

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

April 29, 2024

1:34 p.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair
Senator Elvi Gray-Jackson
Senator Kelly Merrick
Senator Forrest Dunbar

MEMBERS ABSENT

Senator Click Bishop, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

ALASKA LABOR RELATIONS AGENCY

Emily Jackson-Hall - Kasilof
Jennifer Yuhas - Fairbanks
Tammy Schultz - Homer

- CONFIRMATION ADVANCED

SENATE BILL NO. 211

"An Act relating to the powers of the board of agriculture and conservation; relating to loans and limitations under the Alaska Agricultural Loan Act; relating to federal crop insurance contributions; relating to municipal and state procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; and providing for an effective date."

- MOVED CSSB 211(L&C) OUT OF COMMITTEE

SENATE BILL NO. 257

"An Act relating to the Regulatory Commission of Alaska; relating to public utilities; relating to electric reliability organizations; relating to the Alaska Energy Authority; relating to the Railbelt Transmission Organization; and providing for an effective date."

- MOVED CSSB 257(L&C) OUT OF COMMITTEE

SENATE BILL NO. 153

"An Act exempting certain employees from overtime pay requirements; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 17(HSS) AM(EFD FLD)

"An Act relating to insurance coverage for contraceptives and related services; and relating to medical assistance coverage for contraceptives and related services."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 211

SHORT TITLE: AGRICULTURAL PRODUCTS/LOANS/SALES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/24	(S)	READ THE FIRST TIME - REFERRALS
01/26/24	(S)	L&C, FIN
03/01/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/01/24	(S)	Heard & Held
03/01/24	(S)	MINUTE(L&C)
04/12/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/12/24	(S)	Heard & Held
04/12/24	(S)	MINUTE(L&C)
04/29/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 257

SHORT TITLE: ELECTRIC UTILITY REGULATION

SPONSOR(S): RESOURCES

03/01/24	(S)	READ THE FIRST TIME - REFERRALS
03/01/24	(S)	L&C, RES, FIN
03/01/24	(S)	L&C WAIVED PUBLIC HEARING NOTICE, RULE 23
03/04/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/04/24	(S)	Heard & Held
03/04/24	(S)	MINUTE(L&C)
03/04/24	(S)	RES AT 3:30 PM BUTROVICH 205
03/04/24	(S)	<Bill Hearing Canceled>
03/27/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/27/24	(S)	Heard & Held
03/27/24	(S)	MINUTE(L&C)
04/05/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

04/05/24 (S) Heard & Held
04/05/24 (S) MINUTE(L&C)
04/10/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/10/24 (S) Heard & Held
04/10/24 (S) MINUTE(L&C)
04/19/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/19/24 (S) -- MEETING CANCELED --
04/22/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/22/24 (S) <Bill Hearing Canceled>
04/24/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/24/24 (S) Heard & Held
04/24/24 (S) MINUTE(L&C)
04/29/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 153

SHORT TITLE: OVERTIME PAY EXEMPTION

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

05/16/23 (S) READ THE FIRST TIME - REFERRALS
05/16/23 (S) L&C, FIN
03/25/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/25/24 (S) Heard & Held
03/25/24 (S) MINUTE(L&C)
04/29/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 17

SHORT TITLE: CONTRACEPTIVES COVERAGE:INSURE;MED ASSIST

SPONSOR(s): CARRICK

01/19/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) HSS, CRA, L&C, FIN
02/07/23 (H) HSS AT 3:00 PM DAVIS 106
02/07/23 (H) Heard & Held
02/07/23 (H) MINUTE(HSS)
02/18/23 (H) HSS AT 3:00 PM DAVIS 106
02/18/23 (H) -- MEETING CANCELED --
03/02/23 (H) HSS AT 3:00 PM DAVIS 106
03/02/23 (H) Moved CSHB 17(HSS) Out of Committee
03/02/23 (H) MINUTE(HSS)
03/07/23 (H) HSS AT 3:00 PM DAVIS 106
03/07/23 (H) Moved CSHB 17(HSS) Out of Committee
03/07/23 (H) MINUTE(HSS)
03/08/23 (H) HSS RPT CS(HSS) 3DP 2NR
03/08/23 (H) DP: RUFFRIDGE, SUMNER, MINA
03/08/23 (H) NR: SADDLER, PRAX
03/16/23 (H) CRA AT 8:00 AM BARNES 124

03/16/23 (H) Heard & Held
 03/16/23 (H) MINUTE(CRA)
 03/17/23 (H) FIN REFERRAL REMOVED
 03/17/23 (H) BILL REPRINTED
 03/21/23 (H) CRA AT 8:00 AM BARNES 124
 03/21/23 (H) Moved CSHB 17(HSS) Out of Committee
 03/21/23 (H) MINUTE(CRA)
 03/22/23 (H) CRA RPT CS(HSS) 5DP 1NR
 03/22/23 (H) DP: HIMSCHOOT, MEARS, MCKAY, RUFFRIDGE,
 MCCORMICK
 03/22/23 (H) NR: MCCABE
 03/27/23 (H) L&C AT 3:15 PM BARNES 124
 03/27/23 (H) Heard & Held
 03/27/23 (H) MINUTE(L&C)
 03/31/23 (H) L&C AT 3:15 PM BARNES 124
 03/31/23 (H) Moved CSHB 17(HSS) Out of Committee
 03/31/23 (H) MINUTE(L&C)
 04/03/23 (H) L&C RPT CS(HSS) 2DP 3NR
 04/03/23 (H) DP: CARRICK, SUMNER
 04/03/23 (H) NR: RUFFRIDGE, PRAX, WRIGHT
 05/17/23 (H) ADJOURNED - ON 1/16/2024 CALENDAR
 01/16/24 (H) RETURNED TO RLS COMMITTEE
 03/22/24 (H) CALL FOR THE QUESTION
 03/22/24 (H) TRANSMITTED TO (S)
 03/22/24 (H) VERSION: CSHB 17(HSS) AM(EFD FLD)
 03/25/24 (S) READ THE FIRST TIME - REFERRALS
 03/25/24 (S) HSS, L&C
 04/16/24 (S) HSS AT 3:30 PM BUTROVICH 205
 04/16/24 (S) Heard & Held
 04/16/24 (S) MINUTE(HSS)
 04/23/24 (S) HSS AT 3:30 PM BUTROVICH 205
 04/23/24 (S) Moved SCS CSHB 17(HSS) Out of Committee
 04/23/24 (S) MINUTE(HSS)
 04/24/24 (S) HSS RPT SCS 4DP 1AM TECHNICAL TITLE
 CHANGE
 04/24/24 (S) AM: WILSON
 04/24/24 (S) DP: TOBIN, KAUFMAN, GIESSEL, DUNBAR
 04/29/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

LIEUTENANT COLONEL EMILY JACKSON-HALL, Governor's Appointee
 Alaska Labor Relations Agency
 Kasilof, Alaska

POSITION STATEMENT: Testified as governor's appointee to the
 Alaska Labor Relations Agency.

KONRAD JACKSON, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Read the names of the governor's appointees to the Alaska Labor Relations Agency into the record.

