

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

April 28, 2023
1:33 a.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair
Senator Click Bishop, Vice Chair
Senator Elvi Gray-Jackson (via teleconference)
Senator Kelly Merrick
Senator Forrest Dunbar

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 88

"An Act relating to the Public Employees' Retirement System of Alaska and the teachers' retirement system; providing certain employees an opportunity to choose between the defined benefit and defined contribution plans of the Public Employees' Retirement System of Alaska and the teachers' retirement system; and providing for an effective date."

- MOVED CSSB 88(L&C) OUT OF COMMITTEE

SENATE BILL NO. 116

"An Act relating to the Board of Professional Counselors; relating to licensing of associate counselors; and providing for an effective date."

- HEARD AND HELD

SENATE BILL NO. 123

"An Act relating to commercial motor vehicle drivers' license requirements; and providing for an effective date."

- MOVED CSSB 123(L&C) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 88

SHORT TITLE: RETIREMENT SYSTEMS; DEFINED BENEFIT OPT.

SPONSOR (s) : SENATOR (s) GIESSEL

03/01/23 (S) READ THE FIRST TIME - REFERRALS
03/01/23 (S) L&C, FIN
03/13/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/13/23 (S) Heard & Held
03/13/23 (S) MINUTE(L&C)
03/15/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/15/23 (S) Heard & Held
03/15/23 (S) MINUTE(L&C)
03/17/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/17/23 (S) Heard & Held
03/17/23 (S) MINUTE(L&C)
03/20/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/20/23 (S) Heard & Held
03/20/23 (S) MINUTE(L&C)
03/22/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/22/23 (S) Heard & Held
03/22/23 (S) MINUTE(L&C)
03/29/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/29/23 (S) Heard & Held
03/29/23 (S) MINUTE(L&C)
04/26/23 (S) L&C AT 3:30 PM BUTROVICH 205
04/26/23 (S) Heard & Held
04/26/23 (S) MINUTE(L&C)
04/28/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 116

SHORT TITLE: ASSOCIATE AND PROFESSIONAL COUNSELORS

SPONSOR (s) : SENATOR (s) GIESSEL BY REQUEST

03/29/23 (S) READ THE FIRST TIME - REFERRALS
03/29/23 (S) L&C, FIN
04/28/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 123

SHORT TITLE: LICENSE REQUIREMENTS: COMM. DRIVERS

SPONSOR (s) : TRANSPORTATION

04/05/23 (S) READ THE FIRST TIME - REFERRALS
04/05/23 (S) TRA, L&C
04/11/23 (S) TRA AT 1:30 PM BUTROVICH 205
04/11/23 (S) Heard & Held
04/11/23 (S) MINUTE(TRA)
04/13/23 (S) TRA AT 1:30 PM BUTROVICH 205
04/13/23 (S) Moved SB 123 Out of Committee
04/13/23 (S) MINUTE(TRA)

04/14/23 (S) TRA RPT 3DP
04/14/23 (S) DP: KAUFMAN, MYERS, WILSON
04/21/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/21/23 (S) Heard & Held
04/21/23 (S) MINUTE (L&C)
04/26/23 (S) L&C AT 3:30 PM BUTROVICH 205
04/26/23 (S) <Bill Hearing Canceled>
04/28/23 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR CATHY GIESSEL, District E
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 116.

JANE CONWAY, Staff
Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented the sectional analysis for SB 116.

RACHEL BUDDIN-YOUNG, Board Member
Alaska Board of Professional Counselors
Anchorage, Alaska
POSITION STATEMENT: Gave a presentation on SB 116 titled
"Associate Counselor License."

JOSHUA ARVIDSON, Chief Operating Officer
Alaska Behavioral Health
Anchorage, Alaska
POSITION STATEMENT: Offered invited testimony in support of SB
116.

DORENE HAGEN, Chair
Board of Professional Counselors
Department of Commerce, Community and Economic Development
Homer, Alaska
POSITION STATEMENT: Offered invited testimony in support of SB
116.

ELAINE BORDER, Clinical Director and Owner
Border Counseling Services;
Board Member for Akeela
Anchorage, Alaska
POSITION STATEMENT: Offered invited testimony in support of SB
116.

KIRA LATHROP, representing self
Skagway, Alaska

POSITION STATEMENT: Testified in support of SB 116.

MARYBETH GOODMAN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of 116.

SAMMIE O'NEIL, Vice-Chair
Board of Professional Counselors
Department of Commerce, Community and Economic Development
Eagle River, Alaska

POSITION STATEMENT: Testified in support of SB 116.

SENATOR JAMES KAUFMAN, District F
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 123.

