

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

March 12, 2021

3:24 p.m.

MEMBERS PRESENT

Representative Ivy Spohnholz, Co-Chair
Representative Calvin Schrage
Representative Liz Snyder (via teleconference)
Representative David Nelson
Representative James Kaufman
Representative Ken McCarty

MEMBERS ABSENT

Representative Zack Fields, Co-Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Alaska Workers' Compensation Board

Bronson Frye - Anchorage
Christina Gilbert - Juneau

- HEARD AND HELD

Board of Chiropractic Examiners

Brian Larson - Soldotna

- HEARD AND HELD

Board of Nursing

Catherine Hample - Wasilla

- CONFIRMATION(S) ADVANCED

Alaska Labor Relations Agency

Tyler Andrews - Anchorage

- SCHEDULED BUT NOT HEARD

CS FOR SENATE BILL NO. 24(L&C)

"An Act relating to holding corporate meetings by remote communication; allowing voting by remote communication at corporate meetings; making shareholder lists available electronically; relating to for-profit and nonprofit corporations; relating to business and industrial development corporations; relating to Native corporations; relating to the Alaska Banking Code; and providing for an effective date."

- MOVED HCS SB 24(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 36

"An Act relating to an application for a license to operate as a dealer in motor vehicles; and requiring a dealer in motor vehicles to maintain liability and property insurance."

- MOVED HB 36 OUT OF COMMITTEE

HOUSE BILL NO. 99

"An Act relating to the State Physical Therapy and Occupational Therapy Board; relating to the practice of physical therapy; and relating to the practice of occupational therapy."

- MOVED HB 99 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 24

SHORT TITLE: VIRTUAL MEETINGS FOR CORPORATIONS

SPONSOR(s): SENATOR(s) WILSON

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	L&C
02/08/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/08/21	(S)	Heard & Held
02/08/21	(S)	MINUTE(L&C)
02/17/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/17/21	(S)	Moved CSSB 24(L&C) Out of Committee
02/17/21	(S)	MINUTE(L&C)
02/22/21	(S)	L&C RPT CS 5DP NEW TITLE
02/22/21	(S)	DP: COSTELLO, GRAY-JACKSON, STEVENS, REVAK, HOLLAND
03/01/21	(S)	TRANSMITTED TO (H)
03/01/21	(S)	VERSION: CSSB 24(L&C)
03/03/21	(H)	READ THE FIRST TIME - REFERRALS
03/03/21	(H)	L&C

03/10/21 (H) L&C AT 5:45 PM BARNES 124
03/10/21 (H) Heard & Held
03/10/21 (H) MINUTE (L&C)
03/12/21 (H) L&C AT 03:15 PM BARNES 124

BILL: HB 36

SHORT TITLE: MOTOR VEHICLE DEALERS: APPLIC.; INSURANCE
SPONSOR(s): REPRESENTATIVE(s) CLAMAN

02/18/21 (H) PREFILE RELEASED 1/8/21
02/18/21 (H) READ THE FIRST TIME - REFERRALS
02/18/21 (H) L&C, FIN
03/03/21 (H) FIN REFERRAL REMOVED
03/03/21 (H) L&C AT 5:45 PM BARNES 124
03/03/21 (H) Heard & Held
03/03/21 (H) MINUTE (L&C)
03/12/21 (H) L&C AT 03:15 PM BARNES 124

BILL: HB 99

SHORT TITLE: PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE
SPONSOR(s): REPRESENTATIVE(s) CLAMAN

02/18/21 (H) READ THE FIRST TIME - REFERRALS
02/18/21 (H) HSS, L&C
02/19/21 (H) HSS REFERRAL REMOVED
02/19/21 (H) FIN REFERRAL ADDED AFTER L&C
02/19/21 (H) BILL REPRINTED
03/05/21 (H) L&C AT 3:15 PM BARNES 124
03/05/21 (H) Heard & Held
03/05/21 (H) MINUTE (L&C)
03/12/21 (H) L&C AT 03:15 PM BARNES 124

WITNESS REGISTER

BRONSON FRYE, Appointee
Alaska Workers' Compensation Board
Anchorage, Alaska

POSITION STATEMENT: Spoke as an appointee to the Alaska
Workers' Compensation Board.

CHRISTINA GILBERT
Appointee
Alaska Workers' Compensation Board
Juneau, Alaska

POSITION STATEMENT: Spoke as an appointee to the Alaska
Workers' Compensation Board.

BRIAN LARSON, Appointee
Board of Chiropractic Examiners
Soldotna, Alaska

POSITION STATEMENT: Spoke as an appointee to the Board of Chiropractic Examiners.

CATHERINE HAMPLE, Appointee
Board of Nursing
Wasilla, Alaska

POSITION STATEMENT: Spoke as an appointee to the Board of Nursing.

BONNIE PASKVAN, Partner
Dorsey and Whitney Law Firm
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 24.

