

HOUSE FINANCE COMMITTEE  
February 10, 2022  
1:33 p.m.

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CALL TO ORDER

Co-Chair Merrick called the House Finance Committee meeting to order at 1:33 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative Kelly Merrick, Co-Chair  
Representative Dan Ortiz, Vice-Chair  
Representative Ben Carpenter  
Representative Bryce Edgmon  
Representative DeLena Johnson  
Representative Andy Josephson  
Representative Bart LeBon  
Representative Sara Rasmussen  
Representative Steve Thompson  
Representative Adam Wool

MEMBERS ABSENT

None

ALSO PRESENT

Representative James Kaufman, Sponsor; Representative Liz Snyder, Co-Chair, House Health and Social Services Committee; Noah Klein, Counsel, Legislative Legal Services; Representative Matt Claman, Sponsor; Emma Potter, Staff, Representative Matt Claman; Helge Eng, Director, Division of Forestry, Department of Natural Resources; Tessa Axelson, Executive Director, Alaska Forest Association.

PRESENT VIA TELECONFERENCE

Tanya Keith, Chief, Wage and Hour Section, Department of Labor and Workforce Development; Kelly Manning, Deputy Director, Division of Innovation and Education Excellence, Department of Education and Early Development; Jason Lassard, Executive Director, National Alliance on Mental

Health Illness; Justin Pendergrass, Self, Wasilla; Alison Arians, Division of Forestry, Special Projects Coordinator.

SUMMARY

HB 60 PUBLIC SCHOOLS: MENTAL HEALTH EDUCATION

HB 60 was HEARD and HELD in committee for further consideration.

HB 98 FOREST LAND USE PLANS; TIMBER SALES

HB 98 was HEARD and HELD in committee for further consideration.

HB 146 DISCLOSURE OF WAGE INFORMATION

HB 146 was HEARD and HELD in committee for further consideration.

HB 187 STATE AGENCY PUBLICATIONS

CSHB 187(STA) was REPORTED out of committee with six "do pass" recommendations and five "no recommendation" recommendations and with one new zero fiscal note by the Office of the Governor.

Co-Chair Merrick reviewed the agenda for the day.

#hb187

HOUSE BILL NO. 187

"An Act relating to the elimination or modification of state agency publications that are outdated, duplicative, or excessive or that could be improved or consolidated with other publications or exclusively delivered electronically; and providing for an effective date."

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REPRESENTATIVE JAMES KAUFMAN, SPONSOR, introduced himself. He acknowledged that the committee had previously discussed the bill, but he would be happy to summarize the bill again and answer questions.

Representative Thompson asked if the bill sponsor had received any pushback to the bill.

Representative Kaufman responded that he had only received positive feedback.

Co-Chair Foster would be supporting the bill with the caveat that it would not reduce or prohibit public announcements. His only concern was that many people in the state did not have reliable internet and some publications needed to be provided on paper. He did not think the bill would have a negative impact but wanted to be certain.

Representative Kaufman indicated that the bill was based on legislative approval with checks and balances and protections in place.

Co-Chair Merrick reported that Representatives Wool, Carpenter, and Johnson had joined the meeting.

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Co-Chair Merrick OPENED public testimony.

Co-Chair Merrick CLOSED public testimony.

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Representative Edgmon agreed that on the surface, the bill seemed acceptable and he would be supporting the bill. He supposed that the individuals that would be most affected by the bill were not involved in the bill process. He wanted to be mindful of the impacts of the bill, particularly as a rural legislator. He suggested that the legislature might consider implementing the bill in stages.

Vice-Chair Ortiz agreed with Representative Edgmon and Co-Chair Foster.

Co-Chair Foster MOVED to report CSHB 187(STA) out of Committee with individual recommendations and the accompanying fiscal note.

There being NO OBJECTION, it was so ordered.

CSHB 187(STA) was REPORTED out of committee with six "do pass" recommendations and five "no recommendation"

recommendations and with one new zero fiscal note by the Office of the Governor.

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AT EASE

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RECONVENED

#hb146

HOUSE BILL NO. 146

"An Act relating to disclosure of information regarding employee compensation by employers, employees, and applicants for employment; establishing the fund for protection of compensation disclosure rights; and providing for an effective date."

Co-Chair Merrick invited the bill sponsor to present HB 146.

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REPRESENTATIVE LIZ SNYDER, CO-CHAIR, HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE, thanked the committee for hearing the bill and hoped it would move quickly out of committee. She reported that the bill helped Alaskans return to work and feel secure in their job as the state recovered from the economic impacts of the COVID-19 pandemic. She indicated that the bill established three new expectations, each of which she would summarize. The first expectation was that workers could see the salary range for a position as part of its posting information, the second was that workers would have the right to salary history privacy, and the third was that workers could not be penalized for discussing compensation amongst themselves. She would provide additional detail on each of the expectations.

Representative Snyder expanded upon the first expectation requiring that salary and wage information be available at the time of posting. Only about 12 percent of current job postings in the state offered detailed wage information. She argued that Alaska was competing in a global market and the state was losing residents every year. She thought knowing the salary upfront would help applicants make

informed decisions and encourage people to stay in the state.

