

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

May 13, 2019

3:17 p.m.

MEMBERS PRESENT

Representative Adam Wool, Chair
Representative Andi Story
Representative Zack Fields
Representative Sara Hannan
Representative Louise Stutes
Representative Josh Revak
Representative Dave Talerico

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 127

"An Act relating to the practice of dental hygiene; establishing an advanced practice permit; prohibiting unfair discrimination under group health insurance against a dental hygienist who holds an advanced practice permit; relating to medical assistance for dental hygiene services; and providing for an effective date."

- MOVED CSHB 127(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 24

"An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

- HEARD & HELD

HOUSE BILL NO. 81

"An Act prohibiting disposable plastic shopping bags; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 127

SHORT TITLE: DENTAL HYGIENIST ADVANCED PRAC PERMIT
SPONSOR(s): REPRESENTATIVE(s) SPOHNHOLZ

04/09/19 (H) READ THE FIRST TIME - REFERRALS
04/09/19 (H) L&C, FIN
05/03/19 (H) L&C AT 3:15 PM BARNES 124
05/03/19 (H) Heard & Held
05/03/19 (H) MINUTE(L&C)
05/10/19 (H) L&C AT 3:15 PM BARNES 124
05/10/19 (H) Heard & Held
05/10/19 (H) MINUTE(L&C)
05/13/19 (H) L&C AT 3:15 PM BARNES 124

BILL: HB 24

SHORT TITLE: LIMITED TEACHER CERTIFICATES; LANGUAGES
SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

02/20/19 (H) PREFILE RELEASED 1/7/19
02/20/19 (H) READ THE FIRST TIME - REFERRALS
02/20/19 (H) EDC, L&C
03/29/19 (H) EDC AT 8:00 AM CAPITOL 106
03/29/19 (H) Heard & Held
03/29/19 (H) MINUTE(EDC)
04/01/19 (H) EDC AT 8:00 AM CAPITOL 106
04/01/19 (H) Heard & Held
04/01/19 (H) MINUTE(EDC)
04/03/19 (H) EDC AT 8:00 AM CAPITOL 106
04/03/19 (H) Heard & Held
04/03/19 (H) MINUTE(EDC)
04/05/19 (H) EDC RPT 5DP 2NR
04/05/19 (H) DP: TUCK, ZULKOSKY, JOHNSON, STORY,
DRUMMOND
04/05/19 (H) NR: REVAK, HOPKINS
04/05/19 (H) EDC AT 8:00 AM CAPITOL 106
04/05/19 (H) Moved HB 24 Out of Committee
04/05/19 (H) MINUTE(EDC)
04/24/19 (H) L&C AT 3:15 PM BARNES 124
04/24/19 (H) Heard & Held
04/24/19 (H) MINUTE(L&C)
05/03/19 (H) L&C AT 3:15 PM BARNES 124
05/03/19 (H) Heard & Held
05/03/19 (H) MINUTE(L&C)
05/13/19 (H) L&C AT 3:15 PM BARNES 124

BILL: HB 81

SHORT TITLE: PROHIBIT PLASTIC RETAIL BAGS
SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

03/06/19	(H)	READ THE FIRST TIME - REFERRALS
03/06/19	(H)	CRA, L&C
04/04/19	(H)	CRA AT 8:00 AM BARNES 124
04/04/19	(H)	Heard & Held
04/04/19	(H)	MINUTE(CRA)
04/09/19	(H)	CRA AT 8:00 AM BARNES 124
04/09/19	(H)	Heard & Held
04/09/19	(H)	MINUTE(CRA)
04/25/19	(H)	CRA AT 8:00 AM BARNES 124
04/25/19	(H)	Moved CSHB 81(CRA) Out of Committee
04/25/19	(H)	MINUTE(CRA)
04/26/19	(H)	CRA RPT CS(CRA) 3DP 2NR
04/26/19	(H)	DP: CLAMAN, HANNAN, DRUMMOND
04/26/19	(H)	NR: KREISS-TOMKINS, THOMPSON
05/13/19	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

ASHLEY STRAUCH, Staff
 Representative Adam Wool
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Wool, presented the committee substitute for HB 127 and answered questions.

REPRESENTATIVE IVY SPOHNHOLZ
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 127 as prime sponsor.

DAVID NIELSON
 Board of Dental Examiners
 Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 127.

EPHIMIA MOONIN-WILSON
 Chugachmiut Language Heritage Program
 Port Graham, Alaska

POSITION STATEMENT: Testified during the hearing on HB 24.

CORDELIA KELLIE
 Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 24.

KATHERINE GARDNER, Human Resources Executive Director

Matsu Borough School District
Palmer, Alaska

POSITION STATEMENT: Testified in support of HB 24.

MARK HIRATSUKA, Alaska Education Program Manager
Chugachmiut Language Heritage Program
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 24.

JENNIFER SCHMIDT-HUTCHINS, Principal
Fronteras Spanish Immersion Charter School
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 24.

REPRESENTATIVE JONATHAN KREISS-TOMKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, answered questions during the hearing on HB 24.

JOHN SCANLON, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 24 on behalf of Representative Kreiss-Tomkins, prime sponsor.

SONDRA MEREDITH, Teacher Certification Administrator
Educator and Excellence Division
Department of Education & Early Development
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 24.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 81 as prime sponsor.

ELISE SORUM-BIRK, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a presentation entitled, "HB 81 Plastic Bag Ban," and answered questions on behalf of Representative Josephson, prime sponsor.

ACTION NARRATIVE

[3:17:32 PM](#)

CHAIR ADAM WOOL called the House Labor and Commerce Standing Committee meeting to order at 3:17 p.m. Representatives Stutes, Story, Fields, Revak, Hannan, and Wool were present at the call to order. Representative Talerico arrived as the meeting was in progress.

