

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS COMMITTEE

April 30, 2002
3:40 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Randy Phillips, Vice Chair
Senator Ben Stevens

MEMBERS ABSENT

Senator Rick Halford
Senator Bettye Davis

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 305(STA) am
"An Act prohibiting certain state employment, a student loan, or a permanent fund dividend for a person who fails to register for the military selective service; and providing for an effective date."

MOVED SCSHB 305(STA) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 509(STA)
"An Act relating to Alaska children's trust registration plates; and providing for an effective date."

HEARD AND HELD

SENATE CONCURRENT RESOLUTION NO. 33
Relating to Ovarian Cancer Awareness Month.

MOVED SCR 33 OUT OF COMMITTEE

HOUSE BILL NO. 458
"An Act relating to periods of probation for state employees; and providing for an effective date."

MOVED HB 458 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

HB 305 - See State Affairs minutes dated 4/25/02.
HB 509 - No previous action to record.
SCR 33 - No previous action to record.
HB 458 - No previous action to record.

WITNESS REGISTER

Colleen Shaub
Aide to Representative Lisa Murkowski
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 305.

Amy Erickson
Aide to Representative Lisa Murkowski
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 509.

Charles Hosack
Deputy Director
Division of Motor Vehicles
Department of Administration
PO Box 110200
Juneau, AK 99811-0200
POSITION STATEMENT: Testified on HB 509.

Shari Paul
Project Coordinator
Children's Trust
Department of Education & Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Testified on HB 509.

Geran Tarr
Aide to Senator Johnny Ellis
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SCR 33.

Deb Donoho
Alaska Chapter of the National Ovarian Cancer Coalition
No address given
POSITION STATEMENT: Testified in support of SCR 33.

Kim Sexton
Alaska Chapter of the National Ovarian Cancer Coalition
No address given
POSITION STATEMENT: Testified in support of SCR 33.

Melanie Lesh
Aide to Representative Bill Hudson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 458.

ACTION NARRATIVE

TAPE 02-26, SIDE A

CHAIRMAN GENE THERRIAULT called the Senate State Affairs Committee meeting to order at 3:40 p.m. Present were Senators Stevens, Phillips and Chairman Therriault.

The first order of business before the committee was HB 305.

#HB 305

HB 305-NONCOMPLIANCE WITH SELECTIVE SERVICE

CHAIRMAN THERRIAULT said there was a committee substitute for HB 305 in front of the committee. Sec. 1, which was the title, was deleted. This incorporated Amendment #2. On page 4, a new Sec. 2 was added, incorporating Amendment #1, ensuring that HB 305 would also apply to new statute that hadn't gone into effect yet regarding the Alaska Student Loan program. At the top of page 4 and throughout the bill, the language "or has come into compliance within 30 days of being notified of their lack of compliance" was deleted. Sec. 7 added a separate effective date for the Alaska Student Loan sections of the bill because the Alaska Commission on Postsecondary Education wanted HB 305 to go into effect in July and the Permanent Fund Dividend Division wanted it to go into effect at the end of the year.

He asked for a motion to accept the \0 version of HB 305 as the working document.

SENATOR STEVENS moved the \0 version of HB 305 as the working document.

There being no objection, the \0 version of HB 305 was adopted as the working document.

CHAIRMAN THERRIAULT asked if the sponsor had any problems with the changes in the CS.

COLLEEN SHAUB, Aide to Representative Lisa Murkowski, sponsor of HB 305, said there were none.

CHAIRMAN THERRIAULT noted the zero fiscal note from the Department of Revenue. He believed the CS would not change the fiscal note. He asked if there were any other issues to come before the committee on HB 305. There were not. He asked for the will of the committee.

SENATOR STEVENS moved SCSHB 305(STA) out of committee with attached zero fiscal note and individual recommendations.

There being no objection, SCSHB 305(STA) was moved out of committee with attached fiscal note and individual recommendations.

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The next order of business was HB 509.

#HB 509

HB 509-ALASKA CHILDREN'S TRUST LICENSE PLATES

AMY ERICKSON, Aide to Representative Lisa Murkowski and the House Labor and Commerce Committee, read the following from the sponsor statement:

House Bill 509 makes one minor change to Alaska statute to allow the Alaska Children's Trust (ACT) to market Alaska Children's Trust license plates to commercial motor vehicle owners. Current Alaska statute only allows owners of noncommercial vehicles to apply for and purchase ACT license plates.

This small change will allow the Alaska Children's Trust to respond positively to requests by industry and private business to purchase ACT license plates for fleet vehicles and to market sales to an additional 56,500 vehicle owners who support the mission and activities of the Alaska Children's Trust. The \$100 one-time fee could increase the trust by \$5,650,000 for the prevention of child abuse and neglect.

The Alaska Children's Trust is a savings account dedicated to funding community-initiated projects to eliminate child abuse and neglect. The trust's funds grow through gifts, bequests, corporate and individual contributions, legislative appropriations, federal funds, and sales of heirloom marriage and birth certificates as well as children's trust license plates.