HEIDI DRYGAS, Executive Director
Alaska State Employees Association (ASEA AFSCME Local 52)
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of Emily Jackson-Hall.

JOELLE HALL, President
Alaska AFL-CIO
Peters Creek, Alaska

POSITION STATEMENT: Testified with concerns regarding the appointment of Emily Jackson-Hall.

TRENTON ENGLISH, Business Representative
Alaska District Council of Laborers
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to the appointment of Emily Jackson-Hall.

KONRAD JACKSON, Staff
Senator Jesse Bjorkman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the summary of changes from version D to version H for SB 257.

JEREMY APPLGATE, Chief
Wage and Hour
Department of Labor and Workforce Development (DOLWD)
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony on SB 153.

JOELLE HALL, President
Alaska AFL-CIO
Peters Creek, Alaska

POSITION STATEMENT: Testified in opposition to SB 153.

SHANNON DAVENPORT, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 153.

PAM VENTGEN, Executive Director
Alaska State Medical Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 153.

DONNA PHILLIPS, Labor Council Chair
Alaska Nurses Association
Girdwood, Alaska

POSITION STATEMENT: Testified in opposition to SB 153.

REPRESENTATIVE ASHLEY CARRICK, District 35
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 17.

ROBIN HOLMES, M.D., Family Medicine Physician,
Homer, Alaska

POSITION STATEMENT: Provided invited testimony in support of HB 17.

ACTION NARRATIVE

[1:34:54 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Gray-Jackson, Dunbar, and Chair Bjorkman. Senator Merrick joined the meeting thereafter.

CONFIRMATION HEARING(S) : ALASKA LABOR RELATIONS AGENCY

[1:36:00 PM](#)

CHAIR BJORKMAN announced the consideration of governor's appointees to the Alaska Labor Relations Agency.

[1:36:32 PM](#)

CHAIR BJORKMAN solicited a motion.

[1:36:42 PM](#)

SENATOR GRAY-JACKSON moved Emily Jackson-Hall, Jennifer Yuhas and Tammy Schultz, appointees to the Alaska Labor Relations Agency, be forwarded to a future joint session of the legislature for purposes of consideration. She stated that in compliance with AS 39.05.080, the committee reviewed the qualification of the governor's appointees,

[1:37:02 PM](#)

CHAIR BJORKMAN explained that members of the committee have expressed the desire to hear from appointee Emily Jackson-Hall.

1:37:12 PM

CHAIR BJORKMAN invited Emily Hall to put herself on the record and provide a brief statement about her qualifications and her desire to serve on the board.

1:37:32 PM

EMILY JACKSON-HALL, Governor's Appointee, Alaska Labor Relations Agency, Kasilof, Alaska, said she retired from the Marine Corps in 2020 as a Lieutenant Colonel. Her last assignment in the Marine Corps was Staff Judge Advocate, and she was also a military judge. She said she presided over criminal trials and as the Deputy Circuit Judge for the Eastern Judicial Circuit of the Navy Marine Corps Trial Judiciary. Prior to that, she served as a prosecutor, and she did labor law for the Department of the Navy for several years. She said she also served as Aircraft Maintenance Officer. She said she was now a full time neutral performing arbitration and some mediation. She said she works in Alaska and in Chicago and Seattle, and she does a lot of Canadian sports arbitration.

MS. JACKSON-HALL said she attended a Labor and Employment conference and met Nicole Thibodeau, a Hearing Examiner/Administrator for the Alaska Labor Relations Agency (ALRA). She said it was through meeting her that she applied for a position on the board [of the ALRA]. She had the opportunity to participate in some of the proceedings and in their annual meeting and found it to be very rewarding work. She said it is important that there are people [on the ALRA board] who are neutral when approaching matters that are presented to ALRA and that she was not an employer, nor union [affiliated]. She emphasized the importance for the board to follow precedential decision and collective bargaining law to decide issues that come up.

1:39:51 PM

SENATOR DUNBAR thanked the appointee for her service. He referred to an Op Ed article she wrote in 2019 advocating for Alaska to follow Wisconsin's Act 10 example, portrayed as legislation designed to break the public sector unions. He asked whether this was still her position regarding unions and if she thought something like Act 10 should be passed in Alaska.

1:40:50 PM

MS. JACKSON-HALL responded that she wrote the article when she was still on active duty and there was a lot going on in collective bargaining. She said she was frustrated that "normal human beings" who did not work in the public sector were seeing the [high] price of health care and often had to leave Alaska to be able to afford a normal standard of living. On the other hand, she said not having a fair share to public sector employees for the cost of what the state or the borough was bearing for their health care costs. She said those observations were what she was focused on [when she wrote the article]. She said there has been a lot of change since 2019, at the national and at the local level. She said what she found interesting about Act 10 was that it gave public sector employees the ability to bargain for their own contract. She said, now that she was living in Alaska full-time and better acquainted with the way contract negotiations go, she said her position had evolved. She said it is very important for someone working in the labor industry to avoid being so rigid that they can't change their mind when the landscape has shifted. She said 2024 is a very different place for the labor industry than 2019. She also said there is a big difference between public sector and private sector labor. She expressed enthusiasm about the new Teamsters and UPS contracts and said she could discuss them at length.

[1:43:44 PM](#)

SENATOR DUNBAR expressed appreciation for folks who will change their positions when evidence indicates that they may have been mistaken. He noted that Act 10 treats "public safety employees" differently than other public employees. He asked whether she supported that distinction. He pointed out that [in her Op Ed article], she highlighted that public safety employees maintained their full bargaining rights, while a variety of restrictions were placed on the bargaining rights of other public employees.

[1:44:24 PM](#)

Senator Merrick joined the meeting.

[1:44:25 PM](#)

SENATOR DUNBAR asked whether the appointee still supported that distinction. He asked whether public safety employees should have full bargaining rights, but snowplow drivers, maintenance workers and other public employees would have limited bargaining rights.

[1:44:55 PM](#)

MS. JACKSON-HALL referred to "opt out" considerations by the cities of Homer and Wasilla and noted those cities currently do have a collective bargaining agreement with law enforcement. She noted that she had served 20 years and 30 days active duty in the Marine Corps and though she said does not consider military service and law enforcement to be equivalent, they do have in common that some of their special duties put their lives at risk. She said, at the time [she wrote the Op Ed article] she was not a fan of taking away the bargaining rights of high risk employees and she highlighted the high risk nature of law enforcement, firefighters and corrections officer's jobs. However, she said the more time she has spent in the world of labor and arbitration, the more she has come around to the idea that when there is a group of people, and the law permits it, that want to organize and bargain with their employer, it's probably going to be better for both sides in the long run. She advocated for an open and healthy process where those people can bargain [with their employers]. She addressed her perspective that people who serve in administrative services, as teachers, and others that work in less dangerous situations on a daily basis, than, for example, the average trooper, could also have the opportunity to engage in collective bargaining. She said it was an important thing, whatever workplace they find themselves in.

