

2018 CAPITOL CURRENTS

30th Alaska State Legislature ~ 2nd Session

Sixteenth Edition

FINAL REPORT

November 6th is the general election.

All House seats are up for reelection this fall as well as Senate District seats A, C, E, G, I, K, M, O, Q, and S.

We know the following legislators are not returning: Senators Gardner, Egan, MacKinnon and Meyer and Representatives Millett, Chenault, Gara, Guttenberg, Kito, Parish and Saddler.

Here's a link to the primary election results where you can get a sense of who may be coming to Juneau: [Primary Election Results](#)

You'll be ahead of the game if you meet with the candidates prior to the election and then definitely meet with the winners prior to their coming to Juneau! Let them know your issues and how they can help you during session.

The first session of the 31st Legislature will start on Tuesday, January 15, 2019.

The 90th day of session will be Sunday, April 14th.

Pre-filed bills will be released on Monday, January 7th and Friday, January 11th.

The sitting Governor is constitutionally required to release a budget for the next fiscal year by December 15th of the current year. If there is a change in Administration, expect a new Administration's priorities to be released with the Governor's amended budget in early February.

Thank you for your participation in the legislative process during the second session of the 30th Legislature. Below you'll find the bills the Governor signed into law.

EDUCATION

Chapter 52 SLA 18

HB 64 Reading Proficiency Task Force; Dyslexia (Rep. Drummond)

Establishes a legislative task force to recommend improvements to reading instruction and support for children with dyslexia, to include a school principal, parent of child with a reading disability, and public members.

Chapter 80 SLA 18

HB 213 Public School Trust fund: Education Raffle (Rep. Parish)

Restructures the Public School Trust fund by combining what are now separate accounts and using a percent of market value (POMV) draw of 4.75% of the fund value. The value will be based upon the monthly average market value of the fund for the previous ten fiscal years.

Chapter 51 SLA 18

HB 214 Teen Dating Violence; Programs; Awareness Month (Rep. Drummond)

Establishes each February as Teen Dating Violence Prevention Awareness month.

HB 214 requires the Department of Education and Early Development to adopt teen dating violence prevention curricula for grades 7-12 to ensure consistent messaging throughout the state and requires the curricula be periodically reviewed; and, names the program the Bree Moore Teen Dating Violence Awareness and Prevention Program.

Chapter 73 SLA 18

SB 104 Education Curriculum Requirements (Senate Finance Committee)

Proposes a pilot program to examine and review curriculum that meets Alaska Education Standards and produces effective outcomes for students in English/Language Arts, and Math.

It also contains provisions for school curricula approval and review; duties of school boards; operations of state boarding schools; electronic management of student information related to education programs for children with disabilities; and a curriculum improvement and best practices fund.

SB 128, by Sen. Giessel, establishing the marijuana education and treatment fund and depositing 25% of the state's marijuana tax into the fund, **was rolled into SB 104**.

The bill allows for contracting with organizations to provide community-based marijuana misuse prevention programs that promote cessation of youth marijuana use and reduced youth access to marijuana products.

The bill allows marijuana use prevention activities with outcome-based curricula, adult and peer mentoring, and public education about effects of marijuana use and marijuana laws. Programs may also include recreational, educational, and character-building activities for youth outside school hours.

SB 128 requires Public Health to conduct surveys related to marijuana awareness, training, and planning, and monitoring health status.

Part of the 25% of the funds will be used for a SBIRT program-- substance abuse screening, brief intervention and referral to treatment.

Finally, SB 104 clarifies the use of the annual estimated balance of the state's recidivism reduction fund in making appropriations to DOC, DHSS, DPS for recidivism reduction programs.

Chapter 32 SLA 18

HB 221 Workforce and Education Statistics Program (Rep. Drummond)

Tasks the Alaska Commission on Postsecondary Education with using a statistics program to gauge the effectiveness of Alaska's workforce training efforts and to identify coverage gaps.

The statewide longitudinal data system called the Outcomes Data System will operate through partnerships with the Alaska Department of Education and Early Development, the Alaska Department of Labor and Workforce Development, and the University of Alaska.

GOVERNMENT

Chapter 61 SLA 18

HB 44 Legislature: Ethics, Conflicts, Per Diem (Rep. Grenn)

Prohibits foreign corporations and nationals from making political expenditures on behalf of candidates in state elections; eliminates per diem for legislators after 121 days if the budget has not been passed; clarifies that a lobbyist may only purchase a non-alcoholic beverage for a Legislator.

The legislation also ensures conflicts are “substantial” before a legislator would be required to abstain from voting. Any benefit a legislator or a member of the legislator’s immediate family might receive from supporting a particular piece of legislation would have to be greater than the benefit a large group of Alaskans would receive in order to require abstention.

