

ALASKA STATE LEGISLATURE

SENATE RULES COMMITTEE

May 1, 2002

10:40 a.m.

MEMBERS PRESENT

Senator Randy Phillips, Chair
Senator John Cowdery, Vice Chair
Senator Gene Therriault
Senator Rick Halford

MEMBERS ABSENT

Senator Johnny Ellis

COMMITTEE CALENDAR

SENATE BILL NO. 181

"An Act making the interest rate for the Alaska Housing Finance Corporation's small community housing mortgage loans the same as the interest rate on mortgage loans purchased under the corporation's special mortgage loan purchase program from the proceeds of the most recent applicable issue of taxable bonds before the origination or purchase of the small community housing mortgage loans."

APPROVED FOR CALENDARING

SENATE BILL NO. 364

"An Act relating to medical services under the state Medicaid program."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 281(JUD)

"An Act relating to civil liability for providing alcoholic beverages to a person under 21 years of age; and providing for an effective date."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 331(STA)

"An Act relating to appointment of persons to positions that require confirmation by the legislature; and providing for an effective date."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 402(FIN)

"An Act relating to diversion payments, wage subsidies, cash assistance, and self-sufficiency services provided under the

Alaska temporary assistance program; relating to the food stamp program; relating to child support cases that include persons who receive cash assistance or self-sufficiency services under the Alaska temporary assistance program; and providing for an effective date."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 462(RES)

"An Act relating to the release of certain confidential records and reports concerning fishing, fish buying, or fish processing; and providing for an effective date."

APPROVED FOR CALENDARING

HOUSE CONCURRENT RESOLUTION NO. 23

Proposing amendments to Uniform Rule 20 of the Alaska State Legislature; and providing for an effective date for the amendments.

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

SB 181 - See Finance Report dated 4/24/02.

SB 364 - See Finance minutes dated 4/24/02.

HB 281 - See Labor and Commerce minutes dated 3/21/02 and Judiciary minutes from 4/24/02.

HB 331 - See State Affairs minutes dated 3/21/02 and 4/2/02.

HB 402 - See HES minutes dated 4/10/02 and Finance Report dated 4/25/02.

HB 462 - See Resources minutes dated 4/24/02.

WITNESS REGISTER

Ms. Katrina Matheny
Staff to Representative Gary Stevens
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified for the sponsor of HB 462

Ms. Karen McCarthy
Staff to Representative Bunde
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified for the sponsor of HCR 23

Mr. Tom Wright
Staff to Representative Porter
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Answered questions related to HCR 23

Ms. Amy Erickson
Staff to Representative Murkowski
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Requested that HB 262 be held in committee 24 hours.

ACTION NARRATIVE

TAPE 02-11, SIDE A

Number 001

CHAIRMAN RANDY PHILLIPS called the Senate Rules Committee meeting to order at 10:40 a.m. Senators Cowdery, Therriault and Phillips were present.

#SB 181

SENATOR HALFORD moved to calendar at the Chairman's discretion **SB 181-SMALL COMMUNITY HOUSING LOANS** with its accompanying fiscal notes.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#SB 364

SENATOR HALFORD moved to calendar at the Chairman's discretion **SB 364-MEDICAID PAYMENTS FOR ABORTIONS** and its zero fiscal note.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 281

SENATOR HALFORD moved to calendar at the Chairman's discretion **HB 281-CIVIL LIABILITY FOR PROVIDING ALCOHOL** and its accompanying fiscal notes.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 331

SENATOR HALFORD moved to calendar at the Chairman's discretion HB 331-PRESENTMENT OF GOVERNOR'S APPOINTEES and its accompanying fiscal notes.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 402

SENATOR HALFORD moved to calendar at the Chairman's discretion HB 402-ALASKA TEMPORARY ASSISTANCE PROGRAM and its accompanying fiscal notes.

CHAIRMAN PHILLIPS announced that with no objection, the motion carried.

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#HB 462

CHAIRMAN PHILLIPS announced the committee would take up HB 462-CONFIDENTIALITY OF FISHING RECORDS.

MS. KATRINA MATHENY, staff to Representative Gary Stevens, explained that HB 462 was introduced to provide some needed changes to the confidentiality provisions for information submitted to the Department of Fish and Game and the Limited Entry Commission. HB 462:

- Clarifies that reports submitted by the catcher exporters are included;
- Provides that certain information held as confidential may be released back to the entity that is the subject of the information;
- Provides that certain confidential information be provided to third parties at the request of the entity that is the subject of the information;
- Adds salt water charter logbooks to information that is available to the Department of Public Safety; and
- Provides that Commercial Operators Annual Reports (COAR) are available to the Department of Public Safety and to enforcement personnel of the National Marine Fisheries Service and NOAA.

CHAIRMAN PHILLIPS asked what committee referrals the bill had in the Senate.

MS. MATHENY said it was heard by the Senate Resources Committee.

SENATOR HALFORD moved to approve HB 462 and its accompanying fiscal notes for calendaring with individual recommendations.

There being no objection, CHAIRMAN PHILLIPS noted the motion carried.

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#HCR 23

CHAIRMAN PHILLIPS announced the committee would take up HCR 23-LEGISLATIVE COMMITTEES: SPLIT HOUSE HESS. He noted that Senate members have a lot of questions about this bill so his plan is to hold it in committee until those questions are answered.

SENATOR THERRIAULT asked if the House Majority Caucus instructed Representative Bunde to introduce this measure or whether it was his idea.