HB 127-DENTAL HYGIENIST ADVANCED PRAC PERMIT

[3:18:26 PM](#)

CHAIR WOOL announced that the first order of business would be HOUSE BILL NO. 127, "An Act relating to the practice of dental hygiene; establishing an advanced practice permit; prohibiting unfair discrimination under group health insurance against a dental hygienist who holds an advanced practice permit; relating to medical assistance for dental hygiene services; and providing for an effective date."

[Before the committee was a proposed committee substitute (CS) for HB 127, Version 31-LS0836\M, Fisher, 5/11/19.]

[3:18:56 PM](#)

ASHLEY STRAUCH, Staff, Representative Adam Wool, Alaska State Legislature, explained [Version M] makes the following changes to HB 127: It reflects what is currently in statute under the scope of practice for dental hygienists by allowing a licensed dental hygienist with an advanced practice permit to administer local anesthesia if certified by the Board of Dental Examiners on page 2, line 24. Second, on page 2, lines 28-29, Version M adds "delegate dental operations and services to a dental assistant as provided in AS 08.36.346." This allows the licensed dental hygienists with an advanced practice permit to delegate a dental assistant to perform services within their scope of practice. Third, on page 4, lines 26-27, Version M adds, "except as permitted under an advanced practice permit under AS 08.32.125," which allows the Board of Dental Examiners to suspend or revoke the license of a dental hygienist with an advanced practice permit if they perform clinical procedures outside their scope of practice and without the needed supervision of a licensed dentist. Fourth, on page 4, line 31, and page 5, lines 1-2, it makes a change to AS 08.32.160 by adding, "(10) permitted a dental assistant employed by a dental hygienist or working under the supervision of a dental hygienist

to perform a dental procedure in violation of AS 08.32.110 or AS 08.36.346;". This allows the board to suspend or revoke a license of a dental hygienist if the dental assistant works outside their scope of practice written in statute. Fifth, on page 5, lines 3-5, it adds, "(11) falsified or destroyed a patient or facility record or failed to maintain a patient or facility record for at least seven years after the date the record was created." This requires a licensed dental hygienist with an advanced practice permit to keep patient records for at least seven years. Sixth, on page, lines 6-12, there's an added subsection (c) that allows an assistant who's working within his or her scope of practice to be supervised by a dental hygienist with an advanced practice permit. Finally, the seventh change is on page 6, line 18, and gives the Department of Health and Social Services the ability to adopt regulations necessary to implement changes made in the Act.

[3:24:42 PM](#)

REPRESENTATIVE STUTES moved to adopt the proposed committee substitute (CS) for HB 127, labeled 31-LS0836\M, Fisher, 5/11/19, as the working draft. [There being no objection, Version M was before the committee.]

[3:25:51 PM](#)

The committee took an at-ease from 3:25 to 3:39 p.m.

[3:29:08 PM](#)

CHAIR WOOL asked who is responsible if a dental assistant does something countered to statute in a typical dental office.

[3:29:54 PM](#)

REPRESENTATIVE IVY SPOHNHOLZ, Alaska State Legislature, explained that in an integrated dental office where the dentist has the license under which everyone else is formally operating, the dentist is the ultimate arbiter of responsibility and is responsible for both the dental hygienist and the dental assistant.

[3:31:13 PM](#)

DAVID NIELSON, Board of Dental Examiners, concurred.

[3:32:08 PM](#)

REPRESENTATIVE STUTES REPRESENTATIVE moved to report CSHB 127, Version LS0836\M, Fisher, 5/11/19, out of committee with individual recommendations and the accompanying fiscal notes. Without objection, CSHB 127(L&C) was moved from the House Labor and Commerce Standing Committee.

[3:32:47 PM](#)

The committee took a brief at-ease.

HB 24-LIMITED TEACHER CERTIFICATES; LANGUAGES

[3:32:52 PM](#)

CHAIR WOOL announced that the next order of business would be HOUSE BILL NO. 24, "An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

[3:35:01 PM](#)

CHAIR WOOL opened public testimony.

[3:35:10 PM](#)

REPRESENTATIVE STORY asked if they should offer amendments prior to hearing public testimony so the public can comment on them.

CHAIR WOOL answered no. He said the committee will take up amendments after public testimony.

[3:35:27 PM](#)

EPHIMIA MOONIN-WILSON, Chugachmiut Language Heritage Program, informed the committee that she currently teaches the Sugt'stun language to Pre-K12 students and has been doing so for eight years. She shared her educational background, which includes an earning an occupation endorsement certificate (OEC) in Alutiiq studies. She stated that her goal is to be one of the first Sugt'stun certified teachers.

CHAIR WOOL asked Ms. Moonin-Wilson if she is currently a certified teacher.

MS. MOONIN-WILSON said she is not fully certified having only received an OEC.

3:37:50 PM

REPRESENTATIVE HANNAN asked Ms. Moonin-Wilson which school district she works for.

MS. MOONIN-WILSON said she works in the Kenai Peninsula Bureau School District (KPBSD); however, she is employed through Chugachmiut.

REPRESENTATIVE HANNAN asked if she has considered earning a type M certificate.

MS. MOONIN-WILSON said yes; however, to do so she would need to be employed by the KPBSD.

REPRESENTATIVE HANNAN asked if Chugachmiut is part of the regional village corporation.

MS. MOONIN-WILSON answered yes.

REPRESENTATIVE HANNAN asked Ms. Moonin-Wilson if she had any interest in working for the KPBSD.

MS. MOONIN-WILSON confirmed her interest in working for the KPBSD. She said she would like to earn more credentials before she enrolls.

CHAIR WOOL asked Ms. Moonin-Wilson if she teaches at the Language Heritage Program.

MS. MOONIN-WILSON answered yes.

3:41:18 PM

REPRESENTATIVE STUTES inquired as to what subject Ms. Moonin-Wilson teaches.