The bill recognizes the responsibility of legislators to vote, except in clear cases where the outcome of the vote would result in substantial personal financial gain. This includes cases where an immediate family member or a legislator’s employer would receive a large and direct financial benefit.

Chapter 89 SLA 18

HB 106 Civil Legal Services Fund (Rep. Claman)

Allows the legislature to appropriate up to 10% of court filing fees to a fund to pay for civil legal services to low-income Alaskans. The legislature may then make appropriations from the fund to organizations that provide these services to low income Alaskans. Adds \$300,000 GF in the bill’s fiscal note.

Chapter 4 SLA 18

HB 298 Number of Superior Court Judges (Alaska Court System)

Increases the number of superior court judges from 42 to 43.

Legislative Resolve 35

HCR 19 Alaska Native Languages Emergency (Rep. Ortiz)

Urges the Governor to issue an Administrative Order, recognizing that a linguistic emergency exists, and state that it is the policy of the State of Alaska to actively promote the survival and continued use of all of Alaska's 20 Native languages.

HEALTH & SOCIAL SERVICES

Chapter 53 SLA 18

HB 43 New Drugs for the Terminally Ill (Rep. Grenn)

Allows terminally ill patient who have exhausted other available treatments and do not qualify for clinical trials to gain faster access to safe, but experimental drugs in an effort to save their own lives.

By providing certain immunities to prescribing physicians, manufacturers and distributors acting in good faith, this bill allows terminal patients, in consultation with their doctor, the freedom to try new treatments as they fight to survive, without the burden of waiting for federal approval.

Chapter 15 SLA 18

HB 151 Foster care, child protection (Rep. Gara)

Implements standards for training, mentoring, reporting, and workload standards for new OCS social workers, timelines for foster parent application reviews, and expands protections for children in OCS custody.

Mandates six weeks of training for new caseworkers and establishes caseload limits on new caseworkers - a statewide average caseload of no more than 13 families per worker. Adopts other major changes to support the well-being of youth in care and to promote quicker timelines for children returning to or finding new, permanent homes which include encouraging the sharing of contact information, so separated siblings can stay in touch with one another.

Chapter 34 SLA 18

HB 176 Emergency Medical Transport Service Payments (Rep. Wool)

Changes state law to ensure EMS providers can seek supplemental reimbursements from the Medicaid program. Currently, EMS providers in Alaska are only reimbursed for about 30 percent of their costs for transporting Medicaid-eligible patients.

Chapter 68 SLA 18

HB 215 DHSS: Public health fees (House Finance)

Allows the Division of Public Health (DPH) to assess and collect fees for services, such as health planning and data analysis.

DPH must develop regulations for assessing and collecting fees, and asks the department to consult with stakeholders, with at least one public meeting, before a notice of proposed action is made related to new fees.

Chapter 8 SLA 18

HB 236 Extend senior benefits program (Rep. Kawasaki)

Extends Senior Benefits Program through June 30, 2024.

Chapter 100 SLA 18

HB 240 Fair Audit and Pricing for Pharmacists (Rep. Guttenberg)

Regulates pharmacy benefits managers by requiring fair auditing, appeals and pricing practices.

The bill is relating to: prescription prices available to consumers; penalties for certain pharmacy or pharmacist violations; registration and duties of pharmacy benefits managers; procedures, guidelines, and enforcement mechanisms for pharmacy audits; the cost of multi-source generic drugs and insurance reimbursement procedures; the duties for the director of insurance.

Chapter 37 SLA 18

HB 273 Extend Marijuana Control Board (Rep. Kito)

Extends the Marijuana Control Board through June 30, 2024.

Chapter 41 SLA 18

HB 274 Extend Board of Psychologists/Psych. Associates (Rep. Kito)

Extends Board through June 30, 2026.

Chapter 45 SLA 18

HB 280 Extend the Board of Marital and Family Therapy (Rep. Josephson)

Extends the Board through June 30, 2026.

SB 108, sponsored by Sen. Giessel, was rolled into HB 280. It deals with reforms requested by the state Medical Board. Under current statute, the Board of Nursing has the authority to regulate how “routine medical tasks” are delegated, but the Medical Board does not have similar authority. Insurers notified the Medical Board that malpractice premiums would rise if the issue is not resolved.

HB 280 was also amended to allow the Medical Board executive secretary to approve clean applications. There has been a recent influx of applications that has resulted in a backlog because the board only meets four times a year.

Chapter 42 SLA 18

HB 302 Board of Professional Counselors (Rep. Wool)

Extends Board through June 30, 2026.

Chapter 43 SLA 18

HB 318 Board of Social Work Examiners (Rep. Spohnholz)

Extends Board through June 30, 2026. Removes the restriction of serving if the person is an employee of a non-profit organization.