LINDSEY HOLMES
NANA Regional Corporation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 24.

ERROL CHAMPION, Chair
Legislative Issues Committee
Alaska Realtors
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 24.

ANDREA GUSTY, President and CEO
Kuskokwim Corporation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 24.

KARA MORIARTY, President and CEO
Alaska Oil and Gas Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 24.

SOPHIE JONAS, Staff
Representative Matt Claman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 36 on behalf of Representative Claman, prime sponsor.

STEVE ALLWINE, Board of Directors
Alaska Auto Dealers Association

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 36.

MARCUS WAEHLER, Member
Alaska Auto Dealers Association
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 36.

SCOTTY ORR, Legislative Chair
Alaska Occupational Therapy Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 99.

LEEANNE CARROTHERS, Government Affairs Liaison
Alaska Physical Therapy Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 99.

KEITH POORBAUGH
State Licensing Board for Physical Therapy and Occupational
Therapy
Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 99.

NANCY LOVERING
Alaska Speech and Hearing Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 99.

JULIE AMENT
Physical Therapist
North Pole, Alaska

POSITION STATEMENT: Testified in support of HB 99.

MEGHAN PUDELER, State Affairs Manager
American Occupational Therapy Association
Bethesda, Maryland

POSITION STATEMENT: Testified in support of HB 99.

DANIEL MARKELS, State Affairs Manager
American Physical Therapy Association
Alexandria, Virginia

POSITION STATEMENT: Testified in support of HB 99.

ACTION NARRATIVE

[3:24:16 PM](#)

CO-CHAIR IVY SPOHNHOLZ called the House Labor and Commerce Standing Committee meeting to order at 3:24 p.m. Representatives Spohnholz, Schrage, Nelson, Kaufman, Snyder (via teleconference), and McCarty were present at the call to order.

CONFIRMATION HEARING(S) :
Alaska Workers Compensation Board
Board of Chiropractic Examiners

[3:27:49 PM](#)

CO-CHAIR SPOHNHOLZ announced that the first order of business would be confirmation hearings on the governor's appointees to the Alaska Workers' Compensation Board and the Board of Chiropractic Examiners.

[3:29:22 PM](#)

BRONSON FRYE, Appointee, Alaska Workers' Compensation Board, shared that he has served on the board for the last three years and that it would be an honor to continue to serve on the board. He explained that he wants to continue to serve because he wants to help injured workers and ensure fair treatment, and also to help lower the workers' compensation rates for the State of Alaska. He said that working with the industry representative and the hearing officer on individual workers' compensation cases is the way to make sure the process operates smoothly and fairly. He opined that the workers' compensation system is operating as intended, and shared his recollection that the board, the hearing officer, and the industry representative have been able to arrive at a consensus in 100 percent of the cases he's heard. He concluded that this is an example of a group that is working well together.

[3:31:47 PM](#)

REPRESENTATIVE MCCARTY asked Mr. Frye to share some challenges that employers experience regarding workers' compensation.

MR. FRYE responded that there are many factors that go into improving rates, and while there has been an improvement, Alaska rates are still high compared to other states. He added that he has served on a couple of working groups related to evidence-based treatment guidelines and drug formularies in the workers'

compensation systems. He said that he and a couple of other board members are currently researching the use of these evidence-based guidelines in other states to see if it might be an appropriate strategy for Alaska.

REPRESENTATIVE MCCARTY asked if Mr. Frye has heard about other states sending injured workers out of the country to get treatment.

MR. FRYE responded no, he hasn't heard of any specific cases like that.

[3:34:40 PM](#)

CO-CHAIR SPOHNHOLZ shared her understanding that workers' compensation rates in Alaska have gone down for the last five years, which is a sign of the progress being made. She commented that there is an intersection of workers' compensation rates and the cost of health care in Alaska, which is very high. She opined that these high costs are a major driving force, and that Representative McCarty may have been referencing the move towards medical tourism as a way of reducing health care costs.

[3:35:13 PM](#)

REPRESENTATIVE SCHRAGE thanked Mr. Frye for his work on the board and for his willingness to continue to serve.

[3:35:36 PM](#)

CO-CHAIR SPOHNHOLZ opened public testimony for the confirmation hearing for Bronson Frye, appointee to the Alaska Workers' Compensation Board. After ascertaining that there was no one who wished to testify, she closed public testimony.

[3:35:57 PM](#)

CHRISTINA GILBERT, Appointee, Alaska Workers' Compensation Board, shared that she moved to Alaska five years ago and is the human relations (HR) Manager for Alaska Kensington Mine. She said that she has been in HR for over 20 years and that a majority of that time has been focused on workers' compensation duties and responsibilities. She said she is excited to share her experience and looking forward to expanding upon her knowledge and giving back to the state through serving on the board.