MS. MOONIN-WILSON stated she teaches the Sugt'stun language program.

CHAIR WOOL noted HB 24 concerns certification for K-12 language immersion teachers. He asked if Ms. Moonin-Wilson currently teaches K-12 or language immersion.

MS. MOONIN-WILSON said that's what she is working towards.

3:42:19 PM

CORDELIA KELLIE said she is representing herself as a community language practitioner and thanked the committee for the opportunity to testify in support of HB 24. Through years of working in (indisc.) language revitalization efforts with adult second language learners, many have concluded that immersion schools will be the tool that makes headway in creating fluent speakers and returning vibrancy to indigenous languages. She said HB 24 is distinctive because it provides a mechanism towards putting teachers in immersion classrooms. She noted that there has been concern in years past about the language in this legislation regarding levels of competency of those seeking to teach content through a non-English language; however, in her community, many individuals working to learn [indigenous] languages have degrees. She concluded by saying HB 24 acknowledges the current position of Alaska's communities - that every successive Alaska native generation is a growing generation of young people who are acquiring cultural knowledge of indigenous ways, as well as navigating Western institutions. She stressed the dire need for immediate immersion instruction. Nonetheless, she said HB 24 creates a pathway towards getting competent community members into immersion classrooms.

3:46:35 PM

CHAIR WOOL asked Ms. Kellie if she has a teacher certification.

MS. KELLIE answered no. Despite that, she said she has an English degree and teaching experience through community programs.

CHAIR WOOL asked if Ms. Kellie has a college degree.

MS. KELLIE confirmed that.

CHAIR WOOL questioned whether the community members that she mentioned are certified teachers.

MS. KELLIE said no. She explained they are people with professional and academic experience who are also learning indigenous language. She added that if she was to set her intention on building an immersion school, those are the people she would do it with.

3:48:20 PM

REPRESENTATIVE HANNAN asked Ms. Kellie which school district she would be seeking work in.

MS. KELLIE said the Anchorage school district.

REPRESENTATIVE HANNAN asked Ms. Kellie if she knows any Type M language teachers who are teaching in Inupiaq, Yupik, or Tlingit in the Anchorage school district.

MS. KELLIE said she is aware of their work.

REPRESENTATIVE HANNAN asked if Ms. Kellie has considered earning a Type M certificate.

MS. KELLIE said she has not considered it because she has not directly selected education as a professional pathway.

REPRESENTATIVE HANNAN said Type M certificates as they currently exist, don't require any academic training. She said they were created for an elder who speaks an indigenous language that wouldn't have to pass any competency exams or verify that they have teacher preparation or college training. The certificate would allow those individuals to be hosted by the district to teach language and culture in their language.

[3:52:00 PM](#)

KATHERINE GARDNER, Human Resources Executive Director, Matsu Borough School District, voiced strong support for HB 24. She said the Matsu community is incredibly proud of their choice options. She described Fronteras Spanish Immersion Charter School as a robust immersion program that offers an excellent education rich in both language and culture. She noted that the program relies on talented educators in order to work as well as it does. The passage of HB 24 as it's currently written, she said, would provide a positive impact on their program and allows their current staff to be employed as teachers. She noted a primary concern with the barrier of the basic competency test which is only provided in English.

[3:54:24 PM](#)

REPRESENTATIVE HANNAN questioned whether the teachers Ms. Gardner would like to employ would eventually be able to pass the competency exam in English. She asked how long of a window they would need to do that.

MS. GARDNER explained that some of these individuals have been trying to pass all the competency exams for the past three years. They have been able to make progress by focusing on one at a time, she said. She expressed concern with Representative Hannan's amendment [which has yet to be offered] because it provides a one-year window with a one-year extension, which wouldn't be enough time to complete a teacher prep program for the individuals she is working with.

REPRESENTATIVE HANNAN clarified that under her amendment they would have two years to pass the competency exam, not the teachers prep program. She asked if three years would achieve that for most of her candidates.

MS. GARDNER said 3 years would probably not be long enough for everyone they are interested in employing.

[3:57:00 PM](#)

MARK HIRATSUKA, Alaska Education Program Manager, Chugachmiut Language Heritage Program, shared his work experience with the committee as a retired public educator with the state of Alaska for 34 years. He noted that he was the principal in Valdez and Dillingham, as well as the superintendent for [indisc.]. He explained that he has spent his lifetime working with teachers on a college career pathway plan towards becoming certified teachers that qualify for the Type C certification. In Chugach they run a teacher training program that focuses on developing fluency in the Sugt'stun language because it is close to extinction. He said ultimately, these are students who want to become fully certified teachers within the state of Alaska and teaching in their own communities. He said that as an administrator, he was delighted to hear about the Type M certification because people who get their OEC in Sugt'stun can qualify for it.

[4:03:02 PM](#)

REPRESENTATIVE HANNAN asked Mr. Hiratsuka if he has approached his school district about hosting a Type M certificate for one of his current teachers.

MR. HIRATSUKA offered his understanding that they could work through that process due to the MOA [memorandum agreement] status with the school districts.

CHAIR WOOL asked for the definition of MOA status.

MR. HIRATSUKA said it is a memorandum agreement [MOA] with school administration to implement a language program with a language paid teacher in the program.

CHAIR WOOL sought to clarify whether someone with an OEC needs a Type M certificate to teach Native language in public schools.

MR. HIRATSUKA shared his belief that paraprofessionals who teach one-subject areas, like Sugt'stun, can qualify for a Type M certificate.

[4:06:30 PM](#)

REPRESENTATIVE HANNAN pointed out that even without the training they could qualify for a Type M.

MR. HIRATSUKA said yes.

CHAIR WOOL asked if a Type M is required to teach.

MR. HIRATSUKA said they are not necessary to teach single subjects.