Chapter 44 SLA 18

HB 323 Board of Pharmacy (Rep. Sullivan-Leonard)

Extends Board through June 30, 2022.

Chapter 57 SLA 18

SB 15 E-Cigarettes/tobacco/Nicotine & Minors: Sales (Sen. Stevens)

Prohibits the sale of electronic smoking products to minors.

Chapter 58 SLA 18

SB 32 Prescriptions for Biological Products (Sen. Hughes)

Allows for Alaskans to have access to safe, new, and effective treatment options called interchangeable biological products. Under current state law, pharmacists are allowed to substitute a generic product for drugs that are identical to their proprietary product, but cannot do the same with interchangeable biological products.

Under SB 32, pharmacists will be able to dispense an FDA approved interchangeable product as a substitute for the proprietary biological product.

Chapter 66 SLA 18

SB 37 Pharmacy Board & Staff; Drug Distribution/Manufacturing (Sen. Giessel)

Requires any out-of-state wholesale drug distributor or outsourcing facility to follow specific guidelines set forth by the Board of Pharmacy, including obtaining a license, authorizing inspection of the facility by a designee of the board, and appointing an agent before shipping, mailing or delivering prescription drugs to a licensee in the state or advertising in the state. Additionally, it allows the Board of Pharmacy to create a new position titled “Executive Administrator” that will handle licensing of drug wholesale distributors and outsourcing facilities.

Chapter 60 SLA 18

SB 63 Regulation of Smoking (Sen. Micciche)

Known as the statewide smoke free workplace act. Prohibits smoking including e-cigarettes in the workplace. A community opt-out provision allows communities to opt-out through an elections process.

Chapter 69 SLA 18

SB 81 DHSS registry; license; background check (Governor Walker)

Improves the background check process for individuals who must undergo these checks to receive licensure or payment from DHSS.

Changes in the bill fix redundancies and loopholes in the current statutes. It also clarifies the background check process applies not only to the entities that are licensed by the state, but also to those who work for licensed entities.

Chapter 75 SLA 18 SB 105 Marital and family therapy licenses and services (Sen.

Wilson). Allows 100 hours of required supervision of Licensed Marital and Family Therapists (LMFT) to be by group supervision; defines who may provide the group supervision and what the group supervision entails. It also clarifies that 100 hours of individual supervision may be completed under more than one supervisor. Allow independent LMFTs to bill Medicaid for their services.

A report to the Legislature is required in 2020 to report on the effectiveness of adding this group of professionals to those who can independently bill Medicaid for services provided.

[HB 123](#), Disclosure of Health Care Costs sponsored by Rep. Spohnholz and the Resolve from [HCR 2](#), Respond to Adverse Childhood Experiences sponsored by Rep. Tarr were rolled into SB 105.

HB 123 adds requirements related to disclosure and reporting of health care services, price, fee information, and good faith estimates.

The provisions from HCR 2 requires the state to acknowledge the principals of early childhood and youth brain development, early adversity, toxic stress, and childhood trauma, and the promotion of reliance through protective relationships, supports, self-regulation, and services.

Chapter 24 SLA 18

SB 134 Termination of Parental Rights; Guardians (Sen. Gardner)

Clarifies that a parent who chooses to keep a child conceived through rape has the ability to sever ties with their rapist if they choose.

The bill makes clear that termination of parental rights can be court-ordered under parental incarceration, adoption, CINA, or an independent proceeding issued on the grounds that the parent committed sexual assault or abuse of a minor or incest or a comparable offense, that resulted in the conception of the child, and that termination of parental rights of the biological parent is in the best interests of the child.

An amendment added in the House states that child support obligations are not terminated if parental rights are terminated, unless explicitly stated in the termination decree.

Chapter 97 SLA 18

SB 169 Medicaid behavioral health coverage (Sen. Giessel)

Defines “supervision or direct supervision” for purposes of medical assistance coverage of behavioral health clinic services. Allows for supervision to be conducted in-person or through a communications device.

Chapter 92 SLA 18

SB 174 Programs for people with disabilities (Sen. Micciche)

Requires DHSS to take a flexible approach to administering programs for persons with physical and mental disabilities, allowing each person to participate more actively, with assistance, based on strengths and abilities, in managing the support services they receive in their home and community.

Chapter 98 SLA 18

SB 208 March as Sobriety Awareness Month (Sen. Gardner)

Establishes the month of March as Sobriety Awareness Month.

Chapter 108 SLA 18

HB 336 Supportive decision-making agreements (Rep. Millett)

Provides a mechanism for elderly Alaskans and adults with Intellectual/Developmental disabilities to enter into newly-created legal structures called “supported decision-making agreements” that provide a less restrictive alternative to full guardianship.