[3:37:10 PM](#)

REPRESENTATIVE MCCARTY asked Ms. Gilbert what inspired her to serve on the board.

MS. GILBERT restated she wants to give back to the state and expand her knowledge. She stated that she enjoys helping employees and that serving on the board allows her to help everyone understand the rules and regulations and to ensure fair treatment.

REPRESENTATIVE MCCARTY asked if she could share some examples of challenges that employees experience regarding workers' compensation.

MS. GILBERT responded that employees struggle with getting the care that they need or request. Employees also struggle with understanding when they can and can't get care, and with the reasoning behind these decisions.

[3:39:00 PM](#)

CO-CHAIR SPOHNHOLZ opened public testimony for the confirmation hearing for Christina Gilbert, appointee to the Alaska Workers' Compensation Board. After ascertaining that there was no one who wished to testify, she closed public testimony.

[3:39:24 PM](#)

BRIAN LARSON, Appointee, Board of Chiropractic Examiners, said that he is a chiropractic physician and specializes in sports injuries. He said that he is one of two diplomates of the American Chiropractic Board of Sports Physicians and one of about 25 certified chiropractic sport physicians in the state of Alaska and one of about 300 diplomates nationwide. He stated that he has been working in Alaska for over 17 years and has worked with student athletes as well as the general population both in the Matanuska-Susitna ("Mat-Su") Valley and in the Soldotna/Kenai area. He explained that he was originally appointed to the board under former Alaska State Governor Bill Walker and served for two years, and then was appointed by Alaska State Governor Mike Dunleavy and has served another two years under him as the chair of the board.

[3:41:29 PM](#)

CO-CHAIR SPOHNHOLZ asked if Mr. Larson could share some examples of accomplishments that he's proud of during his time on the board.

MR. LARSON listed reviewing the activities and responding to complaints from the public about the behavior of chiropractic professionals around the state. He shared that he has been a "sounding board" for the Department of Investigations and made determinations on whether investigations should be opened and continued. He said that he also has participated in the discipline of chiropractic physicians around the state. He explained that these are not actions that he is necessarily proud of, but the actions have been necessary. He stated that these ongoing investigations are an example of issues that the board will need to address. The goals of the board, he continued, is to protect the physical and financial health of the people of the state of Alaska and to protect chiropractic physicians and advance the profession. The board has given attention to the scope of practice of chiropractors as regulated in statute. He shared that the board has appointed him and fellow board member Dr. James Morris to create a bill to restructure the statutes relating to the scope of practice of chiropractic physicians with the intent to expand upon and clarify the scope. He shared that he reached out to Alaska State Senate President Peter Micchiche to see if he might support such a bill, but he has not heard back from the Senate President yet.

[3:44:45 PM](#)

CO-CHAIR SPOHNHOLZ asked Mr. Larson to expand upon the changes in practice that the board recommends right now.

MR. LARSON responded that the first change is to revise the definition of what chiropractors do. He said that chiropractors can't agree on the definition of what a subluxation complex is, though he shared his understanding that the other sectors of health care can agree. He shared that one of the things the board is working on doing is bringing uniformity to issues like this. The definitions are not current or accurate and he said that he would like to work with the board to improve them. He identified that these incomplete or incorrect definitions have caused confusion and have caused some chiropractors to get in trouble with insurance companies in particular.

MR. LARSON continued that the board would also like to expand the scope of practice to include dry needling again because

currently, a hypodermic "dry" needle is considered a surgical event and chiropractors are not permitted to dry needle. He explained that for this reason, chiropractors can't perform acupuncture because it involves dry needling. He said another event the board is working on is bringing testing, statutory policies, and chiropractic regulations for new licenses and making this available to license applications nationwide instead of requiring license applicants to travel to the state of Alaska for this benefit. There are no chiropractic schools in Alaska and it's a huge cost for them to accommodate that testing in Alaska. He shared that this is an issue that the board plans to address at the next meeting.

[3:50:16 PM](#)

CO-CHAIR SPOHNHOLZ concluded that the board has been working on some complex issues.

[3:50:56 PM](#)

CO-CHAIR SPOHNHOLZ opened public testimony for the confirmation hearing for Brian Larson, appointee to the Board of Chiropractic Examiners. After ascertaining that there was no one who wished to testify, she closed public testimony.

[The confirmation hearings for Bronson Frye and Christina Gilbert, appointees to the Alaska Workers' Compensation Board, and Brian Larson, appointee to the Board of Chiropractic Examiners were held over.]

[3:51:10 PM](#)

The committee took a brief at-ease.

CONFIRMATION HEARING(S) :
Board of Nursing

[3:51:56 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be a confirmation hearing in consideration of a governor's appointee to the Board of Nursing.

CO-CHAIR SPOHNHOLZ noted that the committee would be hearing from Catherine Hample, appointee to the Board of Nursing, for a second time because there were some questions from committee

members after her previous hearing on March 3rd, 2021. She invited questions from the committee for Ms. Hample.