Representative Snyder continued to explain the second expectation regarding salary history privacy, which was proposed in an effort to minimize wage scarring. When a person entered or re-entered the workforce at a low or depressed salary, copious research suggested that the salary tended to stick with the individual and persist over a person's entire professional career. She explained that the phenomenon was referred to as wage scarring. Even though the mechanism was not completely understood, the depressed wages could also be experienced by a person's children. After the 2007 to 2009 recession, only one in four displaced workers were able to return to their original earnings. She hoped the bill could help protect workers in Alaska from experiencing similar situations due to the pandemic.

Representative Snyder reviewed the third exceptions which would ensure that workers could discuss compensation amongst themselves. There was already a federal law that ensured that wage discussion was allowable, but the bill would codify it in state statute. She suggested that the law was poorly enforced and the bill would help the state enforce it more effectively. If any employer penalized or restricted discussion of compensation, it was already a violation of federal law. There was significant evidence that similar laws minimized wage scarring. She had been cognizant of the language in the bill and she had made great efforts to utilize language that would help businesses follow the law and take action to minimize or completely avoid penalties. She thanked the committee for hearing the bill.

Co-Chair Merrick invited Ms. Tanya Keith to review the fiscal note.

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TANYA KEITH, CHIEF, WAGE AND HOUR SECTION, DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT (via teleconference), reviewed the fiscal note from the Department of Labor and Workforce Development (DLWD) with control code AYpxa. The fiscal impact note reflected three new positions that would be responsible for facilitating the complaints and

investigations that would be the result of the proposed regulations in the bill.

Representative Snyder commented that she had spent significant time looking at the cost of implementation of similar bills in other states. She had included comparisons to other states in members' bill packets. The fiscal note reflected a cost of implementation that was similar to states with larger populations. She invited the department to comment on how it determined the amount. She added that the fiscal note also reflected some previous language that had since been eliminated from the bill. It was also possible that the bill would generate some revenue and she did not believe the potential revenue was reflected in the fiscal note.

Co-Chair Merrick asked Ms. Keith if the department could provide an updated fiscal note.

Ms. Keith responded in the affirmative.

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Representative Thompson was concerned about the implications of the bill and did not understand the requirements being imposed on the private sector. He asked why the bill was being introduced.

Representative Snyder responded that the primary motivation behind the legislation was to minimize wage scarring, particularly after emerging from an economically challenging time. Similar legislation had been proven to be helpful in getting people back into the workforce. She argued that the state placed regulations on businesses often, and she thought the regulations associated with the bill would look out for Alaskan workers and placed a minimal burden on businesses.

Representative Thompson thought the bill might work for the public sector, but not the private sector. He asked if the bill effected small businesses.

Representative Snyder responded in the affirmative, but she was open to amendments that would consider the circumstances of small businesses.

Representative Thompson wondered whether small business would be permitted to post a "Help Wanted" sign in windows.

Representative Snyder thought it might be helpful to hear from Legislative Legal Services. She thought it was becoming more common to see salary ranges on recruitment signs in Fred Meyers.

Representative Thompson reemphasized that he was concerned specifically about small businesses.

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NOAH KLEIN, COUNSEL, LEGISLATIVE LEGAL SERVICES, read lines 9 through 12 on page 2 of the bill that referred to the publishing of employment notices by business. He did not think it would be prohibited for Fred Meyer or a mom-and-pop business to publish solicitations as long as the signs did not specifically detail a position without offering a salary range. If the sign simply said, "Help Wanted" there would be no problems.

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Representative Carpenter asked for details about the process the commissioner of DLWD would utilize to investigate and convict a business that violated the proposed law.

Ms. Keith replied that one of the investigators in the Wage and Hour Division (WHD) would determine whether a violation occurred. If it was determined that there was a violation, an enforcement action by the commissioner would be recommended.

Representative Carpenter asked whether there would be an appeal process for businesses.

Ms. Keith responded that there would be an appeal process where a business could request a hearing to provide a defense against the allegations.

Representative Carpenter asked who would receive the appeal.

Ms. Keith indicated there would be regulations written to enforce the law, but that had not happened yet. In similar situations, there was an informal hearing process.

Representative Carpenter asked if it was customary for the legislature to create laws that would give regulatory authority to a department to penalize individuals. He thought the specific penalization was left up to regulation and not up to the legislature.

Representative Snyder needed to refer to her notes.

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AT EASE

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Representative Snyder echoed Representative Carpenter's request for clarification from Legislative Legal Services.

Mr. Klein would have to review statutes to provide a broad response on whether it was customary for the legislature to give regulatory authority to a department. He emphasized that the department would have to provide adequate constitutional due process.

Representative Carpenter asked if the state was enforcing similar provisions already through the National Labor Relations Act.

Ms. Keith reported that WHD was not currently investigating similar issues.

Representative Carpenter asked if the division was already asking for authority to investigate similar issues.

Ms. Keith responded in the negative.

Representative Rasmussen referred to AS 23.10.720 and asked whether a three-year timeframe was a broad statute of limitation for a variety of regulations or was it simply applicable to wage information disclosure.

Mr. Klein asked Representative Rasmussen to restate her question.