MR. HIRATSUKA, responding to a follow-up comment from Representative Wool, said at the Chugachmiut Language Heritage Program they run teacher core program that requires success in a 4-year college track program that provides an endorsement in education. He noted that once someone is qualified for the teaching program, they will be qualified to use his or her Type C certification in a K-12 program with the benefit of being fluent Sugt'stun speaking teachers in village communities where Sugt'stun is their heritage language.

CHAIR WOOL sought clarification on whether these teachers grew up speaking the language or learned it in school.

MR. HIRATSUKA said all of them grew up with the Sugt'stun language in their home, but they were non speakers. He noted that an OEC in Sugt'stun requires becoming a confident speaker. He explained that they want to preserve the Sugt'stun language in the region by providing language teachers who are (simultaneously) also working on their teacher certification in hopes that one day they will become teachers in the Chugach region.

[4:10:23 PM](#)

JENNIFER SCHMIDT-HUTCHINS, Principal, Fronteras Spanish Immersion Charter School, stated that the most difficult part of a quality language program is staffing. She noted that at Fronteras they don't teach Spanish - they teach in Spanish, which makes a big difference in what they need in instructors. She discussed the difficulty their Spanish-speaking teachers have had with passing the Praxis test to get their teacher certificate. All three teachers passed two out of the three competency exams because they are only offered in English. She explained that when taking the Praxis as a second-language learner, all directions and each question must be translated from English into their native language. Their answers must be written in English as well. She noted that the Praxis has a time limit, with an option of only 20 minutes additional time. She emphasized that all three teachers are fully certified and have a range of 4-13 years teaching experience in their home countries. Teachers who have failed to pass all three competency exams have lost their certified status along with losing their medical insurance and being reduced to substitute pay. She acknowledged the concerns about accountability and made assurances that all staff member at Fronteras are evaluated with their district's evaluation system. She stated that the native speakers at Fronteras bring a richness to the culture and to every single unit of study. Should this bill pass, she said, it will allow schools to hire native language speakers who either don't yet hold - or are in the process of obtaining - a teachers certificate and give them a different pathway if the competency test is holding them up. She reiterated that she is "very much in favor of HB 24" as a pathway to help Alaska's schools have quality individuals leading their students.

CHAIR WOOL asked if Ms. Schmidt-Hutchins considers the English [competency] test to be more difficult than "basic."

MS. SCHMIDT-HUTCHINS said, "absolutely," when someone is taking it in a second language. She added that all the teachers she mentioned have already passed an equivalent of the competency test in their countries.

CHAIR WOOL asked if the subjects in English are also taught by the Spanish instructors at Fronteras.

MS. SCHMIDT-HUTCHINS replied they have a partner English teacher who takes care of all English instruction.

CHAIR WOOL asked if a non-native Spanish speaker who gained proficiency in the language would have to pass a Spanish proficiency test to teach at Fronteras.

MS. SCHMIDT-HUTCHINS said if that person is fully certified in the state of Alaska he or she would be interviewed for the position in Spanish.

CHAIR WOOL surmised that there wouldn't be a proficiency test in that case.

MS. SCHMIDT-HUTCHINS confirmed that, adding they would have already taken the Praxis, which is required by the state of Alaska.

CHAIR WOOL asked if the [native Spanish speaking] teachers should aspire to become proficient in English and pass the English [competency] test.

MS. SCHMIDT-HUTCHINS said it's not for a lack of effort, practice, or study. She explained that it is an issue of vocabulary, especially when it comes to math.

CHAIR WOOL asked if these instructors teach math in their native language.

MS. SCHMIDT-HUTCHINS confirmed that.

[4:19:24 PM](#)

CHAIR WOOL closed public testimony.

CHAIR WOOL asked if a non-Native speaker could qualify for a Type M certification to teach in a Native language.

[4:20:56 PM](#)

REPRESENTATIVE JONATHAN KREISS-TOMKINS, Alaska State Legislature, prime sponsor of HB 24, answered yes that could happen if the school explicitly approves that hire and the state Board of Education approves the application coming from the school board. The individual would also have to meet all the regulations that the board promulgated around Type M certification.

CHAIR WOOL sought clarification on whether there would be a competency test.

REPRESENTATIVE KREISS-TOMKINS said potentially. The state Board of Education has the ability to promulgate regulations; therefore, in theory, they could set competency minimums as they see fit. He added that he would not be surprised if that were to occur.

CHAIR WOOL sought clarification on OEC and the different [teacher] certifications that exist.

REPRESENTATIVE KREISS-TOMKINS offered his understanding that an OEC isn't directly relevant to this legislation.

[4:26:05 PM](#)

REPRESENTATIVE FIELDS moved to adopt Amendment 1, [labeled 31-LS0290\A.2, Caouette, 4/9/19], which read:

Page 1, line 1:
Delete "**and**"

Page 1, line 2, following "**certificates**":
Insert "**; and renaming the Alaska Native Language Preservation and Advisory Council as the Council for Alaska Native Languages**"

Page 2, following line 21:
Insert new bill sections to read:

*** Sec. 2.** AS 44.33.520(a) is amended to read:

(a) The **Council for Alaska Native Languages** [ALASKA NATIVE LANGUAGE PRESERVATION AND ADVISORY COUNCIL] is established in the department for the purpose of recommending the establishment or reorganization of programs to support the preservation, restoration, and revitalization of Alaska Native languages.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REVISOR'S INSTRUCTIONS. The revisor of statutes is requested to change the

(1) heading of art. 9 of AS 44.33 from "Alaska Native Language Preservation and Advisory Council" to "Council for Alaska Native Languages";

(2) catch line of AS 44.33.520 from "Alaska Native Language Preservation and Advisory Council" to "Council for Alaska Native Languages."

CHAIR WOOL objected for the purpose of discussion.