[3:52:51 PM](#)

REPRESENTATIVE SNYDER shared that the committee had the impression during Ms. Hample's previous confirmation hearing that she had earned her doctorate, but after looking at Ms. Hample's resume it appeared as though she had not yet done her dissertation. She asked Ms. Hample about the status of her doctorate.

[3:53:42 PM](#)

CATHERINE HAMPLE, Appointee, Board of Nursing, responded that she has completed all required credits but has not yet done her dissertation.

REPRESENTATIVE SNYDER asked if she has defended her dissertation.

MS. HAMPLE responded no, but that she has everything done except for that.

[3:54:40 PM](#)

CO-CHAIR SPOHNHOLZ noted that Ms. Hample's resume still lists her as an adjunct professor at the University of Alaska Anchorage(UAA). She asked if she teaches at UAA.

MS. HAMPLE responded no, at the time she was originally appointed to the Board of Nursing in 2019, she was staff at UAA, but she moved to Charter College in May of 2020.

CO-CHAIR SPOHNHOLZ shared her understanding that the committee may have an outdated resume for her.

MS. HAMPLE responded that she hasn't sent in another resume since her original appointment.

CO-CHAIR SPOHNHOLZ confirmed that the committee likely has an outdated resume because the copy the committee has states that Ms. Hample is currently an adjunct professor at UAA. This confusion is one of the reasons the committee wanted to follow up with her, she explained.

MS. HAMPLE reiterated that she left UAA in May of 2020 and started at Charter College that same month.

CO-CHAIR SPOHNHOLZ pointed out that May of 2019 would be almost two years ago at this point.

MS. HAMPLE responded that was when she was appointed, yes. She clarified that she changed jobs in 2020, but was appointed to the board in 2019.

[3:56:14 PM](#)

REPRESENTATIVE MCCARTY asked if Ms. Hample could share what challenges she sees regarding getting nurses to come to Alaska.

MS. HAMPLE responded that the National Licensure Compact would be a beneficial tool to help get nurses into the state. She clarified that it doesn't change requirements for nurses and is stricter than the regulations in Alaska. She added that it can be expensive for travelers in particular to have multiple licenses in multiple states.

[3:57:16 PM](#)

CO-CHAIR SPOHNHOLZ noted that Ms. Hample's resume indicates that she was previously in Jackson, Mississippi, and that Mississippi is a Nurse Licensure Compact state. She asked in which ways the compact is stricter than the licensing in Alaska.

MS. HAMPLE responded that she doesn't have information in front of her but that the board did find some discrepancies in requirements between the two when they looked at it last year. She said that she can provide that information to the committee.

CO-CHAIR SPOHNHOLZ asked if there are some ways that the Nurse Licensure Compact standards are less rigorous than the State of Alaska's standards.

MS. HAMPLE responded no.

CO-CHAIR SPOHNHOLZ commented that she has heard the opposite information from nurses from the Alaska Nursing Association, who shared with her that they are concerned that following the compact's standards would result in watering down the quality of nurses in Alaska.

MS. HAMPLE replied that there are very few states across the country that are not part of the compact. She shared that many states have been happy with the changes it has made to their practices. She explained that, for example, if a nurse who is licensed in Washington comes to Alaska, the nurse would still need to follow the laws in Alaska, and if that nurse were to do something wrong, the investigation would be the same regardless of the type of license they possess.

CO-CHAIR SPOHNHOLZ shared her understanding of Ms. Hample's answer that the laws for nurses would remain the same, but the standards to become a nurse would be different.

MS. HAMPLE responded that that is correct, and there will still be reporting within the state when a nurse violates practice in order to ensure that Alaska has safe nurses providing care.

CO-CHAIR SPOHNHOLZ asked if that does not happen already.

MS. HAMPLE replied that it does happen, but that there is concern from entities such as the National Nurses Associate that it is going to water down regulations in the state. She emphasized that it's not going to change the ways in which nurses are held accountable or the regulations.

CO-CHAIR SPOHNHOLZ shared her understanding that Ms. Hample suggested that the compact would mean the state can report and share violations with other states. She asked if that is already something the state can do.

MS. HAMPLE responded yes, the state can already do that, but the talk "out there" is that the authority to do that will be taken away and that the National Licensure Compact is going to absorb that duty, which is incorrect.

[The confirmation hearing for Catherine Hample, appointee to the Board of Nurses, was set aside and addressed later in the meeting.]

^#sb24

SB 24-VIRTUAL MEETINGS FOR CORPORATIONS

[4:00:38 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be CS FOR SENATE BILL NO. 24(L&C), "An Act relating to holding corporate meetings by remote communication; allowing

voting by remote communication at corporate meetings; making shareholder lists available electronically; relating to for-profit and nonprofit corporations; relating to business and industrial development corporations; relating to Native corporations; relating to the Alaska Banking Code; and providing for an effective date." [Before the committee was CSSB 24(L&C).]