Representative Rasmussen restated her question.

Mr. Klein indicated that three years was the statute of limitations used in other areas of Alaska law.

Representative Rasmussen thought businesses with 50 employees or less should be exempt. She thought that small businesses were operating with small margins and three years was a significant period of time in a small businesses' life. She asked how the penalty for violating the law was determined.

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Representative Snyder responded that she had looked at a range of penalties used by other states to determine a fair penalty range. She noted that the penalty she chose was lower than the majority of other states. In addition to reducing the range of penalties, she used language to allow the commissioner to determine whether a business should be penalized for each day of violation. There was also the option for a company to conduct an audit to fix the violation.

Representative Rasmussen asked if there was a cap on the penalty amount.

Representative Snyder responded that there was no cap.

Representative Wool asked if other states with similar laws had exemptions based on business size.

Representative Snyder would have to get back to the committee with a response.

Representative Wool noted that he was the owner of a small business and hired hundreds of people. He relayed that he generally followed the practices regulated by laws in other states already. He wondered if an employee voluntarily disclosed past wage information whether a business would be permitted to verify the information.

Representative Snyder responded that the language was not specifically in the bill, but she did not think the bill would prohibit verification if an employee voluntarily disclosed wage information.

Representative Wool relayed that he would sometimes list the wage as a number followed by "depending on experience" or "DOE" in solicitations for his small business. He wondered if that would be permissible by the bill.

Representative Snyder responded that her intention was to encourage employers to post a specific range.

Mr. Klein indicated listing an amount followed by DOE would be acceptable.

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Representative LeBon wondered if Representative Snyder had been contacted by a private sector industry or any industry asking for help with wage disclosure.

Representative Snyder responded that was not how the bill came to be. However, Bank of America, Wells Fargo, Cisco, Google, and others had proactively adopted the provisions proposed by the bill. She thought companies were trying to stay ahead of the trend.

Representative LeBon asked if it would be considered misleading if he posted a job in the banking sector with the wage listed as, "salary depending on experience, training, and education level."

Representative Snyder asked Representative LeBon to repeat his question.

Representative LeBon repeated his question.

Representative Snyder would argue that language would not reflect the full picture of the description of the position.

Representative LeBon noted that there were other benefits to consider in addition to salary, such as bonuses, sick leave, and vacation. He suggested the story was much larger than the salary range. He wondered if it would be misleading if one company had a higher salary range but a competitor had a lower salary range but more generous benefits.

Representative Snyder thought the bill would provide further incentive for businesses to provide greater detail

about benefits. She thought it would help educate applicants on positions which would avoid wasting the time of the applicant and the business.

Representative LeBon had hired many people over the past 40 years. His motivation was to hire the best person every time and would write job postings with the goal to attract the best talent. He continued to emphasize that the story was much bigger than simply a salary range.

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Representative Josephson asked Mr. Klein about the delegation of authority on regulations. He referred to line 18 on page 3 of the bill.

Mr. Klein indicated he was looking at the line to which Representative Josephson was referring.

Representative Josephson asked about AS 23.10.085 which discussed the scope of administrative regulations. He thought that Alaska law allowed DLWD to write the regulations regarding minimum wage and payment of overtime.

Mr. Klein responded in the affirmative.

Representative Josephson added that there was a case where the authority was disputed and the United States Supreme Court was asked to look at the issue, however the court declined to address it. He asked if he was correct.

Mr. Klein responded that Representative Josephson was correct.

2:13:29 PM

Vice-Chair Ortiz asked what prompted the bill and what made it timely.

Representative Snyder indicated the bill was based on her background in public and community health and economic wellbeing. An important part of community health was the ability to support oneself financially. She was highly informed on wage scarring and she became very concerned about workers not returning to the workforce after leaving due to the pandemic.

Vice-Chair Ortiz asked for a more detailed definition of the meaning of wage scarring.

Representative Snyder explained that if a person returned to the workforce and accepted a lower salary job and then aspired to move to a different job, it was more likely that the low wage would be used as justification for continuing to pay the individual poorly if employers were permitted to ask about past wages.

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Representative Carpenter referred to page 2, line 16 of the bill. He did not understand the language and wanted more information.

Representative Snyder indicated that the intent of the language was to permit applicants and employees to be free to talk about compensation with each other.

Representative Wool agreed with Representative LeBon's earlier point about benefits being an important part of compensation. For example, hospitals were having trouble competing with traveling nurses because traveling nurses were sometimes paid three times more than in-house nurses but did not receive the same benefits. He understood wanting to get people back to work but thought there were many jobs currently available for prospective employees. He thought the trades needed experienced workers. He wondered if businesses could tell prospective employees that they could disclose their past wages if they so desired, but that disclosure was not required.

Representative Snyder responded that the intent of the bill was to prevent any sneaky inquiries into past pay. However, there was nothing preventing an employer from asking for the desired salary range of a prospective employee.

Representative Rasmussen thought that a savvy employee might look at the larger picture of a compensation package, which would include benefits. She was concerned that some employees might be deceived by a salary-only disclosure.

Representative Snyder suggested that going into a job interview with a seed of information was better than having no information at all.

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Co-Chair Merrick invited Representative Snyder to submit any additional comments she may have in writing to the committee.