REPRESENTATIVE FIELDS explained Amendment 1. He said the Alaska Native Language Preservation and Advisory Council recommends that its own name be changed to the Council for Alaska Native Languages. The reason for the name change is that languages are not being preserved "as if they are in amber," they should be living things. He noted that he is introducing this amendment at the suggestion of the bill sponsor.

[4:27:03 PM](#)

REPRESENTATIVE KREISS-TOMKINS further noted that Amendment 1 is a "rider" on HB 24 and doesn't relate to the substance of the bill. The native language revitalization community in Alaska has wanted to rename the body that represents their interests, which is the motivation behind this amendment. The term "preservation," he said, is like the language is in a museum, whereas their goal is to keep these languages alive and revitalized. For this reason, they requested a name change and that's all Amendment 1 does.

[4:27:48 PM](#)

REPRESENTATIVE HANNAN pointed out that this council is housed by the Department of Commerce, Community & Economic Development (DCCED). She asked if the department is supportive of this change and whether the council is autonomous.

[4:28:15 PM](#)

REPRESENTATIVE FIELDS said in his experience, the council is autonomous.

REPRESENTATIVE KREISS-TOMKINS said Representative Fields is accurate. He added that [the council] is housed within the Division of Community and Regional Affairs within the DCCED. He noted that the resources required for the renaming is incidental.

[4:29:25 PM](#)

JOHN SCANLON, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor, added that in the latest council meeting the members voted in favor of renaming themselves in this way, which was the impetus for this amendment.

[4:29:50 PM](#)

REPRESENTATIVE HANNAN asked if there has been a statute check to make sure that's the only place it appears.

MR. SCANLON explained that while working with the drafting attorney at legislative legal he submitted a request that for anywhere in statute where the council is referred to its current name that it be replaced with the new name. Therefore, it's been replaced everywhere in statute within this amendment.

[4:30:53 PM](#)

REPRESENTATIVE STORY disclosed that she is the appointed liaison from the House of Representatives to the aforementioned council [Alaska Native Language Preservation and Advisory Council].

[4:31:18 PM](#)

REPRESENTATIVE FIELDS opined that the council does great work and he is happy to support the name change.

CHAIR WOOL removed his objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[4:32:08 PM](#)

REPRESENTATIVE HANNAN moved to adopt Amendment 2, [labeled 31-LS0290\A.7, Caouette, 5/13/19], which read:

Page 1, line 4, through page 2, line 21:

Delete all material and insert:

"* **Section 1.** AS 14.20 is amended by adding a new section to read:

Sec. 14.20.024. World language expert limited teacher certificate. (a) Notwithstanding AS 14.20.020, a person may be issued a world language expert limited teacher certificate, valid only in the instructional language in which the person has expertise, upon compliance with the requirements of this section. A world language expert teacher may only be employed to teach in the language in which the person has satisfied the education or experience requirements set out in (b)(1) of this section.

(b) To be eligible for a world language expert limited teacher certificate, a person shall

(1) hold at least a baccalaureate degree from an institution of higher education accredited by a recognized regional or national accrediting association or approved by the commissioner and have at least five years of experience in the instructional language in which the person will be teaching;

(2) have submitted fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check to the department; the department must have submitted the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400 and the person must have been found by the department to be suitable for employment as a teacher under AS 14.20.020(f);

(3) be currently enrolled in or have completed an approved post-baccalaureate teacher education program at a regionally accredited institution meeting the requirements of AS 14.20.020(b) that provides for completion of the regular teacher certificate education requirements within two years after receipt of a world language expert limited teacher certificate under this section; and

(4) have completed three semester hours of Alaska studies and three semester hours in multicultural education or cross-cultural communications as described in AS 14.20.020(h).

(c) A world language expert limited teacher certificate is valid for one school year and may be renewed for one additional school year upon a showing of substantial progress toward completion of the teacher education program required under (b)(3) of this section or satisfactory completion of a competency examination.

(d) A person employed as a world language expert teacher under this section is considered a certificated employee for purposes of AS 14.25 (teachers' retirement system). Employment as a world language expert teacher under this section counts as employment for purposes of acquiring tenure under AS 14.20.150; however, a person holding a world language expert limited teacher certificate under this section is not entitled to tenure until the person receives a teacher certificate under AS 14.20.020.

(e) The department shall adopt regulations necessary to implement this section.

(f) In this section,

(1) "world language" means a language other than English;

(2) "world language teacher" is a teacher qualified to teach under (b) of this section."

CHAIR WOOL objected for the purpose of discussion.

REPRESENTATIVE HANNAN explained that Amendment 2 separates and leaves the Type M [certificate] in the same section of statute it's currently located in and keeps it in its current form. Therefore, native language speakers may be certificated with no college background, no competency test, no teacher preparation program, and with up to a 5-year certificate. She noted that across the state there are 65 teachers working with Type M certificates in those scenarios. An example of this, she said, is "the native elder" who is fluent in the language and allowed to be a fully licensed teacher in charge of language and culture in the subject area that they are certified in under Type M. Amendment 2 leaves Type M intact as it is currently in statute and creates a new section under the law "024," which affects "the world language people." She said it requires that they have passed at least a bachelors degree program, completed or are enrolled in a teacher preparation program, and creates a 2-year window to be licensed to take the competency exam and pass it before they are fully licensed teachers in Alaska.

REPRESENTATIVE REVAK said he would like to hear from the bill sponsor.

REPRESENTATIVE KREISS-TOMKINS said he respectfully opposes Amendment 2 and asked Mr. Scanlon to speak to the reasons why.

[4:35:28 PM](#)

REPRESENTATIVE STUTES asked Representative Hannan to summarize the current Type M certificate.

[4:35:52 PM](#)

REPRESENTATIVE HANNAN said in the current law a Type M requires the sponsorship of a school district for a 5-year certification.

REPRESENTATIVE STUTES asked what happens after 5 years.

REPRESENTATIVE HANNAN said the certification must be renewed which requires the school district's desire to host the individual again.