JOEY CRUM, Chief Executive Officer
Northern Industrial Training
Palmer, Alaska

POSITION STATEMENT: Responded to questions about SB 123.

ACTION NARRATIVE

[1:33:54 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce Standing Committee meeting to order at 1:33 a.m. Present at the call to order were Senators Dunbar, Merrick, Gray-Jackson (via teleconference), Bjorkman, Bishop, and Chair Bjorkman.

SB 88-RETIREMENT SYSTEMS; DEFINED BENEFIT OPT.

[1:34:52 PM](#)

CHAIR BJORKMAN announced the consideration of SENATE BILL NO. 88 "An Act relating to the Public Employees' Retirement System of Alaska and the teachers' retirement system; providing certain employees an opportunity to choose between the defined benefit and defined contribution plans of the Public Employees' Retirement System of Alaska and the teachers' retirement system; and providing for an effective date."

[1:34:56 PM](#)

CHAIR BJORKMAN noted that a motion to adopt the CS for SB 88, version R, was pending before the committee. He removed his

objection. He found no further objection and version R was adopted as the working document.

CHAIR BJORKMAN requested a motion to adopt the proposed amendment.

[1:35:48 PM](#)

SENATOR BISHOP moved to adopt Amendment 1, work order 33-LS0505\R.1.

33-LS0505\R.1
Klein
4/26/23

AMENDMENT 1

OFFERED IN THE SENATE

TO: CSSB 88(), Draft Version "R"

Page 3, line 27, through page 4, line 4:

Delete all material and insert:

"(4) before the date of reemployment,

(A) has not received a distribution of the entire balance in the teacher's individual account under the defined contribution retirement plan under AS 14.25.310 - 14.25.590; or

(B) has received a rollover distribution of the entire balance in the teacher's individual account in the plan under AS 14.25.310 - 14.25.590 and has within 120 days of reemployment had all or part of a direct rollover distribution from an eligible retirement plan owned by the teacher paid directly into the teacher's individual account under AS 14.25.310 - 14.25.590."

Page 31, line 26, through page 32, line 3:

Delete all material and insert:

"(4) before the date of reemployment,

(A) has not received a distribution of the entire balance in the employee's individual account under the defined contribution retirement plan established in AS 39.35.700 - 39.35.990; or

(B) has received a rollover distribution of the entire balance in the member's individual account in the defined contribution retirement plan and has within 120 days of reemployment had all or part of a direct

rollover distribution from an eligible retirement plan owned by the member paid directly into the member's individual account."

CHAIR BJORKMAN objected for purposes of discussion.

SENATOR BISHOP explained Amendment 1.

CHAIR BJORKMAN removed his objection. He found no further objection and Amendment 1 was adopted.

[1:37:37 PM](#)

SENATOR DUNBAR thanked Senator Giessel and others for their work on the legislation.

[1:38:34 PM](#)

CHAIR BJORKMAN sought the will of committee.

[1:38:36 PM](#)

SENATOR BISHOP moved to report CSSB 88, work order 33-LS0505\R, as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR BJORKMAN found no objection and CSSB 88(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[1:39:09 PM](#)

At ease.

SB 116-RETIREMENT SYSTEMS; DEFINED BENEFIT OPT.

[1:41:35 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 116 "An Act relating to the Board of Professional Counselors; relating to licensing of associate counselors; and providing for an effective date."

He invited Senator Giessel to put herself on the record and introduce the bill.

[1:43:02 PM](#)

SENATOR CATHY GIESSEL, District E, Alaska State Legislature, Juneau, Alaska, sponsor of SB 116, stated that this legislation creates a new license type and summarized the following sponsor statement:

[Original punctuation provided.]

Senate Bill 116

Associate and Professional Counselors

"An Act relating to the Board of Professional Counselors; and relating to licensing of associate counselors."

SPONSOR STATEMENT

Senate Bill 116 allows qualified candidates to obtain licensure as Associate Counselors and creates a pathway towards full accreditation as Licensed Professional Counselors in Alaska. Currently over 65% of states offer a pre-licensing process that is overseen by its professional state board. Creating a tiered system will help align Alaska with national standards for professional counselor licensure while creating a more structured process for licensee applicants while they complete the required exam and supervised experience.

This tiered licensure system would identify and address any gaps in training or experience while ensuring that counselors are providing services that are ethical and effective. It would attract and retain talented professionals to the state by providing opportunities for career advancement and professional development.

Ensuring Associate Counselors have met a minimum standard of training and experience would bolster public confidence in the counseling profession, reduce the stigma around mental health, and encourage more Alaskans to seek help when they need it. Providing guidance and support for those working towards licensure will improve the quality of care for patients, particularly in rural or remote areas where access to mental health services may be limited.