HB 146 was HEARD and HELD in committee for further consideration.

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AT EASE

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RECONVENED

#hb60

HOUSE BILL NO. 60

"An Act relating to mental health education."

Co-Chair Merrick invited Representative Claman to begin.

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REPRESENTATIVE MATT CLAMAN, SPONSOR, introduced HB 60. He read a prepared statement:

"Co-chairs, members of the House Finance Committee, thank you for hearing House Bill 60, which amends the existing K-12 public school health education statute to include mental health education guidelines.

Currently the health curriculum guidelines, developed by the state Board of Education and Early Development, include learning about prevention and treatment of diseases; "good" health practices like diet, exercise, and personal hygiene; and "bad" health habits such as substance abuse, alcoholism, and physical abuse. But the guidelines do not address mental health.

House Bill 60 is not an unfunded mandate. The legislation maintains local control of curriculum by allowing school districts to choose to adopt the mental health guidelines. When a local school district makes its decision, we should have guidelines for the district to follow.

This bill was brought to my attention in 2019 by a college student who successfully advocated for similar legislation when he was in high school in Virginia. We then worked with a group of Alaska high school students advocating for increased mental health resources in Alaska's schools. These students spoke of their own struggles with mental health as well as those of their peers - some students even said their mental health struggles began as early as elementary school. But what we continued to hear from these students was that, while they learned about signs, symptoms, and treatments for physical health at school, there wasn't much conversation about mental health with their friends and teachers.

Alaska's adolescent suicide rate is three times higher than the nationwide rate. And our state adolescent suicide rates are increasing. According to the 2019 Alaska High School Youth Risk Behavior Survey, which surveyed 1,875 students in grades 9-12 from 39 high schools across the state, the percentage of students who have attempted suicide has doubled since 2007. And given that 50% of all lifetime cases of mental illness begin by age 14, and 75% by age 24, we need to start having these conversations about mental health with our children. Early data from 2020 and 2021 suggest that the COVID-19 pandemic and its impact on youth has exacerbated the mental health crisis. The U.S. Surgeon General declared a youth mental health crisis in December of 2021, and in his advisory, he emphasized the "devastating" impact that the pandemic has had on our children.

This bill requires the State Board of Education and Early Development to work with representatives from tribal and mental health organizations to update the health education standards to include guidelines on mental health education. Once the legislation passes, it will be up to school districts across Alaska whether to use these guidelines to incorporate mental health into their health education curriculum. As is the case with current health education curriculum, the Department of Education and Early Development is available to assist schools in incorporating health standards into local curricula. To be clear, this bill does not create or mandate that schools adopt a curriculum.

We have a responsibility to treat the current mental health crisis in Alaska as a serious public health issue. This bill underscores the notion that mental health is just as important as physical health and should be treated as such. We must normalize conversations about mental health starting at an early age, just as we do with physical health, in order to destigmatize mental illness and increase knowledge on the fundamental aspects of mental health as well as the causes, risk factors, and treatments for mental illness."

Representative Claman deferred to his staff to present the sectional analysis for HB 60.

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EMMA POTTER, STAFF, REPRESENTATIVE MATT CLAMAN, reviewed the sectional analysis in a prepared statement:

"Good afternoon members of the House Finance Committee. For the record, my name is Emma Potter and I am staff to Representative Matt Claman. Thank you for hearing House Bill 60.

Section 1 of House Bill 60 adds intent language stating that it is the intent of the legislature that the Board of Education and Early Development develop guidelines for instruction in mental health in consultation with the Department of Health and Social Services, regional tribal health organizations, and representatives of national and state mental health organizations.

Section 2 amends AS 14.30.360(a) by removing the word "physical" when referencing instruction for health education and adding "mental health" to the list of curriculum items each district includes in their health education programs.

Section 3 amends AS 14.30.360(b) by adding that, in addition to establishing guidelines for a health and personal safety education program, the state board shall establish guidelines for developmentally appropriate instruction in mental health.

Section 4 amends the uncodified law of the State of Alaska by providing that the State Board of Education and Early Development shall develop the aforementioned mental health guidelines within two years after the effective date of this Act.

Thank you for hearing this bill. I would also like to inform the committee that online for invited testimony we have Jason Lessard from National Alliance on Mental Health Anchorage chapter as well as Justin Pendergrass, a suicide prevention specialist at MY House in Wasilla."

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Representative Rasmussen asked for someone from the Department of Education and Early Development (DEED) to offer the department's opinion on the legislation.

KELLY MANNING, DEPUTY DIRECTOR, DIVISION OF INNOVATION AND EDUCATION EXCELLENCE, DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT (via teleconference), asked that the question be repeated.

Representative Rasmussen asked for the department's position on the legislation.

Ms. Manning indicated the department would implement the bill if it were to be adopted.

Representative Rasmussen asked if Ms. Manning anticipated any challenges in implementing the bill.

Ms. Manning indicated the process would take about two years and would include a standard update process and stakeholder input.

Representative LeBon thought local school board participation would be warranted. He asked if school districts could opt in or out.

Representative Claman responded that the bill intended to establish guidelines, but districts would not necessarily be required to follow all of the guidelines.