1:47:28 PM

SENATOR GRAY-JACKSON noted that the appointee's reference to "normal people," could give offense. She acknowledged that Ms. Jackson-Hall's perspective had changed since the writing of her Op Ed in 2019, according to her testimony. She asked whether her personal views regarding unions, which may continue to change, would affect her service on the ALRA board.

1:48:32 PM

MS. JACKSON-HALL answered that "normal people" was her way of encapsulating people who don't work for any kind of a government. She said she thought of civil servants as pretty special people and that it is a privilege to be a civil servant. She observed that when you have the privilege to work for any kind of government job or big company that helps pay for health care, that's a pretty awesome situation. She said the fact is that health care is a big expense in the life of everyone, and if you have a job where those costs are deferred, that's great. She said it's really wonderful when we do have collective bargaining agreements and the ability of employees to bargain for cost assistance on covering their health care. She said for normal people, like most of her neighbors, people who work as

independent contractors, people who run their own businesses, the costs of health care are so high. She said [the costs] make it really difficult and impact people's decisions on what they do with their lives. She said she wanted to see people in Alaska thrive and have the ability to do the work that they want to do, and to support themselves and their families. She said it was her big thing, because she had so many friends and neighbors who struggle with the cost of health care, and she wanted to see that somehow improve.

[1:50:34 PM](#)

CHAIR BJORKMAN asked Ms. Jackson-Hall to describe the overall mission of the ALRA board from her perspective. He asked how her experience has prepared her to complete that mission.

[1:51:01 PM](#)

MS. JACKSON-HALL shared some of her experience as a professional neutral. She said she heard cases of Union grievances and unlawful practices as well as contract disputes. She said she looked at what the contract said and made decisions based on the evidence that's presented. She said in the case of disciplinary grievance, her decision would be based on whether the employer provided proof. She mentioned her experience with sports arbitration in Canada. She explained the importance of understanding and applying the principles of the burden of proof.

MS JACKSON-HALL sought to clarify her position with regard to Wisconsin's Act 10. She said her personal feelings about Act 10, had evolved because of what ended up happening in Wisconsin. She said it was important that people have a right to collectively bargain for the terms of their employment. She noted that, in Alaska, a borough or a city can opt out and employees and employers can engage in their own system. She said the job of the ALRA board was [to ensure that] everything's done fairly and that the law is followed. She said her job, along with the other people who serve on the board, if, for instance, there was a group of people that want to engage in collective bargaining and there's a conflict about whether or not they're legally able to do so, the board makes sure the law is followed. She noted that the board was composed of union and management representatives as well as herself. She told about her experience as a judge to illustrate that her personal feelings would not interfere with her duty to finding whether the burden of proof had been met by the prosecution. She also told of her experience in the Marine Corps, following specific guidelines to make sure the law, and the rules for the particular court were followed. She emphasized

the importance of following the law and the rules to protect everybody involved in the process.

[1:55:06 PM](#)

MS. JACKSON-HALL said that the ALRA board was not dealing with things like life and death as was the case when she was working in criminal law, but she said they were dealing with people's lives. She said work life has so much impact on the rest of one's existence.

[1:55:27 PM](#)

CHAIR BJORKMAN restated his request that she clarify the mission of the ALRA board. He noted that they heard cases about potential bargaining units organizing and having to decide whether the law was followed in those instances. He asked her to describe other issues the board addresses.

[1:55:53 PM](#)

MS. JACKSON-HALL said the only cases she had heard so far were regarding groups designed to engage in collective bargaining. She said the board also heard conflicts concerning points of Public Employment Relations Commission (PERC) law, but she had not been part of that.

[1:56:18 PM](#)

CHAIR BJORKMAN noted that governor's appointee to the Alaska Labor Relations Agency, Jennifer Yuhas, was present for questions.

[1:57:00 PM](#)

KONRAD JACKSON, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, noted that the committee members had the opportunity to review the resumes, or applications of these appointees and no other concerns have been expressed regarding the applications or qualifications. He read the names of the governor's appointees to the Alaska Labor Relations Agency into the record.

[Original punctuation provided.]

The Senate Labor & Commerce Committee has reviewed the qualifications of the Governor's appointees as shown below and recommends that their names be forwarded to a joint session for consideration.

This recommendation does not reflect the intent by any of the members to vote for or against these

individuals during any further session for the purposes of confirmation.

Alaska Labor Relations Agency
Emily Jackson-Hall - Kasilof
Jennifer Yuhas - Fairbanks
Tammy Schultz - Homer

[1:57:51 PM](#)

CHAIR BJORKMAN opened public testimony on the governor's appointees to the Alaska Labor Relations Agency.

[1:58:13 PM](#)

HEIDI DRYGAS, Executive Director, Alaska State Employees Association (ASEA AFSCME Local 52), Juneau, Alaska, testified in opposition to the appointment of Emily Jackson-Hall. She said she currently serves as the executive director for the Alaska State Employees Association, representing 8000 hard-working public servants. It was in that capacity, and also in her capacity as a former Commissioner of Labor who oversaw the Alaska Labor Relations Agency (ALRA) and a former practicing attorney before ALRA that she felt compelled to speak in opposition to the appointment of Emily Hall for the public seat on the agency, especially after hearing Ms. Jackson-Hall's testimony.

MS DRYGAS said ALRA was responsible for the enforcement of PERA, the Public Employment Relations Act, and in essence, PERA represented the fundamental right of public employees to organize and collectively bargain. She said the legislature explicitly recognizes that this system benefits both the public employee and the public employer. She said ALRA should be a neutral and balanced decision maker and while Ms. Jackson-Hall claims to be a "full time neutral", her stated positions were diametrically opposed to the clear public policy of PERA.

MS. DRYGAS said [Wisconsin's] Act 10 was very specific, and when she read the Op Ed, she was extremely concerned, and she was even more concerned after her testimony. She described invoking Act 10 as lighting a flame under the right to collectively bargain and described the response by advocates for collective bargaining as visceral. She noted that it seemed antithetical to attack unions because you want more affordable health care, when that is exactly something that unions afford for the workers they represent.

MS. DRYGAS concluded that it would be unwise for the legislature to entrust the enforcement of statutory protections for workers to someone who explicitly advocated for the elimination of those same statutory rights.

2:01:13 PM

JOELLE HALL, President, Alaska AFL-CIO, Peters Creek, Alaska, testified in opposition to the appointment of Emily Jackson-Hall. She said the AFL-CIO represented over 50,000 workers in the state of Alaska. Half of those people belong to a public employee union, and she was very proud to represent them. She said the 2019 Op Ed written by Ms. Jackson-Hall advocated for one thing most specifically, and that was the ability for individuals to bargain directly with the governments that they work for. She found that a very curious thing compared with the front page of Ms. Jackson-Hall's website, which advocated for objectivity and efficiency. She said Ms. Jackson-Hall's position regarding collective bargaining and her pursuit of a public position on a board, indicated that she was not objective. She suggested Ms. Jackson-Hall had something in mind and that she was carrying a viewpoint. She said the notion that it would be efficient in any way, shape or form, for the state of Alaska to have a Human Resources Department large enough to negotiate individually with every single state employee, was preposterous and would only create chaos. She said that is what the Op Ed was advocating. She noted her bias and that she worked for unions. She said unions bring a lot to the table to help in the HR environment and that they can be a tool for management to work with in any given work site.