REPRESENTATIVE STUTES asked what changes Amendment 2 makes.

REPRESENTATIVE HANNAN said it would leave type M as it is and create a new section where the candidate must be on a pathway to meeting the three professional checks to be a licensed teacher in Alaska: an academic degree, teacher preparation, a competency exam.

[4:37:06 PM](#)

CHAIR WOOL pointed out that there is a limited world language Type W certificate, which is for non-Native languages and lists many of the requirements that Representative Hannan just mentioned, including a modified competency exam.

REPRESENTATIVE HANNAN said she was attempting to place the Type W regulations into statute, with the addition of a 2-year window to pass the competency test.

[4:39:01 PM](#)

REPRESENTATIVE STUTES noted that she doesn't see the advantage to getting this particular license over one of the many that are already available.

REPRESENTATIVE HANNAN explained that the Type W was allowed in regulation without fitting into statute before they stopped issuing them.

REPRESENTATIVE STUTES asked if Type W certification is currently being issued.

REPRESENTATIVE HANNAN said her understanding is that the DEED [Department of Education & Early Development] stopped issuing "Type W" because they didn't have the statutory authority to do so.

[4:40:21 PM](#)

SONDRA MEREDITH, Teacher Certification Administrator, Educator and Excellence Division, Department of Education & Early Development, related the limited Type W is a relatively new option for teachers of world languages, having only passed to

regulation within the past year and a half. She noted that the regulation falls under two statutes for its authority: AS 14.20.020 and AS 14.20.022. She said the department will be issuing more Type W when districts use that option.

CHAIR WOOL sought clarification on the modified competency test. He asked if it is an English competency test that's easier for a non-Native English speaker.

[4:41:47 PM](#)

MS. MEREDITH said modified means the individual would take a content area exam in their native language and a portion of the basic competency in mathematics. This allows for the reading and the writing portions to be done in his or her native language.

CHAIR WOOL asked if type W satisfies the intent of Amendment 2.

MS. MEREDITH said she hasn't examined the amendment enough to do an analysis of it, adding that she would need more time to reflect before she could say whether it's an exact replication of the world language Type W that is currently in regulation.

[4:43:58 PM](#)

REPRESENTATIVE HANNAN offered one requirement from regulation she did not include in Amendment 2, which is the districts' 2-year mentorship for a Type W. She asked if the department has the authority to proceed with Type W and could meet the concerns of the Fronteras program.

MS. MEREDITH shared her understanding that districts with world language programs are primarily concerned about native language speakers that have the skills, language, and content area expertise who don't intend on doing the teacher preparation program. She said it's unclear if they are aware of the Type W.

CHAIR WOOL asked if Fronteras staff having trouble passing the competency exam could take the modified exam in their native language.

MS. MEREDITH confirmed that.

REPRESENTATIVE KREISS-TOMKINS offered his understanding that Type W is insufficient in meeting the district's needs in developing immersion language programs. He opined that it's

better than nothing at all and that the department developed the regulations in response to the interest in immersion language education; however, it does not give districts the same flexibility that would exist under HB 24.

[4:48:23 PM](#)

REPRESENTATIVE FIELDS said he had hoped to get this bill reported out.

CHAIR WOOL emphasized that this is the last committee meeting of the year, so even if HB 24 were to be passed out today it's unclear what the future holds. He expressed concern about rushing bills through.

[4:49:42 PM](#)

REPRESENTATIVE TALERICO stated that he appreciates people trying to amend the bill; however, he opined that Amendment 2 destroys the intent of HB 24. He remarked that he's not concerned about Spanish, Chinese, or Russian [language] disappearing from the face of the planet; however, he is worried about Yupik, Aleut, and other dialects. He offered his understanding that the original intent of HB 24 was to have the ability for people with various backgrounds come and work together directly in Alaska's schools - particularly in remote locations where some of the higher requirements can't be met.

CHAIR WOOL concurred. He offered his belief that the Type M certification currently in statute allows for indigenous language teachers to teach in a school without certification or a college degree. He asked if that is true.

[4:51:33 PM](#)

MS. MEREDITH explained the difference between current statute and the proposed bill. She said HB 24 would allow the individual with the expertise in language to also have a pathway to teach in other content areas in his or her native language, which is not something currently available.

REPRESENTATIVE KREISS-TOMKINS further clarified that immersion language programs are not allowed under current Type M [certification].

[4:53:27 PM](#)

REPRESENTATIVE REVAK offered his understanding that various subject areas cannot be taught in foreign languages with [current] Type M certification. He expressed concern that Amendment 2 creates further barriers to entry for Native speakers and immersion programs. Consequently, he said he can't support it.

[4:54:54 PM](#)

REPRESENTATIVE FIELDS agreed with Representative Talerico and Representative Revak's sentiments. He reflected on letters received from school districts and the Alaska Association of School Boards asking for more flexibility regarding hiring. He pointed out that Type I and Type M are the least regulated certificates and are in the area with the most innovating and exciting programs, which means school districts want to have good programs to hire, train and retain teachers, including those that speak in foreign languages. He said they want to teach in good pedagogy. With that in mind, he said he will continue to oppose Amendment 2.

[4:58:02 PM](#)

REPRESENTATIVE STUTES sought clarification on whether immersion school instructors teach subjects other than the language they were hired to teach.

REPRESENTATIVE KREISS-TOMKINS said at present, yes. However, under HB 24, immersion schools could have multiple subject areas being taught in a foreign language.

REPRESENTATIVE KREISS-TOMKINS, responding to a follow-up comment from Representative Stutes, said HB 24 is "a bill that enables a process for local control in districts to be able to apply on an individual basis for individuals that they feel are qualified and on a track to become certificated or otherwise can support an immersion program.

