

HOUSE FINANCE COMMITTEE  
April 04, 2001  
1:52 PM

TAPE HFC 01 - 72, Side A

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:52 PM.

MEMBERS PRESENT

Representative Bill Williams, Co-Chair  
Representative Eldon Mulder, Co-Chair  
Representative Con Bunde, Vice-Chair  
Representative Eric Croft  
Representative John Davies  
Representative Carl Moses  
Representative Richard Foster  
Representative John Harris  
Representative Ken Lancaster

MEMBERS ABSENT

Representative Bill Hudson  
Representative Jim Whitaker

ALSO PRESENT

Senator Donald Olson; Mary Jackson, Staff, Senator John Torgerson; Catherine Reardon, Director, Division of Occupational Licensing, Department of Community and Economic Development; Gerald Luckhaupt, Attorney, Legislative Legal & Research Services; Dean Guaneli, Chief Assistant Attorney General, Department of Law; Roger Wortman, Staff, Representative Pete Kott.

PRESENT VIA TELECONFERENCE

Lt. Steve Dunnagan, Anchorage; Fred Esposito, Seward.

SUMMARY

HB 102 An Act relating to the theft of propelled vehicles.

HB 102 was reported out of Committee with a "do pass" recommendation and with fiscal notes by the Alaska Court System dated 2/23/01 and Department of Corrections dated 2/23/01.

SB 58 An Act relating to the membership and quorum requirements of the State Medical Board.

SB 58 was reported out of Committee with a "do pass" recommendation and with a fiscal note by Department of Community & Economic Development dated 2/07/01.

CS SB 137(FIN) An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date.

CSSB 137 (FIN) was HEARD and HELD in Committee for further consideration.

#SB58

SENATE BILL NO. 58

An Act relating to the membership and quorum requirements of the State Medical Board.

SENATOR DONALD OLSON explained that SB 58 would add a physician assistant to the membership of the Alaska State Medical Board. As a consequence, the quorum requirement for meetings would also be adjusted. Under current law, there are seven members on the Medical Board. However, only physicians and public members with no financial connection to the health care industry may serve.

Senator Olson commented that it is important for the work of the board that a physician assistant be added. Having such representation would facilitate the deliberations and broaden the experience of the board. He stated that it would increase the board's effectiveness in maintaining the quality of health care services and issues in Alaska.

Vice-Chair Bunde voiced concern that by adding another member would create an even number membership. Senator Olson explained that often times all attendees of the Medical Board are not present, thus making the vote an odd number.

Vice-Chair Bunde referenced nurse practitioners and asked if they would have a role in the proposed legislation. Senator Olson explained that they were listed under the Alaska State Nursing Board. He acknowledged that there has been a recommendation that they be on the Alaska State Medical Board, hoping that it would streamline some issues.

Representative Harris inquired how the Board would handle a four-four split. Senator Olson advised that rarely has a polarization occurred on the Board. He reiterated that the chances were rare.

Representative Harris questioned the geographical representation of the Board. Senator Olson noted that during the time he was on the board, there was only one doctor from Bush Alaska. He noted that there are five hospitals in those areas. Most commonly, the majority of the physicians come from the Anchorage area.

CATHERINE REARDON, DIRECTOR, DIVISION OF OCCUPATIONAL LICENSING, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, testified that the Alaska State Medical Board and the Department does support the proposed legislation. She stated that the Department does not object to the even number of physicians on the Board. She pointed out that the membership of the Legislature consists of an even number. Additionally, there is another board that has an even number and that they have had no problems.

Representative Foster MOVED to report SB 58 out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

SB 58 was reported out of Committee with a "do pass" recommendation and with a fiscal note by Department of Community & Economic Development dated 2/07/01.

#HB102  
HOUSE BILL NO. 102

An Act relating to the theft of propelled vehicles.

ROGER WORTMAN, STAFF, REPRESENTATIVE PETE KOTT, noted that the legislation focuses on the crime of vehicle theft and equal penalties associated with the taking of propelled vehicles without the owners' permission.

Mr. Wortman added that HB 102 would provide a new element in the commission of taking the propelled vehicle of another when the owner is deprived of the use of the vehicle for a specific period of time and incurs expenses as a result of the loss of use of that vehicle. The bill would amend the definition for "all terrain vehicles" as well as, the definition for "watercraft".

Representative Croft asked why the definition of "water craft" in Section 3 had been narrowed. Mr. Wortman explained that as it stands now, "water craft" could be a Class C felony; "Jet Ski" has been placed under propelled vehicles and it would not constitute an immediate crime.

Representative Croft referenced Section 1, which added the "seven days or more" concept. Mr. Wortman stated the House Judiciary Committee had determined that amount; it was not in the original bill. He noted that Mr. Luckhaupt could

answer any legal questions pertaining to the bill or statutes involved.