MS. HALL said she was very concerned about Ms. Jackson-Hall's appointment. She said Ms. Jackson-Hall would be perfectly suited to be an industry representative on this board. She said the [ALRA] board was balanced with two public members, and that it was necessary to ensure that the two public members, which are there designed to be deal breakers, are really, really acting fairly and don't come in with preconceived bias. She said she remained unconvinced that Ms. Jackson-Hall didn't have a bias. She thanked the committee for their time.

2:03:58 PM

TRENTON ENGLISH, Business Representative, Alaska District Council of Laborers, Juneau, Alaska, testified in opposition to the appointment of Emily Jackson-Hall. He said the Alaska District Council of Laborers are opposed to her appointment based on her stated positions pertaining to collective bargaining rights. He said the positions Ms. Jackson-Hall laid

out in the Community Perspective piece she wrote for the News Miner gave them concern over her ability to issue fair and balanced decisions when she is already on the record effectively advocating for the elimination of statutory rights tied to [Public Employment Relations Act] PERA. He thanked the committee for allowing him to testify.

[2:04:48 PM](#)

CHAIR BJORKMAN closed public testimony on the governor's appointees to the Alaska Labor Relations Agency.

[2:05:01 PM](#)

CHAIR BJORKMAN made note of the timing of the Op Ed in question. He said the summer of 2019 followed a legislative session that was especially tumultuous for this entire state because it threw much of what Alaska had known into a state of chaos. He said proposals to close prisons, to close schools, to take away many revenue functions of our local governments had cataclysmic reverberations throughout our entire economy. He said he did not know of one single event in our state's recent history that caused out-migration like the budget that was proposed in 2019. He said to have an Op Ed piece like the one that was penned put out the summer following that year, as a way that we could solve some of our state's problems by simply doing away with all public sector unions, is fascinating, at best.

[2:06:21 PM](#)

CHAIR BJORKMAN expressed gratitude to the appointees for their willingness to serve.

[2:06:33 PM](#)

CHAIR BJORKMAN removed his objection.

[2:06:38 PM](#)

CHAIR BJORKMAN found no further objection and announced that, in accordance with AS 39.05.080, the Senate Records Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Labor Relations Agency

Emily Jackson-Hall - Kasilof

Jennifer Yuhas - Fairbanks

Tammy Schultz - Homer

Signing the report(s) regarding appointments to boards and commissions in no way reflects individual members' approval or

disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[2:06:43 PM](#)

At ease

SB 211-AGRICULTURAL PRODUCTS/LOANS/SALES

[2:07:51 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 211 "An Act relating to the powers of the board of agriculture and conservation; relating to loans and limitations under the Alaska Agricultural Loan Act; relating to federal crop insurance contributions; relating to municipal and state procurement preferences for agricultural products harvested in the state and fisheries products harvested or processed in the state; and providing for an effective date."

CHAIR BJORKMAN stated that the committee adopted CSSB 211 [work order 33-GS2386\B] on April 12, 2024, as its working document.

[2:08:43 PM](#)

CHAIR BJORKMAN solicited the will of the committee.

[2:08:47 PM](#)

SENATOR GRAY-JACKSON moved to report CSSB 211, work order 33-GS2386\B, as amended, from committee with individual recommendations and attached fiscal note from the [Department of Natural Resources, OMB Component Number 455, dated April 8, 2024.]

[2:09:15 PM](#)

CHAIR BJORKMAN found no objection and CSSB 211 (L&C) was reported from the Senate Labor and Commerce Standing Committee.

[2:09:41 PM](#)

At ease

SB 257-ELECTRIC UTILITY REGULATION

[Includes discussion of SB 217.]

[2:11:44 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 257 "An Act relating to the Regulatory Commission of Alaska; relating to public utilities; relating to electric reliability organizations; relating to the

Alaska Energy Authority; relating to the Railbelt Transmission Organization; and providing for an effective date."

CHAIR BJORKMAN noted that Senate Labor and Commerce Standing Committee had held several meetings on SB 257 and taken invited and public testimony on the bill. He said during the last meeting there was a motion to adopt a CS to SB 257 and there is an objection still in place.

[2:12:29 PM](#)

KONRAD JACKSON presented the summary of changes in the committee substitute for SB 257 from Version D to Version H:

[Original punctuation provided.]

Summary of Changes Ver D to Ver H
Senate Bill 257

Sections 1 and 2: No changes.

Section 3: Amends AS 42.05.762 by removing the requirement that the Electric Reliability Organization (ERO) participate in integrated grid planning by the Railbelt Transmission Organization (RTO) and returning to the current language found in statute.

Amends AS 42.05.762 by inserting new subsection 4 adding the duty that the ERO shall consider the cost to the consumer when prioritizing reliability and stability of the interconnected bulk-electric system.

Amends AS 42.05.762 Deletes the description of the governing board. (Inserted in new section 4)

Section 4: AS 42.05.763 Governance of an Electric Reliability Organization.

Inserts new section which includes the language deleted above and further expands the qualifications which must be met to serve on the ERO board of directors.

[2:14:22 PM](#)

MR. JACKSON continued reading the summary of changes in the committee substitute from Version D to Version H for SB 257:

[Original punctuation provided.]

Renumber the following sections accordingly.

Section 5: (renumbered former section 4) No Change.

Section 6: (renumbered former section 5) **Amends AS 42.05.770 Regulations.** To require nondiscriminatory standards for interconnection and caps the cost recovery of the ERO to \$1.2 million.

Section 7: (former section 6) No Change.

Old Section 7 is deleted.

Section 8: (former section 8) No Change.

Section 9: No Change.

Section 10: Amends AS 44.83 Railbelt Transmission Organization

AS 44.83.700 is amended by replacing paragraph (c) with language expressly stating that provisions of AS 44.83.700-44.83.750 do not alter the rights and obligations of a utility regulated by the RCA.

And, renumbers the following paragraph.

AS 44.83.710(a)(6) is amended by deleting "grid" and replacing with "transmission".

(a)(8) is deleted (moved below), the following paragraph is renumbered.

Renumbered (a)(9) is amended by adding reference to AS 44.83.72

[2:16:11 PM](#)

MR. JACKSON corrected a discrepancy, noting that "44.83.72" should read "44.83.720." He continued reading the summary of changes in the committee substitute from Version D to Version H for SB 257.

[Original punctuation provided.]

Deletes and replaced former (b) granting optional authorities to the organization:

Old paragraph 8 is moved to new subparagraph (b)(1)

Renumbers old 44.83.710 (b) to subparagraph (b)(2)

[2:16:47 PM](#)

MR. JACKSON continued reading the summary of changes in the committee substitute from Version D to Version H for SB 257.

[Original punctuation provided.]

Inserts new paragraph (c) prohibiting the conveyance by the RTO of any backbone transmission asset, without legislative approval, prior the effective date of the conveyance.