Representative LeBon asked if most school districts already had a mental health policy or program. He asked about the Anchorage School District (ASD) in particular.

Representative Claman did not believe ASD had adopted a specific mental health policy. He thought this was partially because there were no state guidelines in place.

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Representative LeBon wondered if there would be a minimum standard for mental health across districts.

Representative Claman relayed that the bill was not a mandate. Rather, it intended to provide a curriculum to districts. He thought it would be particularly helpful in rural districts that had fewer resources to devote to mental health.

Representative Rasmussen asked how the bill would help prevent or reduce suicide rates.

Representative Claman thought there needed to be a greater comfort level in having open discussions about mental health. He thought it was important for kids to feel like the resources were available to them.

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Representative Rasmussen shared an experience of losing a friend to suicide. She shared the concern but could not see how the bill would increase comfort levels in talking about mental health. She wondered if there might be a group of teachers that had additional training. She was still trying to understand how the bill would result in fewer suicides.

Representative Claman responded that the current situation was that students were confiding in teachers who did not have any relevant training and had no guidelines to follow. The bill would result in teachers in the building having appropriate training and students would have a knowledgeable person to turn to rather than potentially receiving misinformation due to lack of training. He had heard from students that having more teachers with appropriate training would make a difference.

Representative Rasmussen relayed her son was in kindergarten in ASD and his school employed health teachers. She thought that some mental health training had already occurred within ASD. She wondered if the bill should be attached to the Department of Health and Social Services (DHSS) instead of DEED.

Representative Claman indicated that DEED had tremendous experience in setting guidelines and establishing curricula. The focus was on the schools and he thought involving DHSS would make the process more complicated.

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Representative Edgmon was intrigued by the bill. He understood the practical reasoning for it. He thought the bill would bring the topic of mental health to the Board of Education and he did not think the board dealt with mental health related matters.

Representative Claman replied that his whole point of the bill was to introduce guidelines for mental health education in schools, not to force it on districts.

Representative Edgmon thought there were already a number of health-related subjects under the purview of DEED. He asked if he had given an accurate assessment.

Representative Claman responded in the affirmative.

Representative Edgmon looked forward to additional discussion surrounding the bill.

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Representative Carpenter agreed there was a need to increase the discussion around mental health. He had a technical question around the removal of "physical" in the bill. He was concerned that curriculum would no longer include physical health.

Representative Claman did not read the language as excluding physical health in any way. He did not think including mental health would exclude physical health. He would not object to adding the words "physical health" to the language of the bill for clarity.

Representative Carpenter argued that the use of the word "heath" meant both mental and physical health. He understood that including "mental health" specifically was to emphasize the issue. He suggested that some curriculum that would be encouraged under the bill were already implemented by the school districts.

Ms. Manning replied that the state would update standards and the districts would then decide how the standards would be implemented. She offered to distribute further details to the committee on current implementation.

Co-Chair Merrick thought additional details would be helpful.

Representative Claman explained that the deletion of "physical health" was important because he did not think the language inherently included mental health. However, he did not think there would a problem with adding the language back to the list of curriculum that the bill hoped to encourage.

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Representative Carpenter thought that the list of additional guidelines would exclude physical health. He was open to being corrected by the attorneys in the room.

Representative Claman thought that the grammatical structure of the language mandated the inclusion of physical health. He thought it was a grammatical matter and that it was not ambiguous.

Co-Chair Merrick indicated Legislative Legal Services was not available online.

Representative Carpenter was concerned whether the bill would be effective at changing policy within local districts. He wondered how many of the districts would design significant curriculum. He asked if teachers would have to be specifically trained in mental health.

Ms. Manning indicated that the goal of the board was to establish standards. She relayed that the guidelines could be expanded to include training but that it would impact the fiscal note.

Representative Carpenter thought teachers needed additional training to provide sufficient education on subjects. He imagined that the districts would need more money.

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Representative Johnson thought much of the issue came down to local control. She thought teachers would have to exclude other curriculum in order to make time for mental health education. She asked in which ways would the department encourage mental health education.

Representative Claman rebutted that there was nothing in the bill that required DEED to do anything and that the bill was about local control. The bill intended to clarify that the state would provide guidelines to districts should the districts choose to provide mental health education.

Representative Johnson thought it sounded like school districts would be encouraged to provide the education which seemed like a monetary issue to her. Teachers had a significant workload already, and she thought that the state would be asking teachers to do more if the bill were to pass. She was concerned about adding guidelines in statute when the legislature was unaware of the content.

Representative Claman responded that he thought it was a normal process for DEED and a range of community experts to convene and determine guidelines. The bill would create mental health guidelines which would be referred to by educators, and the state routinely created similar guidelines for educators. He thought there should be guidelines specific to mental health.

Representative Johnson thought mental health was just as diverse as physical health. She asked whether family planning clinics and gender studies would be included under the mental health umbrella. She had received several questions about the topics being discussed in schools.

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RECONVENED

Representative Claman referred to a two-page document in members' packets that outlined Alaska content standards, "Skills for a Healthy Life" (copy on file). He predicted that if mental health was added to the document, it would still be a two-page document and would not become particularly extensive.