I urge my colleagues of the 33rd Legislature to support Senate Bill 116 to streamline the steps toward obtaining full licensure for Associate Counselors, and in turn, help Alaskans obtain the mental health services they are seeking.

[1:45:58 PM](#)

JANE CONWAY, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 116. She summarized the following sectional analysis:

[Original punctuation provided.]

Senate Bill 116

"An Act relating to the Board of Professional Counselors; and relating to licensing of associate counselors."

SECTIONAL ANALYSIS

Section 1. (Page 1) Amends AS 08.02.110 **Professional designation requirements**

(a) to include Associate Counselors in the same chapter as other professions and requires them to use appropriate professional title designation that represents their field of practice

Section 2. (Page 2) Amends AS 08.29.020 **Duties of the Board**

(a) to include Associate Counselors to be licensed by the Board of Professional Counselors.

Section 3. (Page 2) Amends AS 08.29.100 **Unlicensed use of title prohibited**

(a) to prohibit those without licenses to declare themselves an Associate Counselors, use language that may be confused with the title of "Associate Counselor."

Section 4. (Page 3) Amends AS 08.29.110 **Qualifications for Licensure**

(a) to establish that the board shall issue a professional counselor license if the applicant has successfully completed an associate counselor program authorized by the board and meets all other requirements of the board, including the supervision of a supervisor approved under regulations of the board. Furthermore, at least 100 hours of face-to-face supervision are required.

Section 5. (Page 4) **Amends AS 08.29.120 Licensure by credentials**

(a) to establish that the board may issue a license for professional or associate counselor to practice if they are licensed in another jurisdiction and if the

board finds the other jurisdiction has an equal or higher licensure requirement as those in this state.

Section 6. (Page 4) Amends AS 08.29.220

Disclosure Statement

Requires an Associate Counselor to furnish a disclosure statement including the name, title, business address and business telephone number to clients before providing services. The disclosure statement must include the Associate Counselor's educational description, areas of specialization, services available, and fee schedule listed by type of service or hourly rate. It also must include that the information provided is required by the Board of Professional Counselors which regulates their activities.

Section 7. (Page 5) Amends 08.29.400 Grounds for denial of license or for disciplinary sanctions

(a) to include that Associate Counselors may be subject to disciplinary sanctions imposed by the Board of Professional Counselors if they are incompetent, or have committed misconduct, fraud, misrepresentation, or dishonesty in the functions of a licensed Associate Counselor.

A licensed Associate Counselor is also subject to disciplinary sanctions if they assist another person who is not licensed under this chapter in an attempt to represent the person to the public as a licensed Associate Counselor.

Section 8. (Page 6) Repeals 08.29.210

Supervisor certification

Section 9. (Page 6)

Creates transitional language to allow the board to promulgate and adopt regulations.

Section 10. (Page 6) Allows Section 9 to be conducted immediately.

Section 11. (Page 6) Provides for overall effective date of the bill to be July 1, 2025.

[1:49:29 PM](#)

SENATOR DUNBAR asked why the effective date is set so far in the future.

MS. CONWAY replied that it takes a minimum of six to eight months to set up regulations

SENATOR GIESSEL added that a regulation package takes about a year to process and complete.

[1:50:49 PM](#)

CHAIR BJORKMAN announced invited testifier Rachel Buddin-Young.

[1:51:02 PM](#)

RACHEL BUDDIN-YOUNG, Board Member, Board of Professional Counselors, Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, delivered a presentation on SB 116 titled "Associate Counselor License House Bill 126 & Senate Bill 116."

MS. BUDDIN-YOUNG spoke to points on slide 2, "National Trends":

[Original punctuation provided.]

National Trends

More states are regulating the process for becoming fully licensed through a transparent "pre-licensing" status. Titles may include associate, trainee, provisional, intern, and conditional.

MS. BUDDIN-YOUNG spoke to points on slide 3, "Pre-Licensure is a Beneficial Trend":

[Original punctuation provided.]

Pre-Licensure is a Beneficial Trend

Practicing professional counseling under a license is good for Alaska because:

- Ensures professional trained and supervised counselors are assisting the needs of Alaska residents.
- Creates standard of practice for the state.
- Maintains national standards.
- Provides guidance and accountability for new counselors.

[1:54:22 PM](#)

MS. BUDDIN-YOUNG spoke to points on slide 4, "Titles by State":

[Original punctuation provided.]