Inserts new paragraph (d) requiring the RTO ensure that work performed on new construction and maintenance of backbone assets is prioritized to give first preference to the Railbelt utility in the area where the work is performed. Further, the RTO must compensate the utility for reasonable and necessary expenses incurred and that work shall be subject to existing collective bargaining agreements.

Former paragraph (c) is renumbered to subparagraph (e) with a change to reference regulations necessary to implement AS 44.83.700-44.83.750.

Sec. 44.83.720 Revenue Mechanism:

Old paragraph (a) is deleted and replaced with language combining old (a) & (a)(1).
Renumbers the following paragraphs.

Old paragraph (a)(2) is renumbered to subparagraph (b) and is amended to more clearly define the RTO cost recovery methodology and be approved by the commission.

Old paragraph (b) is renumbered (c) and amended to more fully describe the cost recovery methodology to be used by the RTO, to define recoverable backbone transmission system costs and how these costs will be shared among member utilities. These include accounting for ancillary backbone services, backbone system congestion and disruption of backbone connectivity for more than 24 hours.

Inserts new paragraph (d) requiring a Railbelt utility pass the commission approved transmission costs directly and transparently to the utility's customers.

[2:19:16 PM](#)

MR. JACKSON continued reading the summary of changes in the committee substitute (CS) from Version D to Version H for SB 257:

[Original punctuation provided.]

Sec. 44.83.730 Integrated transmission planning:

Old paragraph (a) is amended by deleting the term "integrated grid plan" and replacing it with "the Railbelt to integrated transmission plan for the backbone transmission system."

[2:19:41 PM](#)

MR. JACKSON corrected a discrepancy, noting that "Railbelt to integrated" should read "Railbelt integrated." He continued reading the summary of changes in the CS from Version D to Version H for SB 257.

[Original punctuation provided.]

Paragraph (b) is amended to require the integrated transmission plan to fully articulate the details of the plan.

Paragraph (c) is amended by replacing the term "grid plan" with "integrated transmission plan"

Sec. 44.83.740 Transfer management of assets: Is unchanged. **Sec. 44.83.750 Definitions:** Old paragraph (1) "backbone transmission system" is revised to more clearly define the system and adds a reference to assets that are considered distribution or radial facilities under the standards of the Federal Energy Regulatory Commission which shall not be considered part of the backbone system.

No further changes are made to this section.

Former Section 11: Is deleted.

The following sections of the act are renumbered.

Section 11: Applicability and Transition: EROs Adds new section to the uncodified laws of the State regarding (a) board member terms and qualification language allowing current board members who do not meet the qualifications, to retain their seat until a

successor is appointed, referenced in Section 4 of the Act.

And, (b), AS 44.05.770(3) apply to costs incurred by an ERO on or after the effective date of section 6 of the Act.

[2:21:45 PM](#)

MR. JACKSON continued reading the summary of changes in the CS from Version D to Version H for SB 257:

[Original punctuation provided.]

Former section 12 is deleted and replaced with:
Section 12: Transition Language: Agreements between AEA and Railbelt Utilities

Adds a new section to the uncodified laws of the State defining the agreement which will be established between the Alaska Energy Authority (AEA) and the Railbelt utilities referenced in Section 10 of the Act. The contents of this agreement are further described in this section.

Section 13: Transition Language: Integrated Transmission Plan and Capital Improvement Program

Amends old section 13 which adds a new section to the uncodified laws of the State which instructs the AEA to immediately assume the integrated transmission planning duties under AS 44.83.700 in Section 10 of the Act following establishment of the governance structure under sect. 12 of the Act. Amends the section by replacing the term "integrated grid planning" with "integrated transmission" and adding the term "transmission" where appropriate.

Section 14: Transition language: Regulatory Commission of Alaska Members

Adds a new section to the uncodified laws of the State regarding the terms and qualifications of members of the Regulatory Commission of Alaska as detailed in Section 1 of the Act.

Section 15: Immediate Effective date clause for sections 12 and 13 of the Act.

Section 16: Effective date clause providing that except for sec. 15, this act takes effect July 1, 2024.

[2:23:28 PM](#)

CHAIR BJORKMAN shared with the committee the background behind the CS and some of the rationale and methodology used to draft the CS. He said portions of the current CS for SB 217 that were similar or having to do with portions of SB 257 were incorporated into SB 257 to:

- add qualifications to membership on the ERO board.
- cap cost recovery to the ERO board.
- make sure there was language to protect any utility from islanding events or constraints within the system.

[2:24:20 PM](#)

CHAIR BJORKMAN thanked Senator Giessel for incorporating pieces of SB 217 into SB 257 and for her willingness to consider language to prevent any utility from having to pay for costs incurred by the Railbelt Transmission Organization (RTO) for which they experience no benefit. He mentioned a letter of concern by the Homer Electric Association that provided more detail and which was available on BASIS.

[2:25:59 PM](#)

At ease

[2:26:18 PM](#)

CHAIR BJORKMAN reconvened the meeting and removed his objection.

[2:26:26 PM](#)

CHAIR BJORKMAN [finding no further objection,] CSSB 257, version H, was adopted as the working document.

[2:26:39 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:26:42 PM](#)

SENATOR DUNBAR moved to adopt Amendment 1, workorder 33-LS1047\H.1, for CSSB 257.

33-LS1047\H.1
Walsh
4/26/24

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR DUNBAR

TO: CSSB 257(L&C), Draft Version "H"

Page 7, line 31, through page 8, line 3:

Delete all material and insert:

"(1) provide for oversight of the transmission organization by a management committee that is made up of

(A) representatives from each of the Railbelt utilities;

(B) the executive director of the authority;

(C) the chief executive officer of the applicable electric reliability organization, or the chief executive officer's designee;

(D) an individual who represents a person, other than a public utility, that owns or operates a facility for the generation of electricity; and

(E) an individual who represents a labor organization engaged in collective bargaining with a Railbelt utility;"

[2:26:50 PM](#)

CHAIR BJORKMAN objected for purposes of discussion.

[2:26:52 PM](#)

SENATOR DUNBAR referred to SB 257, pages 7 and 8. He noted the Railbelt Transmission Organization (RTO) board consisted of the six railbelt utility heads, the Alaska Electrical Association (AEA) head and the Chief Executive Officer (CEO) of the Electric Reliability organization (ERO). He said his [amendment] would add two additional seats to the board. One seat would be filled by an operator or owner of a facility for the generation of electricity, otherwise known as an Independent Power Producer (IPP). He noted that IPPS are very involved in this process and are represented at the ERO. The second seat proposed by his amendment would be filled by "an individual who represents a labor organization engaged in collective bargaining with a rail belt utility". He said there were a number of labor organizations that fit that description, the largest and the one that works most with the stakeholder utilities, was the International Brotherhood of Electrical Workers (IBEW). He advocated for a representative on the transmission planning board that would actually do the work on the lines and do the work of maintaining the facilities. He noted concerns expressed regarding the relatively small size of the RTO board and that it didn't have the kind of public representation that existed at

the ERO. He pointed out that the ERO was relatively large with 13 members, and a variety of public seats. He said he didn't feel those numbers were appropriate for the RTO, but that the two suggested additions would be valuable.