CHAIR WOOL reiterated representative Hannan's concern about tenure and that, after 3 years, these individuals could have the same benefits and privileges as a certified teacher who has gone through a more rigorous background and education. He argued that Amendment 2 would give people a chance while ensuring that they are also competent in English and taking teacher preparation courses if they have a college degree.

[5:03:18 PM](#)

REPRESENTATIVE STORY disclosed that her daughter teaches in a Tlingit and Haida language immersion preschool program. She opined that if local languages are to be preserved the system must be flexible. She reminded the committee that there are safeguards in the original language of the bill, including board certification. She added that the superintendent and teachers will be making the recommendation for instructional skills and subject matter expertise. She said the idea behind immersion programs is that the whole day is taught in the home language, which is how Alaska will grow languages. She maintained that this is an opportunity for the system to be flexible and save local languages. She argued that time is of essence and urged members to vote down Amendment 2 and vote on the original bill.

CHAIR WOOL pointed out that this bill hasn't passed through the Senate, so even if it passed the House it would not become law this year.

[5:07:39 PM](#)

The committee took a brief at-ease.

[5:08:53 PM](#)

CHAIR WOOL turned attention back to Amendment 2 and subsequently removed his objection.

REPRESENTATIVE REVAK objected.

A roll call vote was taken. Representatives Hannan and Wool voted in favor of Amendment 2. Representatives Story, Talerico, Fields, and Revak voted against it. Therefore, Amendment 2 failed by a vote of 2-4.

[5:09:36 PM](#)

CHAIR WOOL announced that HB 24 was held over.

[5:09:49 PM](#)

The committee took a brief at-ease.

HB 81-PROHIBIT PLASTIC RETAIL BAGS

[5:10:10 PM](#)

CHAIR WOOL announced that the final order of business would be HOUSE BILL NO. 81, "An Act prohibiting disposable plastic shopping bags; and providing for an effective date."

5:11:11 PM

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, prime sponsor, introduced HB 81. He paraphrased parts of the sponsor statement [included in the committee packet], which read in its entirety as follows [original punctuation provided]:

Single-use plastic bags are harmful to our environment, our wildlife, and our economy. Researchers have shown that wildlife, such as caribou and moose, will eat plastic bags, which cannot be digested and will ultimately kill the animal - typically through starvation. There have been countless cases of birds dying from ingesting plastic fragments found on beaches, including single-use plastic bags. Plastics in the ocean get broken down into microplastics, which are finding their way into our seafood, which then finds its way onto our plates - along with whatever chemicals are leaching out of the plastic. For a subsistence state, this is unacceptable.

Our resources should not be succumbing to plastic pollution and our residents should not have to worry about their health after enjoying a subsistence harvest.

Health and well-being aside, plastic bag pollution is detrimental to the aesthetic of our beautiful state. It is up to us as a state to stop needless pollution and change wasteful behavior. Alaskan communities are already stepping up and taking control; it's time the state follows suit. HB 81 is an effort to reduce waste and pollution and protect our renewable resources.

HB 81 is also a first step Alaska can take to be a responsible global environmental stakeholder and to protect already overstressed marine ecosystem of the North Pacific.

I encourage you to support this legislation and urge you to reach out to my office with any questions.

5:13:45 PM

ELISE SORUM-BIRK, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor, provided a presentation entitled, "HB 81 Plastic Bag Ban." Ms. Sorum-Birk reminded the committee that plastic pollution is detrimental to the environment and wildlife. She informed the committee there is at least one recorded death of a northern fur seal in Alaska due to entanglement in the loop of a plastic bag handle (slide 2). She said plastic bags are overuse-free and readily accessible; light and easily carried by the wind and water; and the prevalent type of litter, both on land and in the water. Furthermore, they are easy to substitute with a sturdy, reusable bag (slide 3).

REPRESENTATIVE JOSEPHSON noted that the picture on slide 3, taken at Lake Aleknagik, illustrates that plastic can end up in the most remote places.

MS. SORUM-BIRK turned attention to plastic bags in the environment. She stated that polyethylene does not biodegrade. Instead, it photodegrades breaking into ever smaller pieces. Many organisms are at risk for entanglement and ingestion and fat-soluble toxins are linked to ingested plastic particles. These POPs, she said, accumulate in animal tissues and toxins increase in concentration up the food chain (slide 4). She addressed international policy trends regarding plastic bags. More than 40 countries have a plastic bag ban; Bangladesh was the first in 2002 and Kenya has the strictest ban with a punishment of up to 4 years in prison and hefty fines (slide 6).

5:18:39 PM

CHAIR WOOL asked why Europe hasn't been as progressive in banning plastic bags.

MS. SORUM-BIRK replied many European countries have enacted a plastic bag ban or fee. Additionally, the European Union has passed a resolution to ban all single-use plastics.

5:19:47 PM

REPRESENTATIVE FIELDS recalled reading that a large percentage of plastic bag pollution came from several global watersheds - of one which is in China. He asked if that is accurate and how recently China banned plastic bags.

MS. SORUM-BIRK stated that China and India have both enacted bag bans, as well as many pacific countries. She noted that enforcement has been an issue in both countries.

REPRESENTATIVE FIELDS asked for the percentage of plastic bag waste in the Gulf of Alaska that is from local sources versus from China.

MS. SORUM-BIRK said it can be hard to track the waste stream in the Pacific. She then turned attention to policy trends in the "lower 49" (slide 7). In Alaska, 17 communities no longer allow plastic bags. Denali Borough and Homer are also considering a plastic bag ban. She further described ways in which people around the state are attacking this problem (slides 8-9). One motivation behind the Matsu ban was ruminant ingestion of plastics. Plastic bags were being found in the digestive tracks of caribou and moose and were even the cause of death in several cases (slide 10).

MS. SORUM-BIRK summarized the sectional analysis for HB 81 [included in the committee packet] and read the following:

Section 1: Adds a new section AS 46.06

AS 46.06.145(a) establishes a ban on retailers providing "disposable plastic shopping bag" to customers.