Titles by State

Alaska Has Chosen The Title Associate Counselor

Provisional Licensed Professional Counselor -
Colorado, Missouri, Puerto Rico, Wyoming

Licensed Clinical Professional Counselor Intern -
Nevada, Texas

Licensed Professional Counselor Associate - Kentucky,
North Carolina

Licensed Associate Counselor - New Jersey, North
Dakota

Associate Licensed Counselor - Alabama, Arizona,
Arkansas

Licensed Graduate Professional Counselor - Maryland

Limited Licensed Professional Counselor - Michigan

Licensed Professional Counselor Trainee - Wisconsin

Licensed Mental Health Counselor Intern - Florida

Associate Professional Counselor - Georgia

Conditional LPC - Maine

Counselor Intern - Louisiana, South Carolina

Clinical Counselor Intern- California

Clinical Resident - Ohio

Registered Intern - Oregon

[1:54:43 PM](#)

MS. BUDDIN-YOUNG spoke to points on slide 5, "Associate Counselor License Requirements":

[Original punctuation provided.]

Associate Counselor License Requirements

All documents must be submitted for approval to become an Associate Counselor:

Supporting Mental Health in Alaska

- Two letters of recommendation from professional counselors
- Must be at least 18 years old
- Is not under investigation in any jurisdiction

- No previous license suspended, revoked, surrendered in lieu of discipline
- Completed all education requirements
 - Doctoral degree in counseling or related professional field
 - Masters degree in counseling or related professional field

[1:55:29 PM](#)

MS. BUDDING-YOUNG spoke to points on slide 6, "Streamline Process":

[Original punctuation provided.]

Streamline Process

Support & Guidance To Complete Licensure

Once the following has been completed, the Associate Counselor may apply for a full Professional Counselor License:

- Pass the NCE or NCMHCE and submit scores
- 3,000 hours of supervised experience
 - 1,000 hours of these must be direct counseling
 - 100 hours face-to-face supervision by approved supervisor
 - Submit letter of reference from approved supervisor and documentation of hours

[1:56:10 PM](#)

MS. BUDDING-YOUNG spoke to points on slide 7, "Benefits for Alaska":

[Original punctuation provided.]

Benefits for Alaska

- Professional Streamlined Process
- Clear Guidelines
- Regular Reporting Measures
- Support with Supervisor Changes (important for Military)
- State Recognized Level of Care
- Enhanced Professionalism
- Maintaining National Standards

- Better Care for All Alaskans

[1:57:48 PM](#)

JOSHUA ARVIDSON, Chief Operating Officer, Alaska Behavioral Health, Anchorage, Alaska, offered invited testimony in support of SB 116. He described his professional experience as a licensed clinical social worker. He emphasized the training of clinicians in the post-master phase of their career who are working toward a terminal LPC license.

He said evidenced-based treatments are critical because they are the gold standard in the field. These treatments are originally designed for childhood trauma. Alaska Behavioral Health trains providers on trauma-focused cognitive behavioral therapy, a frontline intervention for children who experience trauma. Clinicians can complete the requirements to be credentialed as trauma-focused CBT therapists within a year.

[1:59:52 PM](#)

JOSHUA ARVIDSON stated that those who are on track to become a licensed professional counselor (LPC) are not able to complete that process. This creates an issue because most of the services they provide are masters level therapy services. Social work track clinicians can obtain their LMSW and gain training on evidence-based treatments earlier than clinicians on the LPC track. He noted that this is a workforce development barrier and creates concerns from a patient perspective.

Trauma-focused CBT clinicians in Alaska cannot be found on a national registry because they are not accountable to a licensing board; they are stuck in No Man's Land. He reiterated support for SB 116.

[2:03:14 PM](#)

DORENE HAGEN, Chair, Board of Professional Counselors, Department of Commerce, Community and Economic Development (DCCED), Homer, Alaska, offered invited testimony in support of SB 116. She described her experience as a licensed professional counselor. She said she was speaking from the perspective of a board-approved supervisor. She referred to the No Man's Land analogy, saying that she likes this description because it is relatable. She values a structured pathway toward licensure, believing it offers clear direction and promotes best practices for the benefit of clients.

[2:05:54 PM](#)

She spoke to the portability piece of the legislation. She said she knows counselors in the Lower 48 who would have liked to practice in Alaska but could not because they had not finished their training hours.

[2:06:53 PM](#)

ELAINE BORDER, Clinical Director and Owner, Border Counseling Services and Board Member for Akeela, Anchorage, Alaska, gave invited testimony in support of SB 116. She said that she is an LPC and LPCS and spoke to her counseling practice services and experience in the field. She experienced first-hand the No Man's Land period of time on her licensure track. She highlighted the importance of accountability provided by this legislation. Currently someone can start a practice and treat patients unsupervised and without recommended training for behavioral health professionals. This lends to a worrisome environment for the world of mental health and private practice. Blue Cross Blue Shield health insurance agency will not pay for services without appropriate licensing. Aetna health insurance agency credits those in the master-level phase of their careers, but Blue Cross Blue Shield services 70 percent of Border Counseling Services client base. She posited that SB 116 will open up the ability for new masters to train in their chosen modality.