Chapter 110 SLA 18

SB 80 Telecommunications; disabled subscribers (Sen. Costello)

Expands existing protections and increases the independence of disabled Alaskans through modernizing and enhancing telecommunication services.

PUBLIC SAFETY

Chapter 48 SLA 18

HB 31 Domestic Violence; Sexual Assault; Training; Exam Kits (Rep. Tarr)

Requires 12 hours of sexual assault response training for police officers; an annual audit of the number of untested kits; and allows sexual assault reports to be taken anonymously

Chapter 21 SLA 18

HB 216 Crimes; Restitution; Dividend Fund (Rep. Kopp)

Establishes a Restorative Justice Account for crime victims within the permanent fund, which prioritizes the use of the funds for victims compensation and restitution; authorizes the use of the funds for grants to nonprofit organizations that provide services to crime victims and for behavioral health treatment for justice- involved individuals; clarifies language around the Attorney General’s office duties and Office of Victims’ Rights priorities when helping crime victims with restitution payments.

It also adds the ability for Alaskans to donate to the crime victim compensation fund when applying for a permanent fund dividend.

Chapter 22 SLA 18

HB 312 Crimes against medical professionals (Rep. Claman)

Allows for probable cause arrest by peace officers when called to health care facilities and someone assaulted a health care worker.

Adds an aggravating factor to sentencing if certain felony crimes were committed in a health care facility against a health care worker.

It also allows the Alcohol Safety Action Program (ASAP) to accept expanded case referrals from the Courts.

[SB 146](#) allowing the AG to add controlled substances to the controlled substances list; [SB 149](#) doubling the surcharges convicted offenders will have to pay for certain crimes; and [SB 150](#) pretrial release and non-Alaska criminal history records were rolled into HB 312.

OTHERS OF INTEREST

Chapter 91 SLA 18

HB 79 Omnibus Workers' Compensation (Governor)

Creates a Legislative Workers' Compensation Working Group to act as an interim committee to continue work and develop new legislation for consideration during the 31st Alaska State Legislature.

Allows for electronic filing of documents; allows the department of labor and workforce development to receive a greater percentage of the annual service fees that insurers pay; phases out the second injury fund, setting an end date for the fund's acceptance of new reimbursement claims, and clarifying the fund will continue to pay accepted reimbursement claims until all liability for previously accepted claims to the second injury fund, and claims ordered to be paid from that fund, have been satisfied; defines independent contractor; eliminates the requirement corporate executive officers seek the division's approval before opting out of workers' compensation coverage for themselves, and clarifying the requirements for opting out.

Eliminates a requirement that the board approve attorney fees as part of a settlement when fees are the sole issue in the settlement that requires board approval; and defines employee.

Chapter 1 SLA 18

HB 186 Food Donations (Rep. Talerico)

Allows hotels, restaurants, stores and other food donors who choose to donate their excess unsold food or out dated food to donate to food banks or charitable organizations free from liability. Requires all food donors that choose to donate hot excess food to label the donated hot food that can be frozen and re-served.

Chapter 3 SLA 18

HB 195 Insurer's Use of Credit History/Scores (Governor)

Allows an insurer to use a consumer's credit history or insurance score for policy renewals. Requires insurers to provide written notification to consumers if their insurance rate will be negatively affected due to their credit score and inform the consumer of exceptions and how to apply for those exceptions.

The bill also establishes an appeal process for consumers; and, adds time limits for reissuing policy so consumers may benefit from improved credit scores.

Chapter 103 SLA 18

HB 217 Local Food Procurement; Farm Tours; Fees (Rep. Tarr)

Encourages the State, school districts, and municipalities to buy more “Alaska Grown” produce and fish.

HB 217 also authorizes the Department of National Resources to sell products with the Alaska Grown logo and allows a pilot program for the Alaska Food Hub, an online sales platform, to sell locally grown foods.

Chapter 5 SLA 18

SB 6 Industrial Hemp Product: Cannabidiol Oil (Sen. Hughes)

Defines hemp as an agricultural product in the state of Alaska, allowing for the commercial farming of hemp in the state, instructing the Department of Resource’s Division of Agriculture to develop a registry of hemp farming operations in Alaska and allowing for a pilot program on industrial hemp.

The bill also removes industrial hemp from the state of Alaska’s list of controlled substances.

Chapter 46 SLA 18

SB 165 Comprehensive Health Insurance Fund (Sen. MacKinnon)

Extends the sunset provision on the Alaska comprehensive health insurance fund by six years, from June 30, 2018 to June 30, 2024 to allow for the continuation of the Alaska Reinsurance Program and receipt of the federal funding.

End of Report

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