[4:01:14 PM](#)

CO-CHAIR SPOHNHOLZ moved to adopt Amendment 1 to CSSB 24(L&C), labeled 32-LS0213\B.1, Bannister, 3/11/21, which read as follows:

Page 7, line 29, following "with":
Insert "and hear"

[4:01:18 PM](#)

REPRESENTATIVE SCHRAGE objected for the purpose of discussion.

[4:01:26 PM](#)

The committee took a brief at-ease.

[4:01:51 PM](#)

CO-CHAIR SPOHNHOLZ explained the changes found in Amendment 1. She said that the purpose of this amendment is to respond to the Foraker Group's concern by specifying that non-profit organizations cannot use email communication as a method to vote, and that meetings need to be live so that voting can take place simultaneously. She added that Legislative Legal Services offered its understand that including the word "simultaneous" allowed for meetings to still be considered live and functioning even if there is a "blip" in the meeting, which she noted does happen, as the committee has experienced itself. She said that she wants to avoid that "blip" negating the legitimacy of the meeting. She shared that she worked with the bill's sponsor on the amendment and the sponsor supports the change. She concluded that she thinks Amendment 1 addresses the Foraker Group's concerns and specifically crafts legislation in a way that serves the nonprofit community.

[4:03:20 PM](#)

REPRESENTATIVE MCCARTY commented that he supports Amendment 1.

4:03:42 PM

REPRESENTATIVE SCHRAGE withdrew his objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

4:04:04 PM

CO-CHAIR SPOHNHOLZ opened public testimony on CSSB 24(L&C).

4:04:19 PM

BONNIE PASKVAN, Partner, Dorsey and Whitney Law Firm, shared that she is the co-chair of the national Indian and Alaska Native Law Practice Group at Dorsey and Whitney Law Firm, where she is also a partner. She explained that as a pro-bono effort and not on behalf of any specific client, Dorsey and Whitney proposed language to Alaska State Senator David Wilson to permanently amend Alaska's corporations code to allow corporations to hold their regular, annual, and special meetings in person, virtually, via hybrid meetings by remote communications, and she noted that the committee was currently conducting a hybrid meeting.

MS. PASKVAN expressed her appreciation for the Alaska Native Claims Settlement Act (ANCSA) Regional Association, which submitted a letter of support for SB 24 on February 16th, 2021, and noted that ANCSA represents over 13,000 shareholders. In March of 2020, many clients came to her and her colleagues to ask how to legally conduct shareholder meetings during a pandemic because Alaska statutes only permit expressly in-person meetings, she explained. She noted that in her research, she learned that Alaska was one of only nine states nationally that require in-person annual meetings and special meetings. She stated that Dorsey and Whitney requests the committee's immediate approval and movement of SB 24 so that Alaska can join the vast majority of the United States giving corporations the right to hold their meetings in a variety of ways. She added that the firm has received no opposition in any of its discussions with any of the different corporations and their members to allow hybrid or virtual meetings. She stated that the firm considers SB 24 to be a small modernization effort that would give corporations more tools in their toolbox and would allow corporate shareholders to attend and participate in meeting virtually which would save time, money, and relieve the stress of having to travel or get off work.

MS. PASKVAN continued that the firm urges the committee to pass SB 24 as quickly as possible and shared her understanding that the proposed legislation is time sensitive because corporations do not want to hold in-person meetings yet, and these corporations are mandated by law to hold annual meetings. She noted that there are some meetings scheduled to meet as soon as the end of next week. She concluded that the passage of SB 24 quickly would add certainty and clarity for Alaska corporations and legally empower corporations to hold meetings virtually or in a hybrid fashion, as the committee is currently doing.

[4:07:50 PM](#)

CO-CHAIR SPOHNHOLZ thanked Ms. Paskvan for her testimony and pro-bono work. She assured her that the committee intends to pass SB 24 as quickly as possible.

[4:08:01 PM](#)

LINDSEY HOLMES, NANA Regional Corporation, shared her understanding that in light of COVID-19, SB 24 is very important. She agreed that corporations by law are required to hold an annual meeting sometime between February 1st and April 30th of each year, and the bylaws for NANA Regional Corporation also require that the meeting be held in the NANA region, which is essentially comprised of the Northwest Arctic Borough. She explained that NANA scheduled its upcoming annual meeting for March 27 as a remote meeting relying on what was in the statewide emergency order that was in place at the time. Now, she continued, those emergency orders have expired and with no provision in Alaska law for remote shareholder meetings, NANA and other similarly situated companies have been put in "quite a bind." She explained that NANA is struggling with how to honor duties to shareholders while following the law.