[2:12:39 PM](#)

CHAIR BJORKMAN opened public testimony on SB 116.

[2:13:29 PM](#)

KIRA LATHROP, representing self, Behavioral Health Clinical Therapist, Dahl Memorial Clinic, Skagway, Alaska, testified in support of SB 116. She stated that behavioral health clinicians need supervision and accountability. She shared an anecdotal story to illustrate the need for tightening of licensing credentials and outpatient services expansion. She said the Board of Professional Counselors was unable to offer her direction and that SB 116 would close the No Man's Land gap. She concluded that although there is a mental health crisis in Alaska, qualified individuals are needed, and monitoring should occur.

[2:15:28 PM](#)

MARYBETH GOODMAN, representing self, Anchorage, Alaska, testified in support of SB 116. She stated that she is the director of the Cohen Clinic at Alaska Behavioral Health. She read from Section 5 (a) of the bill. She warned that the Counseling Compact is going to target Alaska. She said she advocates for state rights and stated her belief that Alaska can

regulate licenses on its own. Currently it is challenging for professionals licensed in other states to have reciprocity in Alaska. Alaskans currently are forced to outsource mental health care due to the barriers that will continue should SB 116 fail to pass. She suggested the consideration of education, experience, finances, and expediency regarding licensing mental health counselors.

[2:18:54 PM](#)

SAMMIE O'NEIL, Vice-Chair, Board of Professional Counselors, Department of Commerce, Community and Economic Development (DCCED), Eagle River, Alaska, testified in support of SB 116. He stated that he is an LPC and owns a private practice. He expressed his hope that this bill will help the industry move forward. He relayed a story about the importance of educating new professionals in the field, to avoid the risks of ill-prepared counselors practicing and diagnosing mental health patients.

[2:22:25 PM](#)

CHAIR BJORKMAN closed public testimony and held SB 116 in committee.

[2:22:48 PM](#)

At ease.

SB 123-RETIREMENT SYSTEMS; DEFINED BENEFIT OPT.

[2:24:27 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 123 "An Act relating to commercial motor vehicle drivers' license requirements; and providing for an effective date."

He invited Senator Kaufman to put himself on the record and give a recap of the bill.

[2:24:44 PM](#)

SENATOR JAMES KAUFMAN, District F, Alaska State Legislature, Juneau, Alaska, sponsor of SB 123, provided a recap of the bill. He said that essentially this bill removes the requirement that someone hold a license for a year before being able to train as a professional truck driver through an approved CDL truck driving course.

[2:25:22 PM](#)

SENATOR BISHOP asked Mr. Crum if an 18-year-old can drive a set of B trains hauling 166,000 pounds of ore on a federal highway with the passage of SB 123.

[2:26:07 PM](#)

JOEY CRUM, Chief Executive Officer, Northern Industrial Training, Palmer, Alaska, responded to questions about SB 123. He answered no. Even though a CDL can be obtained at age 18, one cannot participate in interstate commerce until the age of 21.

SENATOR BISHOP said thank you. He read from Section 6 and stated that he believed his question had been answered.

[2:27:37 PM](#)

CHAIR BJORKMAN opened public testimony on SB 123; finding no testifiers, he closed public testimony.

[2:28:21 PM](#)

SENATOR DUNBAR moved to adopt Amendment 1, work order 33-LS0723\A.2, for SB 123.

33-LS0721\A.2
Radford
4/15/23

AMENDMENT 1

OFFERED IN THE SENATE
TO: SB 123

Page 2, line 6:
Delete "January 20, 2024"
Insert "immediately under AS 01.10.070(c)"

CHAIR BJORKMAN objected for purposes of discussion.

SENATOR DUNBAR explained Amendment 1.

CHAIR BJORKMAN removed his objection. He found no further objection and Amendment 1 was adopted.

[2:29:43 PM](#)

SENATOR DUNBAR added his belief that SB 123 is a positive step forward and thanked Senator Kaufman and his allies for introducing the bill.

[2:30:09 PM](#)

SENATOR BISHOP moved to report SB 123, work order 33-LS0721\A, as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR BJORKMAN found no objection and CSSB 123(L&C) was reported from the Senate Labor and Commerce Standing Committee.

2:30:45 PM

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 2:30 p.m.