[2:29:28 PM](#)

CHAIR BJORKMAN removed his objection, found no further objection and Amendment 1 (H.1) was adopted.

[2:29:38 PM](#)

CHAIR BJORKMAN solicited a motion.

[2:29:41 PM](#)

SENATOR GRAY-JACKSON moved to adopt Amendment 2, work order 33-LS1047\H.2 for CSSB 257.

33-LS1047\H.2
Walsh
4/27/24

AMENDMENT 2

OFFERED IN THE SENATE

TO: CSSB 257(L&C), Draft Version "H"

Page 10, following line 4:

Insert a new subsection to read:

"(e) A Railbelt utility that provides service exclusively on the Kenai Peninsula is not subject to the cost recovery methodology for the transmission organization until

(1) the transmission line between the Kenai Peninsula and Anchorage is upgraded to a capacity of 230 kilovolts; or

(2) a high-voltage submarine cable between the Kenai Peninsula and the area near Beluga is operational."

Page 11, line 30:

Delete "(1)"

Page 12, line 5:

Delete "; and"

Insert "."

Page 12, lines 6 - 9:

Delete all material.

[2:29:44 PM](#)

CHAIR BJORKMAN objected for purposes of explanation.

[2:29:52 PM](#)

CHAIR BJORKMAN explained that Amendment 2 (H.2) is from him and states that the Homer Electric Association (HEA) would be excluded from the RTO cost recovery methodology until the railbelt system is fully deconstrained. He specified that deconstraint would be accomplished when there is a line that can move power on and off the peninsula at 230 kilovolts, and said, hopefully that could be done within five years.

[2:30:44 PM](#)

SENATOR DUNBAR countered that the RTO would do the integrated [railbelt system] planning that would benefit the HEA going forward. He acknowledged it would take a number of years to develop those plans and asked if there was consideration for retroactive [payment from HEA to the RTO] in which the cost wouldn't apply [to HEA] for the time it takes to build the cables. He noted HEA will benefit [from the new railbelt system] just as other stakeholders will; from the work that will happen during those five years. He asked whether HEA would be delaying those charges for five years or fully exempting them. He reiterated that the RTO would take a number of years to develop the plans, and none of the rail belt utilities would benefit from those plans until they're completed.

[2:32:11 PM](#)

CHAIR BJORKMAN said HEA's proposal was that they not pay administrative costs and other things that are incurred due to the RTO because HEA would not experience benefits from the RTO. He acknowledged more work was needed on SB 257 as it moves through the process with the utilities. He maintained that other areas of the state get significant benefit from their utilities being unconstrained, while Homer continues to be at a

disadvantage because the bandwidth going on and off the peninsula is lower and constrained. He said members on the Kenai Peninsula should not be required to pay for increasing costs and benefits that they have no ability to experience a benefit from until they're fully integrated. He suggested members of HEA would and should pay for planning and scheduling and other administrative functions when they are benefiting from those things. He reiterated that, until HEA is deconstrained, they should not have to pay for services they're not going to benefit from.

[2:33:57 PM](#)

SENATOR DUNBAR explained that there would not be any immediate financial benefit to anyone until the results of the RTOs planning work went into effect. He said the issues of islanding or deconstraining the transmission of power was unrelated to the RTO and to the cost recovery for the RTO, which would be doing the planning and integration work that goes hand in glove with the construction of [the upgraded railbelt system]. He said no one would benefit until it was fully built. He suggested the finance committee could look into whether any stakeholders would be benefiting from this cost recovery methodology in the short term and everyone [in the railbelt system] was in the same boat.

[2:35:26 PM](#)

CHAIR BJORKMAN asked if there was any further committee discussion on Amendment 2 (H.2).

[2:35:28 PM](#)

SENATOR GRAY-JACKSON maintained objection.

[2:35:35 PM](#)

CHAIR BJORKMAN asked for a roll call vote.

[2:35:50 PM](#)

A roll call vote was taken. Senators Dunbar, Merrick, Bjorkman voted in favor of Amendment 2 (H.2) and Senator Gray-Jackson voted against it. Therefore, SB 257 passed by a 3:1 vote.

[2:36:13 PM](#)

CHAIR BJORKMAN announced that Amendment 2 (H.2) to CSSB 257, work order 33-LS1047\H, was adopted.

[2:36:32 PM](#)

CHAIR BJORKMAN solicited the will of the committee.

[2:36:33 PM](#)

SENATOR GRAY-JACKSON moved to report committee substitute (CS) for SB 257, work order 33-LS1047\H, from committee with individual recommendations and attached fiscal note(s).

[2:36:53 PM](#)

CHAIR BJORKMAN found no objection and CSSB 257(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[2:37:02 PM](#)

At ease.

SB 153-OVERTIME PAY EXEMPTION

[2:39:04 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 153 "An Act exempting certain employees from overtime pay requirements; and providing for an effective date."

[2:39:45 PM](#)

JEREMY APPLGATE, Chief Investigator, Wage and Hour, Labor Standards and Safety, Department of Labor and Workforce Development (DOLWD), Anchorage, Alaska, provided a recap of SB 153. He said SB 153, if passed, would amend the existing voluntary flexible work hour plan framework to allow businesses licensed under Alaska Statute 47.32.010 (b)(1), (4), (5), (6), (8), and/or (12) through (14), to enter into plans that allow for an exemption for overtime when the employees work up to 12 hours in a single day, not to exceed 40 hours in a single work week. The current Flex Plan statute allows for an exemption for up to 10 hours per day for all businesses with the plan approved by the Department.

[2:40:32 PM](#)

MR. APPLGATE said these plans are entered into voluntarily by employees. They are reviewed and approved by the Department, and serve the purpose of allowing flexibility in staffing, benefiting employees by giving them the option of trading the applicability of some overtime for the purpose of compressing work time into lesser days, allowing for extra days off. However, this exemption is limited in that any work performed outside the established plan is paid as overtime as well as any time worked over 40 hours in a work week.

[2:41:21 PM](#)

SENATOR DUNBAR referred to a letter opposing SB 153 from the Alaska Nurses Association. He asked whether Mr. Applegate could comment on the issues raised in the letter.

[2:41:47 PM](#)

MR. APPLGATE said he would not want to speak directly against the letter. He said the letter appeared to address time worked over 12 hours in a day. Those hours would still be considered overtime and all employees could be required to work overtime. He said the passage of SB 153 would not eliminate the obligation of them to work overtime if asked by their employer. SB 153 simply allows the employee to compress their hours into shorter workdays for the purposes of hopefully gaining more time off for rest and family life balance.

[2:43:00 PM](#)

CHAIR BJORKMAN opened public testimony on SB 153.