Representative Johnson continued to express her concerns about adding to the burden on teachers. She remained concerned about taking away local control and wanted communities to be able to address mental health crises in the way the community saw fit.

Representative Claman fundamentally disagreed with Representative Johnson. He stressed that the bill was not forcing districts to adopt the guidelines. He did not think it was reasonable to expect the legislature to approve any and all guidelines adopted by local or state agencies. He thought it was reasonable to allow DEED to determine the guidelines. He emphasized that the bill was not imposing anything on districts or requiring districts to adopt mental health guidelines.

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JASON LASSARD, EXECUTIVE DIRECTOR, NATIONAL ALLIANCE ON MENTAL HEALTH ILLNESS (via teleconference), relayed that he had worked for Mental Health Advocacy Through Storytelling (MHATS) for the past three years which worked to destigmatize mental health and offer resources by telling true and personal stories. There was a significant amount of data that showed that access to mental health resources decreased suicide rates. He wanted to focus on a couple of data points. First was the prevalence of mental illness in the United States: one in five adults had a mental illness. Additionally, 50 percent of all lifetime mental illnesses would begin by age 14, and 75 percent began by age 24. The onset of mental illness largely occurred during teenage years and it was important for it to be addressed quickly, safely, and in evidence-based programs.

Mr. Lassard relayed an individual's personal story wherein the individual did not feel comfortable talking about their mental health struggles due to societal stigmas and instead turned to the internet for help. The proposed bill was of critical importance to ensure that students had access to education and resources in their communities and did not

have to look to places like the internet, which was rife with inaccuracies. He reiterated that the bill was not a mandate. He was regularly asked to provide mental health services to schools in his area and such conversations were already happening in schools without guidelines. He wanted to ensure that if and when a district was ready to engage in mental health education, that the programs were vetted and evidence based. He respectfully asked for members' support. The program was intended to simply destigmatize the conversations around mental health and suicide. It would be up to the communities to decide the focus of their own programs, whether it be suicide prevention, mental wellness, or something else. He would like to see the bill do more, but it was a good first step. Given the statistics he mentioned at the beginning of his testimony, he thought it was beyond time to address mental health in schools. He was available for questions.

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Representative Edgmon noted that Mr. Lassard had relayed that one in five adults had a mental illness. He asked what the numbers were for individuals aged 14 and older.

Mr. Lassard thought it was 17 percent but could confirm the information and get it to the committee.

Representative Carpenter asked about the responsibility of parents to speak about mental health to their children. He thought it was dangerous for the state to teach mental health to students. He argued that conversations about mental health should be between parents or doctors and children.

Mr. Lassard indicated it was a district-level decision. The parents that were involved with their local districts would be part of the conversation and the decisions. He provided an example of a school in the state that attempted to address suicide but the school did not follow any guidelines or best practices. There was no space for students to ask questions or be part of the conversation and the misguided attempt had a profoundly negative effect on a number of students despite there being good intentions. It was a matter of setting basic standards and guidelines as laid out by experts and ensuring a safe environment for conversation.

Representative Carpenter did not hear anything about empowering parents.

Mr. Lassard reiterated that empowering parents happened at the local level. Parents would be part of the discussion on whether they wanted to bring the program to the local school district.

[3:10:05 PM](#)

JUSTIN PENDERGRASS, SELF, WASILLA (via teleconference), spoke of his own mental health problems and suicidal ideations. He had fallen into a deep depression when he was young that nearly took his life, and as a result he became homeless for five years. He was enrolled in school and although it was a safe place for him, he was not learning anything about mental health and his education was not helping his situation. He eventually discovered the root of his mental illness and was able to get help. Since then, he had dedicated his life to helping others that suffered from similar mental illnesses. The opposite of suicide was connection, and therefore the only way to prevent suicide was to create connection. Mental illness was on the rise due to the increased isolation that had occurred over the past few years due to the pandemic.

Mr. Pendergrass argued that the state had a responsibility to help youth in crisis, and the most reasonable place to provide help was within school districts. When he was young, he did not have a parent at home that could help him through the issues he was experiencing and did not have a safe place to be able to share his experience. His financial situation prevented him from getting help without his parents' assistance. He believed it was unjust for kids in similar situations to not have access to help.

Mr. Pendergrass relayed that he was currently a suicide prevention specialist for individuals aged 14 to 24 and 66 percent of the individuals he worked with were struggling with suicide or mental health problems upon intake. The majority of the individuals he worked with were misdiagnosing themselves with a variety of disorders that they did not understand. He thought schools should be a place to build connections and become educated, but connections could not be made without there being a safe place to do so. He spoke about a school counselor who created a safe space for him as a teen and gave him a place

to go when he needed one, but unfortunately the situation did not last long because it was not allowed by the school. He thought it was important for counselors to be able to provide mental health education and thought they were well-equipped to do so. The counselors understood that the problem was getting worse and there needed to be a way to address it.

Co-Chair Merrick thanked Mr. Pendergrass for his testimony.

[3:15:30 PM](#)

AT EASE

[3:16:08 PM](#)

RECONVENED

Representative Johnson thanked Mr. Pendergrass for testifying before the committee and for his work in mental health. She wanted to connect with him and local schools to help implement the changes in the districts. She reiterated her for his testimony.