MS. HOLMES continued that she is happy to see SB 24 seemingly moving forward quickly, and is glad that the proposed bill includes an immediate effective date and a retro-activity clause that will protect companies like NANA that have no choice but to hold meetings soon. She reiterated Ms. Paskvan's words and said that NANA would appreciate the timely advancement of SB 24.

[4:10:14 PM](#)

CO-CHAIR SPOHNHOLZ recognized Ms. Holmes as a former member of the State of Alaska House of Representatives.

[4:10:31 PM](#)

ERROL CHAMPION, Chair, Legislative Issues Committee, Alaska Realtors, explained that Alaska Realtors acts as the voice of Alaska real estate and represents over 1,750 of the nearly 3,000 licensed agents statewide. He said that Alaska Realtors supports SB 24, and informed the committee that during the Thirty-First Alaska State Legislature in 2020, Alaska Realtors worked with the legislature and administration on legislation to allow non-profit corporations the ability to continue to meet through electronic means. He echoed previous testifiers by saying that now that the disaster declaration has expired, Alaska Realtors are in violation of "antiquated" rules and regulations. He concluded by urging the committee to adopt SB 24 quickly.

[4:12:08 PM](#)

ANDREA GUSTY, President and CEO, Kuskokwim Corporation, shared that less than a third of Kuskokwim Cooperation's 4,400 shareholders currently live in the Kuskokwim region. Traditionally, she continued, the cooperation would hold the annual meeting of shareholders in one of the ten villages surrounding the Kuskokwim River, and the bylaws require this. Due to COVID-19, this meeting took place virtually, she explained, which allowed the corporation to bring information to the people who needed it in a safe way. She added that the corporation was also able to reach a different demographic of shareholders, such as those who live out of the region and out of the state, many of whom were young people who didn't have the funds to travel and elders who had to move out of the villages for health reasons. She stated that the virtual meeting allowed the corporation to connect with and serve the people in a new way.

MS. GUSTY explained that she does not know what the corporation is going to do for the 2021 meeting as it is "far from being back to business as usual" due to COVID-19. The Kuskokwim Corporation took precautions early on for the safety of the employees and the well-being of the rural communities, she shared, and although the corporation is eager to reconnect in-person with the people that it serves, it is not willing to put the communities and some of the most vulnerable shareholders at risk. She opined that the Kuskokwim region has done a great job at mitigating the impacts of the pandemic and she doesn't want the corporation to be the vehicle that brings the virus to the

villages. She said that SB 24 would allow for the option to continue to hold virtual meetings into the future. Although the corporation doesn't want to hold virtual meetings every year, she explained that without the clear end of the pandemic in sight, it's imperative that the option is available. She concluded by asking the committee to pass SB 24 "as amended" as soon as possible.

[4:15:02 PM](#)

KARA MORIARTY, President and CEO, Alaska Oil and Gas Association, stated that as president and CEO, she is testifying on behalf of Alaska Oil and Gas Association (AOGA) and its members and supports SB 24. She explained that Alaska's oil and gas operations are widespread and exist in some of the most remote areas of the state, and with AOGA's governing boards and committees comprised of individuals who work in such a geographically varied industry, it is not feasible for everyone to be physically present in the same room to conduct business. As AOGA is considered a 501 C (6) association, the ability to hold remote meetings whether online or via teleconference has been critical, she opined. She said that at the start of the pandemic, the industry moved quickly to implement procedures to ensure the safety of its workers. One year later, she shared her understanding that virtual meetings are still imperative to safely operate. She restated that AOGA supports the passage of SB 24 to ensure that all incorporated entities have the ability to conduct business virtually or in person.

[4:17:08 PM](#)

CO-CHAIR SPOHNHOLZ, after ascertaining that no one else wished to testify, closed public testimony on SB 24.

[CSSB 24(L&C), as amended, was set aside and taken up again later for the purpose of a motion.]

^#hb36

HB 36-MOTOR VEHICLE DEALERS: APPLIC.; INSURANCE

[4:17:24 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be HOUSE BILL NO. 36, "An Act relating to an application for a license to operate as a dealer in motor vehicles; and requiring a dealer in motor vehicles to maintain liability and property insurance."

[4:18:01 PM](#)

REPRESENTATIVE MCCARTY asked for clarification on the liability maximum of \$100,000.

[4:18:21 PM](#)

SOPHIE JONAS, Staff, Representative Matt Claman, Alaska State Legislature, on behalf of Representative Claman, prime sponsor of HB 36, responded yes, under the proposed legislation a motor vehicle dealer would be required to maintain public liability and property damage insurance in amounts no less than \$50,000 for damage to property, \$100,000 for injury including death to any one person, and \$200,000 for injury including death to more than one person.

REPRESENTATIVE MCCARTY asked if Ms. Jonas knew how much a dealer would pay in liability insurance at the \$100,000 level.

MS. JONAS deferred the question to the testifiers online.

