net neutrality and should be trusted to continue that practice. Acknowledging that it was a separate issue, he said Facebook would probably have made the same argument several years ago. He urged the committee to support SB 160.

[2:11:37 PM](#)

JENNIE STEWART, Founder, Custom Everything, Inc. Anchorage, Alaska, stated that she started her web-based business in 2002 and net neutrality allowed her business to compete on a national and international scale. Her current competitors are businesses like Amazon and Walgreens and without net neutrality a large business could pay to promote their content and thereby throttle access to her website. This would result in a vast change to her business. "If we had just a minor decrease in speed, it would bump us down in terms of the search engine results." She said it's likely her business would no longer be on the first page and she would be out of business in a very short time. Alaska can compete on a national scale because network neutrality ensures a level playing field. Under the "pay to play" scheme, that will change.

CHAIR COSTELLO noted that public testimony was closed and looked to the will of the committee.

[2:14:17 PM](#)

SENATOR GARDNER said she was eager to see this important piece of legislation move along.

[2:14:30 PM](#)

SENATOR MEYER moved to report SB 160, version A, from committee with individual recommendations and attached fiscal note(s).

[2:14:46 PM](#)

CHAIR COSTELLO found no objection and SB 160 moved from the Senate Labor and Commerce Standing Committee.

2:15:17 PM

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:15 p.m.