Representative Wool supported the bill and thought it was a good start. He thought mental health awareness and education were vital. He noted his daughter went to a weekly counseling class as part of the basic curriculum at her school. He relayed that his daughter did not think the mental health education received in schools was sufficient. Mental health was a serious problem and had been exacerbated by the pandemic. Teachers were required to get continuing education to maintain their license already and he did not think the bill would cause additional expenses. He thought mental health could be part of continuing education for teachers.

Representative LeBon commented that curriculum committees needed to include robust parental participation. He thought the best curriculum committees were comprised mostly of parents who had children in the district.

HB 60 was HEARD and HELD in committee for further consideration.

[3:20:42 PM](#)

AT EASE

[3:22:07 PM](#)

RECONVENED

#hb98

HOUSE BILL NO. 98

"An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

[3:22:15 PM](#)

HELGE ENG, DIRECTOR, DIVISION OF FORESTRY, DEPARTMENT OF NATURAL RESOURCES, introduced the PowerPoint Presentation: "HB 98 (CSHB 98) Forest Land Use Plans; Negotiated Timber Sales; Emergency Firefighters" (copy on file). He shared that there were a couple of trends that precipitated the bill. One of the trends was to halt any old growth timber sales from the Tongass National Forest, which had been catastrophic for the timber industry in Southeast Alaska. The administration had responded by increasing timber sales on state lands and the bill would make the timber sale process more flexible and more efficient.

Mr. Eng turned to slide 4 and explained there were three major elements to the bill. The first issue was that the timber industry was struggling to survive. The solution was to change the negotiated timber sale statutes to allow a local industry to sell all the timber it harvested and export it if necessary. The next element was limiting appeals for forest land use plans. He explained that most timber was sold competitively, and therefore the sale went to the highest bidder. Logs from domestic sales could be used domestically or could be exported. Sometimes negotiated sales occurred, which were sales directly to a particular company. Under existing law, negotiated sales had to be processed domestically and could not be exported. The bill would permit timber from negotiated sales to be exported to allow for flexibility and a market driven solution in order to make timber sales nimbler. He explained that expanded flexibility would also help provide and protect jobs.

Mr. Eng moved to slide 9 and relayed that the bill proposed that forest land use plans would no longer be appealable. The bill pertained to state lands only. The forest land use plans step was the last step in the sequence of opportunities for the public to comment on the timber sale

process. The asterisk at the bottom of the slide indicated that a step was subject to appeal. He thought there were already sufficient opportunities for the public to comment and that limiting appeal on forest land use plans would streamline the process. He reported that appeals were rare and he had only seen six appeals in the last ten years and had received no lawsuits. The Department of Natural Resources (DNR) listened to public requests and comments and most of the issues were resolved and not elevated. He added that the bill was also a response to longer wildfire seasons that involved more intense fires that were more difficult to control. The Division of Forestry (DOF) needed to have an increased presence and more aggressive approach to address the change in wildfires.

[3:30:42 PM](#)

Mr. Eng turned to slide 10 and relayed that fire prevention efforts were paramount to be proactive in addressing wildfire danger. An example of a prevention measure was fuel breaks, but in order to successfully implement such measures, firefighting crews needed to be robust. The bill would change existing law which did not allow firefighting crews to work in a non-emergency capacity using general funds. He thought the change would help prevent fires from spreading and from threatening subdivisions. Fuel breaks around communities in fire-prone areas could dramatically increase the chances of stopping a fire, saving human lives, and save millions of dollars. The cost of the bill was small when compared to the projected payoffs. He was happy to answer questions.

Representative Carpenter wondered what the reason was for using firefighters to put in fuel breaks. He thought anyone trained to make fuel breaks could do the job.

Mr. Eng responded that the department was willing to hire anyone who was properly trained. He explained that firefighting crews in the state were consistently diminishing in size and that it was an attrition in the workforce. Although anyone who was trained could do the job, he thought it made the most sense for firefighting crews to put in fuel breaks. Firefighters would normally separate from employment following the wildfire season, but the bill would allow firefighters to continue working year-round putting in fuel breaks. The state would then benefit from having a trained workforce that would not need to be

retrained every wildfire season. He thought it was a win-win solution.

[3:34:51 PM](#)

Representative Edgmon thought the bill was interesting. He mentioned that the bill focused on state land and thought the proposed solutions to help the timber industry were reasonable. He did not understand the thinking regarding the application of firefighting strategies. He thought the bill eliminated the best interest finding process for timber sales less than 500,000 board feet. He would like to learn more about the bill and the process.

Mr. Eng responded that the bill did not propose changing any best interest findings. He indicated law already exempted timber sales of less than 500,000 board feet from best interest findings. It was a compromise for small purchasers to execute a timber sale more easily.

Representative Edgmon asked if the bill would impact the Southcentral part of the state where there were many old-growth forests. He did not think the bill would have a major impact on Southeast Alaska.

Mr. Eng relayed that the bill came out of concerns from the timber industry in Southeast Alaska. The bill would apply to all areas in the state.