[2:43:23 PM](#)

JOELLE HALL, President, Alaska AFL-CIO, Peters Creek, Alaska testified in opposition to SB 153. She noted that the Alaska Nurses Association, Local 341 are all members of the Alaska AFL-CIO and she highlighted the decades of advocacy to the legislature on behalf of the union by herself and Don Ethridge. She pointed out that no other industry repeatedly sought legislative exemptions for worker conditions like the nursing industry, apparently aiming to take money from nurses' pockets. She criticized the persistent attempts by a private industry, the nursing industry, to change overtime rules, citing past instances of mandatory overtime, overtime exemptions, and nurse compacting. Hall expressed frustration with the industry using the legislature to resolve HR issues, calling it a manipulative practice that has persisted for decades. She urged the committee to reject the bill, insisting that private sector hospitals, which she described as public, or private with a public mission, should comply with Alaska law like other industries. She said she hoped everybody on this committee would continue to serve in this body for a very long time and would have the opportunity to see industries that show up year over year over year asking to treat their workers differently than employees in other industries and be recognized for their intentions. She suggested that after they have been working in the legislature for a while, they would grow as tired of it as she was. She urged the committee to oppose SB 153.

[2:46:18 PM](#)

SHANNON DAVENPORT, representing self, Anchorage, Alaska, testified in opposition to SB 153. She introduced herself as a surgery center nurse, hospice nurse, and President of the Alaska Nursing Association and highlighted her current ability to work a 10-hour day, 4-day workweek, and the supportive work environment that allows for a good work-life balance. She explained the potential consequences of switching to a 12-hour overtime exemption, including the necessity to sign a contract for 12-hour shifts and the lack of job security if the contract is not signed. She pointed out the existing overtime 10-hour exemption law and questioned the need for an additional 12-hour exemption, which would reduce nurses' extra income. She described the challenges of meeting the 40-hour workweek requirement when surgery schedules do not align with the 12-hour shift, leading to the use of personal paid time off or unpaid time to fill the 40-hour commitment.

MS. DAVENPORT emphasized the commitment of nurses to patients and families in hospice care, even when it means working beyond the 12-hour shift. She said they stay to care for that family or that patient, because that is an oath they took as nurses.

MS. DAVENPORT said nurses were leaving surgery centers to work in hospital settings. She shared her experience transitioning from the hospital setting to a surgery center to achieve a better work-life balance, highlighting the importance of being able to spend time with family and enjoy holidays.

MS. DAVENPORT urged the committee to oppose SB 153 for the sake of nurses and the community, noting that she represented the many nurses who cannot leave their patients to testify.

[2:50:19 PM](#)

CHAIR BJORKMAN asked whether the hospital she left to work in the surgery center had an exemption such as the one proposed by SB 153.

[2:50:39 PM](#)

MS. DAVENPORT affirmed that it did.

[2:50:43 PM](#)

SENATOR DUNBAR noted that nursing is a large and complicated industry. He noted that CRNAs were able to have flexible schedules and asked whether that was because they're billed in a different way, or are on a salary, or that pay varies by location.

[2:51:29 PM](#)

MS. DAVENPORT said all of those [various pay scenarios] applied. She said CRNAs have certain schedules depending on their location and the contract that funds their work. She said their contracts are different from nurses because they are advanced practice nurses under different guidelines than operating room nurses or recovery room nurses. She said it would also depend on whether they were privately sponsored certified CRNAs, or if they were part of a company.

[2:52:11 PM](#)

SENATOR DUNBAR sought to confirm his impression that three twelve-hour days were usually more desirable than the four ten-hour days or the five eight-hour days. He conjectured that personnel on contracts were essentially salaried at the hospital, and so it wouldn't significantly impact their pay, whereas, for nurses in positions similar to Ms. Davenport's, it would impact pay. He asked whether that was accurate.

[2:52:42 PM](#)

MS. DAVENPORT affirmed his assessment and provided a clarifying comparative example. She said nurses with 12-hour schedules are still paid for their full shift even if cases are canceled or completed early, unlike nurses in settings like hers who essentially face pay cuts.

[2:53:40 PM](#)

PAM VENTGEN, Executive Director, Alaska State Medical Association, Anchorage, Alaska, testified in support of SB 153. She spoke on behalf of physicians who own or interact with surgery centers in Alaska. She said the surgery centers have difficulty hiring nurses who want to move from the hospital setting to the surgery center setting, because the nurses want to work 12-hour shifts, and they can't do that easily at the surgery center. She said SB 153 would allow nurses to work 12-hour shifts if they wanted to, but it does not in any way require them or force them into a 12-hour shift. She said nurses are accustomed to working 12-hour shifts which allow them to work three days a week, giving them greater flexibility with home life, and it can greatly reduce childcare costs. She said SB 153 would allow nurses the flexibility that they have asked for and she encouraged the committee to support SB 153 on that account.

[2:55:15 PM](#)

SENATOR DUNBAR observed again that the nursing industry was complicated. He asked whether surgery centers were currently

prohibited from offering 12-hour shifts for nurses; and if they did provide for 12-hour shifts, he asked if they would be required to pay overtime.

[2:55:40 PM](#)

MS. VENTGEN affirmed that if the nurses work more than 10 hours a day, the surgery center would have to pay overtime, but they can't cut the pay. She said SB 153 was introduced at the request of surgery center employees and nurses who wanted to work at surgery centers and were unable to get the 12-hour shifts they wanted.

[2:56:15 PM](#)

SENATOR DUNBAR suggested that surgery centers having difficulty recruiting nurses away from hospitals because of the 12-hour shift issue could offer overtime as an incentive, along with 12-hour shifts. He asked whether there was something legally preventing them from doing that, or if it was basically an economic issue.

[2:56:47 PM](#)

MS. VENTGEN said she did not know [whether it was a legal or economic issue]. She said she had been told by multiple physicians SB 153 was introduced to support the nurses who wanted to move from the hospital setting to the surgery center setting.

[2:57:20 PM](#)

DONNA PHILLIPS, Labor Council Chair, Alaska Nurses Association, Girdwood, Alaska, testified in opposition to SB 153. She clarified that Alaska state law allows hospitals to avoid paying overtime for 12-hour shifts by defaulting to federal law. But she said it was industry standard in Alaska that nurses receive overtime pay, largely due to collective bargaining. She said recruitment issues are not related to shift length but rather to the flexibility and work-life balance offered by surgery centers which offer schedules without night, weekend, or holiday work, a significant attraction for nurses. She said surgery centers could pay overtime and that some already do when shifts extend beyond what is scheduled. She reiterated her opposition and said SB 153 would erode current systems and agreements in place.

[2:59:45 PM](#)

CHAIR BJORKMAN closed public testimony on SB 153.

[2:59:59 PM](#)

At ease

[3:00:24 PM](#)

CHAIR BJORKMAN reconvened the meeting and held SB 153 in the Senate Labor and Commerce Standing Committee.

HB 17-CONTRACEPTIVES COVERAGE:INSURE;MED ASSIST

[3:00:34 PM](#)

CHAIR BJORKMAN announced the consideration of CS FOR HOUSE BILL NO. 17(HSS) am(efd fld), "An Act relating to insurance coverage for contraceptives and related services; and relating to medical assistance coverage for contraceptives and related services."