[4:19:36 PM](#)

STEVE ALLWINE, Board of Directors, Alaska Auto Dealers Association, responded that under the current policy, dealers pay \$1,000, and if this bill were to pass, that number would change to \$1,700-\$1,900. He shared his understanding that this is not a significantly higher investment, but it is enough of an investment to make individuals applying for licenses more invested in the license.

[4:20:38 PM](#)

REPRESENTATIVE NELSON commented that he had been concerned that the bill would create too high of a cost barrier for an individual to be able to open a small used car business, but shared that he is relieved to hear from Mr. Allwine that the cost would not increase significantly.

MR. ALLWINE gave additional clarification the bill is not intended to make it difficult for individuals to enter the industry, but simply to ensure that individuals entering the industry are responsible.

[4:22:07 PM](#)

MARCUS WAEHLER, Member, Alaska Auto Dealers Association, shared that the current price of becoming registered to become a dealer is about \$550 for the \$50,000 level.

CO-CHAIR SPOHNHOLZ added that this number was the result of a carefully crafted compromise that was negotiated amongst auto dealers, small and large.

[4:23:10 PM](#)

CO-CHAIR SPOHNHOLZ opened public testimony on HB 36. After ascertaining that there was no one who wished to testify, she closed public testimony.

[HB 36 was set aside and taken up again later for the purpose of a motion.]

^#hb99

HB 99-PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE

[4:23:35 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be HOUSE BILL NO. 99, "An Act relating to the State Physical Therapy and Occupational Therapy Board; relating to the practice of physical therapy; and relating to the practice of occupational therapy."

[4:24:09 PM](#)

CO-CHAIR SPOHNHOLZ opened public testimony on HB 99.

[4:24:32 PM](#)

SCOTTY ORR, Legislative Chair, Alaska Occupational Therapy Association, testified in support of HB 99. He shared that he is the former president of the association. He reflected that in addition to balancing out the licensure board by including three physical therapists and three occupational therapists on the board. HB 99 would also help streamline the process for people who are educated in a country outside of the United States, whether they speak English or not. Currently, if an English-speaking, foreign-educated applicant tries to apply for licensure in Alaska, the applicant would be required to take an English proficiency exam, even considering that the applicant may have been educated in another English-speaking country such as Canada or England.

CO-CHAIR SPOHNHOLZ added that the committee supports making it easier for individuals to get licensed if they are qualified.

[4:25:54 PM](#)

LEEANNE CARROTHERS, Government Affairs Liaison, Alaska Physical Therapy Association, noted that the Alaska Physical Therapy ("PT") Association which represents 450 licensed physical therapists and assistants in Alaska. She declared that the Alaska PT Association supports HB 99 and thinks that the bill would provide many needed language and terminology changes to the existing statutes. This would bring Alaska in line with current national standards and terminology. She added that the bill would appropriately remove the physician from the board and add an occupational therapist, which would make the representation of physical and occupational therapists on the board equal. She noted that the association is particularly happy to see the proposed changes to language referring to physical therapist assistants. She explained that currently in Alaska, physical therapist assistants are referred to as physical therapy assistants, which is a term that hasn't been used nationwide since 1969. She said that the bill would update terminology referring to educational accrediting bodies and also give the board the freedom to maintain approval in case one of the names of the accrediting bodies changes without a subsequent change in statute.

[4:28:13 PM](#)

KEITH POORBAUGH, State Licensing Board for Physical Therapy and Occupational Therapy, testified in support of HB 99, which would modernize Alaska standards and bring them in line with the national standards.

[4:29:23 PM](#)

NANCY LOVERING, Alaska Speech and Hearing Association, testified in support of HB 99. She echoed the remarks of previous testifiers and said that the proposed changes would align Alaska with national standards and terminology for both occupations. She added that it would also allow physical and occupational therapists to work independently without needing the supervision of a physician.

[4:30:35 PM](#)

JULIE AMENT, Physical Therapist, North Pole Physical Therapy, said that she has been in practice in her own clinic for 22 years, and she supports the passage of HB 99. She shared that she has worked to achieve additional education while practicing and said that Alaska's laws should stay current as well. She stated that she agrees with the addition of an occupational therapist on the Board of Physical Therapy and Occupational Therapy. She shared that she also agrees with the proposal to update language in existing statutes and remove the requirement for an English language proficiency test for individuals coming to the United States from other English-speaking countries. She gave an example of a physical therapist she worked with who was trained in Scotland but still had to do an English language proficiency assessment.