Representative Edgmon was trying to understand how the bill applied to the state as a whole when environments were very different across the state.

Mr. Eng thought Representative Edgmon had a good question. The only changes from existing law proposed by HB 98 were the export provisions for negotiated sales and changes to the forest land use plan appeals. He did not see best interest findings or the public process being impacted.

[3:40:31 PM](#)

Representative Wool asked about the implications of doubling the allowable acreage from 10 to 20 in forest land use plans. He thought this seemed like an additional change proposed by the bill. He asked if 20 acres was considered a small timber sale and what 500,000 board feet equated to in acres.

Mr. Eng corrected himself and agreed that there was an additional change which was identified by Representative Wool. The existing language set a 10-acre limit but a 20-acre limit equated to 500,000 board feet. He thought the change mostly consisted of clean-up language and would make the provisions more consistent.

Co-Chair Merrick indicated there was one invited testifier.

[3:43:07 PM](#)

TESSA AXELSON, EXECUTIVE DIRECTOR, ALASKA FOREST ASSOCIATION, spoke in support of HB 98. The Alaska timber industry was reliant on a predictable timber supply from a variety of landowners. She thought legislation was needed to streamline processes and ensure efficient forest replanning. She saw the following three primary benefits of the bill: DNR would be provided the ability to negotiate timber sales with any timber resource, the state would be able to conduct timber sales more efficiently by limiting forest land use appeals, and environmental standards and public comment opportunities would be upheld. She was available for questions.

Representative Wool asked for information on the size of a common small-lot timber sale.

Ms. Axelson responded that it would depend on the operator. All operators needed roughly 500,000 board feet of timber every year in order to maintain operations. She would defer the definition of small-lot to Mr. Eng.

Co-Chair Merrick asked Mr. Eng to review the fiscal note.

Mr. Eng reported that the fiscal note from DNR with a control code of FZzrP was a zero fiscal impact note.

[3:47:24 PM](#)

ALISON ARIANS, DIVISION OF FORESTRY, SPECIAL PROJECTS COORDINATOR (via teleconference), offered to speak further to the fiscal note.

Co-Chair Merrick encouraged Ms. Arians to provide additional testimony.

Ms. Arians relayed that the bill could not change any program and would therefore not have a fiscal impact. It also would not increase expenditures for firefighters because the general funds that would be used were already appropriated. She thought it was helpful to spend the general funds that had already been appropriated.

Representative Wool asked for clarification around the number of acres that would be exempt from forest land use plans.

Mr. Eng responded that there were requirements that the director or the commissioner could only sell up to 500,000 board feet to the same operator in one year. The intent was to avoid stacking timber sales.

Representative Wool asked if Mr. Eng's comment about the director or commissioner only being able to sell 500,000 board feet to the same operator in one year was a requirement to remain exempt from forest use plans.

Mr. Eng responded, "That's correct."

[3:50:46 PM](#)

Representative Edgmon thought that although it might seem that there would be less work involved in the timber sale process if the bill passed, there would be more work because of an increase in smaller negotiated sales. He thought the process would become more time intensive.

Mr. Eng replied, "Possibly." He added that for the state and the division, increasing small sales was more than a financial decision. He thought small sales would help small to medium companies better facilitate their businesses. It served a greater purpose to diversify the timber industry.

Representative Edgmon thought that the department would have more work. He suggested that a primer on the topic would be helpful. He suggested more staff would be needed later.

Mr. Eng understood and would be happy to give a presentation on the topic at a later date.

[3:53:48 PM](#)

Vice-Chair Ortiz understood that Mr. Eng reported that HB 98 only applied to state-owned land.

Mr. Eng responded that Vice-Chair Ortiz's understanding was correct for the forest management aspects of the bill. The firefighter aspect of the bill applied to the DNR's entire area of responsibility.

Vice-Chair Ortiz asked what percent of the Tongass National Forest the state had access to.

Mr. Eng replied that it was somewhat in flux. He understood that a very small percentage of the approximately 18 million acres of the Tongass would be available for timber production.

[3:55:21 PM](#)

Ms. Axelson responded that it was very small but that she would provide the specifics to the committee. However, the industry was reliant on the small available acreage of the Tongass.

Vice-Chair Ortiz noted that the reason why the operators in Southeast were becoming more reliant on the small available acreage was because over the years, the availability of federal lands had decreased.

Ms. Axelson responded that Vice-Chair Ortiz was correct. She relayed that the United States Forest Service (USFS) controlled about 75 percent of available lands in the Tongass. There were currently no significant sales on the horizon, and she thought that operators would only become more reliant on available lands. It was also important to note that the industry was transitioning from being based on old growth forests to young growth forests.

[3:56:45 PM](#)

Vice-Chair Ortiz thought the bill would be a way to support the few remaining jobs in the timber industry in Southeast and preserve the economic level of the industry. He asked if he was correct.

Ms. Axelson replied in the affirmative and that it would also help support operators in the Fairbanks region and the Kenai Peninsula.

Co-Chair Merrick thanked the presenters and reviewed the agenda for the following day.

HB 98 was HEARD and HELD in committee for further consideration.

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ADJOURNMENT

3:57:53 PM

The meeting was adjourned at 3:57 p.m.