MS. KAREN MCCARTY, staff to Representative Bunde, informed members that Representative Guess first sponsored a resolution to split the committee. The House Special Committee on Education supported the idea and introduced HCR 23. The House discussion centered on the fact that education is a core constitutional mandate and, aside from permanent fund dividends, it is the highest expense of state government. The House felt that a standing committee on education would allow legislators to focus on the topic more than is currently possible. Because the House recognized that the Senate might not be interested in doing the same, it structured the resolution so as not to affect Senate committee structure. Tam Cook, legal counsel, found no legal requirement for image committees in the House and Senate.

SENATOR COWDERY asked what is broken and whether another standing committee will require extra work and more personnel.

MS. MCCARTY said she doesn't know that House members felt something was broken but they did feel the situation could be improved. Representative Bunde stated that from his six years of experience chairing House HESS, and two years chairing the Special Committee on Education, a standing committee on education would be very beneficial. The Legislative Affairs Agency prepared a zero fiscal note, indicating that no additional staff would be required. In looking through the bills that have been referred to both the House HESS Committee and Special Committee on Education, there does not appear to have been any overlap of health and social services issues and education issues during the past two years. She said she believes that creation of a standing

committee will require less work on the part of the Department of Education and Early Development (DOEED).

SENATOR COWDERY asked how many members serve on the two existing committees.

MS. MCCARTY said seven on each, although three members are common to both committees.

SENATOR HALFORD said during the time he has served in the legislature, three or four proposals have come up to split committees: splitting the Resources Committee into renewable and non-renewable resource committees; splitting the HESS committee; and splitting the Finance Committee into an appropriations committee and a ways and means committee. He said what makes sense for a 40 member House does not necessarily make sense for a 20 member Senate. What has kept it from happening is not the legal issue, but the attitude that the public understanding of the process benefits by having similar structures in both bodies. He advised Ms. McCarty that the House needs a strong argument to change that attitude.

SENATOR HALFORD acknowledged that the House, as an organization, always needs more committees and creates special committees to "fill in the number of people it is trying to keep in an organization." The Senate always has too many committees so that Finance Committee members must chair a standing committee or, at times, one Senator chairs more than one standing committee. He said the request to split a committee is not unreasonable given the operating structure of the House, but the question is do legislators want to change the Uniform Rule that designates the same standing committees in both bodies. He suggested that another way to get the same result is to add, in Section 1, a specific provision so that by resolution, either body could split a committee for a session.

SENATOR THERRIAULT asked if the two committees would share the same committee room.

MS. MCCARTY said that could occur. This session, the Special Committee on Education met in the House Judiciary Committee room in the morning and then used the House Finance room after subcommittees finished their work.

SENATOR THERRIAULT said he agrees with Senator Halford that the House needs more committees but it has taken care of that problem by creating special committees over the years or by appointing co-chairs. He pointed out that by using co-chairs, the workload

is split and the committee can meet at the same time in the same place on different days. He expressed concern that HCR 23 will not work down the line because of the need for dedicated space.

MS. MCCARTY said there has not been a lot of discussion in the House about the logistical details; however, the operations of the special committee have worked smoothly so she sees no reason that the operations of a standing committee would not be the same.

SENATOR THERRIAULT asked if education-related legislation is only referred to the Special Committee on Education and by-passes the House HESS Committee.

MS. MCCARTY said quite a few bills received a double referral to both the House HESS Committee and Special Committee on Education. The House HESS Committee had 42 education-related bills referred to it, most of those were previously heard in the special committee. Her understanding, from Mr. Wright, is that all education-related legislation, except bonding issues, was referred to both.

CHAIRMAN PHILLIPS asked, if the bills moved from the Special Committee on Education to the House HESS Committee, how HCR 23 will improve anything. He said he has a saying, "If it ain't broke, don't fix it," and is trying to understand how HCR 23 will improve anything.

MS. MCCARTY said one of the benefits, if HCR 23 passes, will be a more efficient use of time because legislation will not need double committee referrals.

CHAIRMAN PHILLIPS maintained that Ms. McCarty said that many of the education-related bills were referred to both committees. He then asked if those bills will be referred to only one of those committees if HCR 23 passes.

MS. MCCARTY said that is correct.

SENATOR THERRIAULT asked why that is not done now.

MR. TOM WRIGHT, staff to Representative Porter, Speaker of the House, explained that every bill needs a referral to a standing committee.

SENATOR THERRIAULT asked if most of the bills that got the double referral were referred to other standing committees.

MR. WRIGHT said those that needed an additional referral were given one - it depended on the content of the bill. However, if the bill needed no other referrals, it was referred to House HESS.

CHAIRMAN PHILLIPS noted that all bills must go through the Rules Committee.

MR. WRIGHT said that is correct but the House has a different Rules process.

CHAIRMAN PHILLIPS announced the committee would take up HB 262.

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#HB 262

CHAIRMAN PHILLIPS asked Ms. Erickson what Representative Murkowski would like the committee to do in regard to **HB 262-BUILDING SAFETY ACCOUNT**.

MS. AMY ERICKSON, staff to Representative Murkowski, asked members to hold the bill another day to give Representative Murkowski a chance to discuss the matter with her caucus.

CHAIRMAN PHILLIPS agreed.

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There being no further business to come before the committee, CHAIRMAN PHILLIPS adjourned the meeting at 10:58 a.m.