[3:01:15 PM](#)

REPRESENTATIVE ASHLEY CARRICK, District 35, Alaska State Legislature, Juneau, Alaska, sponsor of HB 17, introduced herself and gave an overview of HB 17. She said, since the mid-1990s, 28 states have required health insurance plans regulated by the state to provide coverage of prescription drugs and devices to also cover prescription contraceptives. Federal law, under a provision in the Affordable Care Act (ACA), expanded on state policies in several ways. The ACA's contraceptive coverage guarantee stems from the Public Health Service Act, which requires non-grandfathered health insurance coverage and employer sponsored group health plans to cover preventative services without cost sharing and requires coverage of women's preventative services as defined by the Health Resources and Services Administration. Since the time [ACA took effect], 22 states and the District of Columbia have [through legislation] ensured that women can receive an extended supply of a [prescribed contraceptive] method at one time, usually a 12-month supply, which is provided for in HB 17, rather than the current guidelines of a one-to-three-month supply.

[3:02:33 PM](#)

REPRESENTATIVE CARRICK said HB 17 would put into Alaska statutes language that is consistent with standards set in the federal contraceptive coverage guarantee and HB 17 would mandate coverage for dispensing up to 12 months of prescription contraceptives at one time.

REPRESENTATIVE CARRICK said HB 17 was being brought forward because Alaskans often face numerous challenges when trying to access prescription contraceptives. She said that women, especially those living or working in rural Alaska often cannot take multiple trips a year to the pharmacy, not without great cost and inconvenience. Additionally, the many women working in

high demand careers that take them away from regular providers, such as working up on the North Slope, working in the field doing research in our commercial fishing industry, in mining or in other professions, makes this barrier a consistent one for contraceptive access. A one-year supply of contraceptives will assist many women in Alaska to balance their personal health with work and family life. She referred to research provided to the committee members from the Journal of Obstetrics and Gynecology, which shows that women who are dispensed a 12-month supply of contraceptives show a 30 percent drop in unplanned pregnancies and a 46 percent drop in the likelihood of abortion compared to women dispensed just a one-to-three-month supply.

[3:03:57 PM](#)

REPRESENTATIVE CARRICK said she brought HB 17 forward, not only because it's often time consuming and deeply inconvenient to obtain these [contraceptive] prescriptions every one to three months, but also because she said she knew improved access to contraceptives would mean improved health for women and better family planning. She said, under HB 17, providers would still be able to make decisions in consultation with their patients to decide what type and length of prescription contraceptive to provide. She said HB 17 would not change that relationship, or those diagnosis decisions. However, HB 17 would remove insurance coverage as a barrier to access. In other words, HB 17 wouldn't change what happens in a doctor's office, it would change what happens at the pharmacy counter.

[3:04:40 PM](#)

REPRESENTATIVE CARRICK briefly addressed the changes to the committee substitute for HB 17, noting the bill had gone through several changes on the House side and the Senate side.

- On the House side, in its first committee of referral, emergency contraception, and all reference to emergency contraception was removed from HB 17. HB 17 does not cover Plan B or emergency contraceptives.
- On the House floor, religious exemption language was also added - more robust religious exemption language than what currently exists in statute.
- The religious exemption language was clarified to more accurately reflect the intent of the sponsor of that amendment on the floor.
- Technical changes were added at the request of the Department of Health and the Division of Insurance to ensure that HB 17 would be neutral and would not generate any fiscal note.

- Effective dates were adjusted to be appropriate to the HB 17.

REPRESENTATIVE CARRICK noted the presence of individuals to answer questions from the committee and an invited testifier online for the Committee's consideration.

3:06:28 PM

CHAIR BJORKMAN announced invited testimony on HB 17.

3:06:47 PM

ROBIN HOLMES, M.D., Family Medicine Physician, Homer, Alaska, said she was testifying in favor of HB 17 and HB 17 would dramatically improve access to the full range of contraceptive methods by requiring insurance to cover a year's supply of birth control at one time, building on the Affordable Care Act's contraceptive coverage mandate to ensure all people have timely access to contraceptive care. She said HB 17 would also ensure that patients and providers have full control over what contraceptive method is used without arbitrary restrictions such as prior authorizations or insurance-mandated management techniques.

DR. HOLMES said, as a board-certified family medicine physician, she had seen how access to contraception affected the lives of Alaskans every day and had the privilege of supporting her patients through the entire lifespan with evidence-based medical care that empowered them to choose when and if to have a family, as well as raising the family they had in the healthiest way possible. Unfortunately, she said part of her job and advice entailed anticipating barriers to accessing medications, including insurance denials and restrictions on quantity. She said it was known that one in three women missed their contraception doses because they could not pick up a refill in time. Barriers to contraception imposed by insurance companies make no sense for Alaskans and cause significant economic and physical harm to our population. She said she regularly had patients who were in school and could not make it to the pharmacy during the limited hours they are open to pick up another pack of pills, or a motivated college attendee or commercial fisher who is unable to fill enough contraception [prescriptions] to get them through until they are back in town. In many cases, her patients must rely on family or friends who have their own families and work schedules to get the medication they need. She said she often had patients with disabilities whose insurance plans deny their access to certain contraceptives, leaving them with no coverage for the methods

that are safest and most effective for them and forcing them to use medications they cannot take due to their disability. She said she had seen patients who at the height of their careers, working multiple jobs or working while raising a family, who could not get to the pharmacy to pick up contraceptive prescriptions.

[3:09:16 PM](#)

DR. HOLMES said whether to use contraception or which contraceptive method to use, is a private medical decision that should be made by a patient in consultation with their healthcare provider. Medical providers are extensively trained in how to prescribe contraceptives safely and when restrictions may be warranted. HB 17 does not supersede a doctor's judgment if a short supply is warranted. When insurance companies force people to use ultimate contraceptive methods, they are not recommended for them. She said, in order to get what they actually need, they cause inefficiencies in the systems that may cause harm to the patient.

DR. HOLMES advocated for Alaska to have fewer barriers to medications than other states. Even for those on the road system, she said her patients have to travel for hours to access prescriptions; and with contraception, even one or two days can make a huge difference in a person's life. Outside of Alaska, there are fewer baseline barriers to accessing birth control, and we have seen how expanding access makes a positive difference in other states.

[3:10:15 PM](#)

DR. HOLMES reported that the CDC named birth control one of the top 10 public health achievements in the past century, and birth control is widely credited for contributing to women's societal educational and economic gains. Access to contraception allows people to avoid unintended pregnancy, and unintended complications. She said, when women were able to obtain a full year of birth control on time, their odds of an unintended pregnancy decreased by 30 percent and odds of an abortion decreased by 40 percent versus when they were given a one-to-three-month supply.

Dr. HOLMES concluded her testimony and said access to contraception should be up to a provider and patient, not insurance companies. She said birth control was incredibly safe. She said the patients [providers] care for were smart and aware of their needs and their goals and regarding decisions about if and when and how they build their families. She urged the

committee to support HB 17 to allow Alaskans meaningful access to contraception.

3:11:18 PM

CHAIR BJORKMAN held HB 17 in the Senate Labor and Commerce Standing Committee.

3:11:57 PM

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 3:12 p.m.