Mr. Wortman explained that if an owner of a vehicle was deprived from using the vehicle for any period of time, a dollar amount was inserted into the bill, which would reimburse that individual. The drafter chose the seven days or more as an arbitrary figure for determining the rental fee.

Representative Croft inquired the current caliber that this crime was rated at. Mr. Wortman explained that it would raise the theft of a snow machine from the current misdemeanor, and lower the Jet Ski theft from a felony down. It would remove the "Jet Ski" out of the definition of watercraft and place it under propelled vehicles. He noted that at this time, the theft of a Jet Ski is recognized as a Class C felony. In Section 1, the theft of a vehicle must meet criteria of worth \$1,000 dollars or more.

Representative Harris asked if an owner were deprived of use of the vehicle for less than seven days, what would the repercussions be.

GERALD LUCKHAUPT, ATTORNEY, LEGISLATIVE LEGAL & RESEARCH SERVICES, advised that if a person is deprived from the use of the vehicle for less than seven days, it would be a violation of a Class A misdemeanor, vehicle theft in the second degree. The judgment associated with that could be a maximum of 1 year in jail and with a fine imposed between \$1,000 and \$5,000 dollars.

Representative Davies inquired penalties associated for a Class C felony. Mr. Luckhaupt stated that penalty would be up to five years in jail and with a fine up to \$50,000 dollars maximum.

Representative Davies ascertained that the five years in jail with a maximum fine of \$50,000 dollars was extreme for stealing a Jet Ski for seven days. He asked Mr. Luckhaupt if the characterization would "balance out" the misdemeanor and felony statutes. Mr. Luckhaupt replied that the severity of the recourse depends on the "eye of the beholder". He commented that if he were a Jet Ski owner, he would be upset that the abuse was dropped from an automatic felony. The bill is dropping Jet Skis down and would add another way for all propelled vehicles to be moved up to a felony.

Representative Davies asked if it was possible that the owner could be deprived of use of the vehicle because the Court impounded it for other uses. Mr. Luckhaupt advised that if the vehicle had been abandoned outside the owned

area, while it was not available to the owner, the owner would still be deprived of its use.

Representative Davies countered that with a scenario that the police kept the vehicle and the vehicle could not be used. Mr. Luckhaupt noted that provisions had been added in the past couple years that would address search and warrant of properties. He advised that the police no longer kept cars that were stolen from the owner for evidence during the trial.

Representative J. Davies asked if the same action would happen with snow machines and other such vehicles. Mr. Luckhaupt replied that he did not know why the police would hold on to a snow machine, unless they planned to use it for evidence. However, if any other major offense occurs with the snow machine, then the police would have recourse to hold on to that vehicle.

Co-Chair Mulder MOVED to report CS HB 102 (JUD) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CS HB 102 (JUD) was reported out of Committee with a "do pass" recommendation and with fiscal notes by the Alaska Court System dated 2/23/01 and the Department of Corrections dated 2/23/01.

#SB137  
CS FOR SENATE BILL NO. 137(FIN)

An Act relating to the allocation of money appropriated to the Alaska Human Resource Investment Council; and providing for an effective date.

MARY JACKSON, STAFF, SENATOR JOHN TORGERSON, noted that SB 137 would extend the first year allocation provisions of a new program enacted in the 21st Legislature via SB 289 (Chapter 132 SLA 00).

Ms. Jackson added that because the program established in 2000 was new and time consuming development of regulations regarding its administration were necessary, funds collected the first year of the program were directly allocated to the University of Alaska, the Alaska Vocational and Technical Center, and the Kotzebue Technical Center. The public funded institutions provide technical and vocational programs for Alaskans in urban and rural areas. A review of the uses of the first year funds by these public institutions clearly shows how necessary those funds are.

Ms. Jackson stated that after a review of the expenditures from the first year's collection, SB 137 extends the date of

direct allocation to the named public institutions for two more years. The purpose of the extension is to allow those institutions to properly prepare their respective facilities for the influx of new students into the system.

Vice-Chair Bunde noted that half of the money would be going to the University and he asked if it would be included in their operating budget request of \$18.4 million dollars. Ms. Jackson replied that all the funds would be "meshed" together and would be counted as part of the University's request.

Representative Croft asked how much the University received in the Alaska Human Resources Investment Council (AHRIC) grants per year. Ms. Jackson noted that the University has never received money from that grant program. The University has received some money from the State Training Employment Program (STEP) program. She noted that it was intended that accredited institutions would receive funding from that program.

Representative Croft asked if this was "new money". Ms. Jackson acknowledged that it was.

Representative Harris noted for the record that last year he initially opposed similar legislation, however, in the end he did support it if the University was willing to distribute the money to a number of institutions that do vocational educational training. He pointed out that one of the institutions in his district had not received any of those funds for services. He reiterated that he did support the effort to put money toward vocational education.

Co-Chair Williams stated that SB 137 would be HELD in Committee for further consideration.

#  
ADJOURNMENT

The meeting was adjourned at 2:35 P.M.