AS 46.06.145(b) clarifies exceptions to the bag ban.

AS 46.06.145(c) establishes fines for retailers who violate this section.

AS 46.06.145(d) provides definitions for "disposable plastic shopping bag", "retail seller" and "reusable bag."

[5:27:28 PM](#)

REPRESENTATIVE FIELDS asked how much we know on the effects of digesting the photodegraded plastic particles in salmon and the prospective impacts on Alaska salmon fisheries.

MS. SORUM-BIRK replied that the corresponding research is ongoing. She stated that there is a high rate of ingestion in

fish populations and bird populations. More than 50 percent of seabirds are found with plastic in their digestive track.

REPRESENTATIVE FIELDS questioned whether significant plastic pollution makes it difficult for the endangered Cook Inlet beluga population to recover.

[5:29:40 PM](#)

MS. SORUM-BIRK said other harmful chemicals adhere to the pieces of photodegraded plastic in the ocean, which is what causes the toxicity in the food stream.

MS. SORUM-BIRK returned attention to the sectional analysis and related that section 2 adds an effective date of January 1, 2021. This way retailers would have enough time to use up the plastic bags they have already purchased.

REPRESENTATIVE JOSEPHSON offered his belief that Alaskan cities can no longer tolerate the visual impact of plastic bags and their impact on wildlife and fish. He added that thinking of the ban creates some inconvenience; however, people would adjust.

CHAIR WOOL asked if communities like Anchorage had thought of Hawaii's approach, in which every "significant" municipality has a ban.

REPRESENTATIVE JOSEPHSON suggested doing something similar to the smoke-free workplace ban so communities could have a conversation and the option to opt-out.

[5:33:06 PM](#)

CHAIR WOOL suggested that a ban on plastic bags would increase the use of paper bags leading to a "carbon dioxide situation" due to cutting trees for the paper.

MS. SORUM-BIRK acknowledged that there have been European studies that found the production of a paper bag takes more energy and a higher carbon footprint. Plastic bags are prevalent because of those reasons - they are cheap, easy to produce, and ubiquitous. However, the studies failed to consider how wildlife in the marine environment is affected and, ultimately, it is the impact on the environment caused by the plastic bag pollution that is the reason behind this bill. She

pointed out that the committee could consider an acting fee on paper bags.

CHAIR WOOL surmised that the impetus for a fee would be to motivate people to buy a permanent cotton bag instead of continually being charged for paper [bags].

MS. SORUM-BIRK answered yes.

[5:36:22 PM](#)

REPRESENTATIVE FIELDS expressed appreciation for hearing this bill. He said given the amount of money in Alaska's fishing and guiding industry, he didn't realize this was an issue for "terrestrial creatures." He opined that taking the precautionary principal is a wise approach and offered his support for the passage of HB 81. He added that there are currently multiple stresses on Alaska's fisheries, including temperature and rising levels of acidity, which makes it harder for species to reproduce. He said he would hate to see the cessation of the Bristol Bay fishery given how much money is at stake.

[5:37:12 PM](#)

REPRESENTATIVE REVAK expressed concern about poly-reusable bags, which contain more plastic, becoming litter and suggested the use of biodegradable plastic.

MS. SORUM-BIRK said the problem with compostable plastic is that it takes a certain heat level to biodegrade; therefore, an industrial composting facility is necessary.

REPRESENTATIVE REVAK contended that plastic bags are suggested to be a more environmentally friendly solution to paper bags. He indicated that the impact could be litter that is more durable from the reusable bags.

MS. SORUM-BIRK explained that they defined "reusable bags" as sturdy enough to be reused at a minimum of 75 times. She directed attention to page 2, lines 23-30, emphasizing that they must be made with plastic that is at least four mils thick. She noted that such a bag would not degrade quickly.

REPRESENTATIVE REVAK reaffirmed that it would take even longer for the reusable bags to biodegrade and could potentially cause even more of a hazard and have counter effective results.

REPRESENTATIVE JOSEPHSON argued that the current plastic bags travel whereas the thicker mil bags won't. He explained that the thicker mil will accumulate like normal garbage, which is a secondary concern. He offered his belief that plastic bags are the poster child because they get stuck in trees, for example, for years. He said its depressing and invokes the feeling that the state is disrespected.

[5:43:03 PM](#)

REPRESENTATIVE TALERICO noted that he has heard a very aggressive stance that this is a local issue from people in his district.

[5:44:49 PM](#)

REPRESENTATIVE HANNAN pointed out that much of Alaska remains an unorganized borough which the legislature is the governing body for; therefore, if the legislature does not act there is no ban.

REPRESENTATIVE TALERICO replied that tribal governments have been recognized as being sovereign. He offered his understanding that they would have the ability to apply the ban in many locations.

CHAIR WOOL asked if switching to thicker [plastic] bags would sufficiently solve the problem.

MS. SORUM-BIRK said 4 mils thick is substantial.

CHAIR WOOL asked if the bill has requirements on the types that businesses can use.

[5:48:23 PM](#)

REPRESENTATIVE JOSEPHSON said it would restrict the use of plastic bags for them as well.

MS. SORUM-BIRK said in the bill, a retail seller includes market, grocery store, convenience store, drug store, or similar establishment; it must be located in a permanent building; it must be selling consumer household supplies.

[5:49:13 PM](#)

REPRESENTATIVE HANNAN asked if the bill sponsor envisioned HB 24 incorporating restaurants.

REPRESENTATIVE JOSEPHSON said yes, contingent on how "similar establishment" is defined.

CHAIR WOOL questioned how Anchorage deals with smaller businesses regarding their bag ban.

[5:51:51 PM](#)

CHAIR WOOL announced HB 81 was held over.

[5:52:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at [5:52] p.m.