[4:32:31 PM](#)

MEGHAN PUDELER, State Affairs Manager, American Occupational Therapy Association, noted that the American Occupational Therapy Association (AOTA) is the national professional organization representing the interests of more than 213,000 occupational therapists, students of occupational therapy, and occupational therapy assistants. She continued that AOTA strongly supports the role of state government in regulating the practice of occupational therapy. She expressed that AOTA has diligently advocated for state occupational therapy laws with the same three core licensure requirements: successful completion of academic requirements of an educational program for occupational therapists and assistants that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE®); successful completion of supervised field work experience; and the passing of the entry-level examination. She shared her understanding that HB 99 proposes to revise qualifications for licensing for occupational therapists and assistants by removing from state statutes names of organizations that exercise certification (indisc.) over occupational therapy, and clarifying requirements of foreign-educated applicants. By making these changes, she continued, the bill will be removing obsolete language. She echoed the sentiments of previous testifiers by saying that she also supports the replacement of a physician on the licensure board with an occupational therapist or occupational therapy assistant.

[4:34:36 PM](#)

DANIEL MARKELS, State Affairs Manager, American Physical Therapy Association, stated that he was called from Alexandria, Virginia, to testify on behalf of the American Physical Therapy Association (APTA) in support of HB 99. He echoed the comments from previous testifiers that the proposed bill is an important modernization, and said that replacing a physician with an occupational therapist or assistant on the licensure board, and adding language regarding the board's disciplinary actions are examples of the improvements proposed by HB 99. He concluded by urging the committee to pass HB 99.

[4:36:52 PM](#)

CO-CHAIR SPOHNHOLZ, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 99

[HB 99 was set aside and taken up again later for the purpose of a motion.]

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[4:37:28 PM](#)

The committee took an at-ease from 4:37 p.m. to 4:41 p.m.

^#sb24

SB 24-VIRTUAL MEETINGS FOR CORPORATIONS

[4:41:37 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be a return to CS FOR SENATE BILL NO. 24(L&C), "An Act relating to holding corporate meetings by remote communication; allowing voting by remote communication at corporate meetings; making shareholder lists available electronically; relating to for-profit and nonprofit corporations; relating to business and industrial development corporations; relating to Native corporations; relating to the Alaska Banking Code; and providing for an effective date."

CO-CHAIR SPOHNHOLZ invited a motion.

[4:41:45 PM](#)

REPRESENTATIVE SCHRAGE moved to report CSSB 24(L&C), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB

24(L&C) was reported out of the House Labor and Commerce Standing Committee.

^#hb36

HB 36-MOTOR VEHICLE DEALERS: APPLIC.; INSURANCE

[4:41:59 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be a return to HOUSE BILL NO. 36, "An Act relating to an application for a license to operate as a dealer in motor vehicles; and requiring a dealer in motor vehicles to maintain liability and property insurance."

[4:42:02 PM](#)

REPRESENTATIVE SCHRAGE moved to report HB 36 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 36 was reported out of the House Labor and Commerce Standing Committee.

^#hb99

HB 99-PHYSICAL/OCCUPATIONAL THERAPY BD/PRACTICE

[4:42:12 PM](#)

CO-CHAIR SPOHNHOLZ announced that the next order of business would be a return to HOUSE BILL NO. 99, "An Act relating to the State Physical Therapy and Occupational Therapy Board; relating to the practice of physical therapy; and relating to the practice of occupational therapy."

[4:42:12 PM](#)

REPRESENTATIVE SCHRAGE moved to report HB 99 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 99 was reported out of the House Labor and Commerce Standing Committee.

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CONFIRMATION HEARING(S)
Board of Nursing

[4:42:22 PM](#)

CO-CHAIR SPOHNHOLZ announced that the final order of business would be a return to the confirmation hearing for the governor's appointee to the Board of Nursing.

[4:42:26 PM](#)

CO-CHAIR SPOHNHOLZ stated her intent to forward the name of Catherine Hample. She asked if there was any objection.

[4:42:45 PM](#)

REPRESENTATIVE SNYDER commented that it is troubling to her that in the committee's first hearing for Ms. Hample, she repeatedly directed committee members to address her as "Doctor" and did not take the opportunity to make a correction. She noted that it was clarified during this meeting that Ms. Hample has not earned this title. She shared her understanding that one of the priorities of the committee is to make sure that the individuals appointed to serve on the boards bring the integrity and trustworthiness that is necessary for serving. She shared that Ms. Hample's failure to make this correction gave her pause and that she wanted to make note of it.

[4:44:17 PM](#)

CO-CHAIR SPOHNHOLZ agreed that it is an important distinction. She explained that while the committee doesn't have the ability to decide not to forward an appointee's name, it is responsible for vetting appointees to determine the appointee's readiness to serve on a board. She shared that Ms. Hample's actions were of concern to her as well.

[4:45:28 PM](#)

CO-CHAIR SPOHNHOLZ stated that the House Labor and Commerce Standing Committee had reviewed the qualifications of the governor's appointee to the Board of Nursing, and recommends the name of Catherine Hample be advanced to a joint session of the House and Senate for consideration. She reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and the nominations are merely forwarded to the full legislature for confirmation or rejection.

[4:47:36 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:48 p.m.