MS. ERICKSON said passage of HB 305 would expand ACT's savings account and improve their ability to advance the projects and missions of ACT.

CHAIRMAN THERRIAULT asked if there was any discussion about why the original statute did not include commercial vehicles.

MS. ERICKSON said Representative Bunde brought that up and Mary Marshburn, Director of the Division of Motor Vehicles (DMV), suggested there wasn't much demand for it. Ms. Marshburn was also concerned that opening the plates for commercial vehicles would cost DMV \$30,000 to \$50,000 to change their computer system.

CHAIRMAN THERRIAULT asked if she said that at the time.

MS. ERICKSON said Ms. Marshburn said that recently.

CHAIRMAN THERRIAULT asked if that was given as a reason at the time of the original legislation.

MS. ERICKSON said she may have misunderstood his question.

CHAIRMAN THERRIAULT asked if there were any further questions.

SENATOR PHILLIPS said he was concerned about offering ACT plates to commercial vehicles.

CHAIRMAN THERRIAULT said he and Senator Phillips had discussed opening the plates up to vanity plates. HB 509 does not include vanity plates. It only includes the ACT plates.

MS. ERICKSON said she was talking about the vanity plates as well.

SENATOR PHILLIPS asked if only the standard plates were offered to commercial vehicles or if DMV offered a variety of plates to commercial vehicles, such as the veterans' plates, the Purple Heart plates or the Pearl Harbor plates.

CHARLES HOSACK, Deputy Director of the Division of Motor Vehicles, Department of Administration, said they did not.

SENATOR PHILLIPS said he had a problem with that.

CHAIRMAN THERRIAULT asked if DMV had a problem with HB 509.

MR. HOSACK said they did not. They believed the proceeds would go to a worthwhile cause. He said it would cause a small problem with the way DMV's computer system is set up. In the past year and a half to two years, DMV issued about 275 ACT plates. Based on those numbers, they didn't think there would be a huge influx

of requests for the plates. They were willing to accept the problems of keeping their computer system straight. He said DMV's only concern was the talk about opening the commercial option up to other specialty plates. In that case, they would have to restructure their computer system because a lot of their statistical information is based on the fees for the type of license plate a vehicle has. Commercial vehicles are lumped into four categories for different weights. For noncommercial vehicles, you can get vanity plates, veterans' plate, Pearl Harbor plates, etc. He said DMV has about 60 different class codes for noncommercial vehicles. They were hoping to keep that from spreading to commercial vehicles.

SENATOR PHILLIPS said if it was going to be done for one, it ought to be done for all, or it should be done for none. He's concerned that in the future there will be others wanting to have the same thing done for their cause.

CHAIRMAN THERRIAULT said with the exception of University plates, the extra revenue from the sales of the other plates such as veterans' plates and Pearl Harbor plates goes to the state treasury.

MR. HOSACK said that was correct. The revenue from ACT and University plates is identified separately in DMV's system so the Legislature can appropriate the funds.

CHAIRMAN THERRIAULT said the veterans wouldn't be likely to ask the Legislature to have their plates on commercial vehicles because they don't derive any revenue from the sale of the plates.

MR. HOSACK said he hoped not. He said he had not heard of any such movement.

SENATOR STEVENS asked about the University.

MR. HOSACK said he had not heard anything about the University. He said the reason the law was written to include only passenger vehicles is because the language was copied from the statutes for other personalized plates, all of which are limited to noncommercial vehicles.

SENATOR STEVENS asked how many University plates had been issued.

MR. HOSACK said there are four different University plates. The University of Alaska Fairbanks has the most plates with between 300 and 400 plates. The University of Alaska Anchorage has a

little over 100 plates. The University of Alaska Southeast has about 20 and the Prince William Sound Community College has about five or six.

SENATOR STEVENS asked if it was discussed to open the noncommercial option for plates to the University since ACT and the University were the only two license plates with dedicated funds.

MS. ERICKSON said it had not been discussed.

MR. HOSACK said he was not aware of it being discussed.

SENATOR STEVENS said if it was opened up to one charity, it ought to be opened up for the other.

SENATOR PHILLIPS said in the future the veterans might want to do the same thing to build a memorial.

SENATOR STEVENS said the Legislature just passed a bill to that effect.

SENATOR PHILLIPS said they could ask for something similar funded by license plates.

SENATOR STEVENS said they would have to go through the process of getting it approved by the Legislature again.

SENATOR PHILLIPS said that was the problem.

CHAIRMAN THERRIAULT said it would take further legislation to do that. He asked Mr. Hosack if he had any further comments. He did not. He asked if there was anybody present who would like to testify on HB 509.

SHARI PAUL, Project Coordinator of the Children's Trust, said she was there to answer questions.

CHAIRMAN THERRIAULT asked for the current balance of the ACT.

MS. PAUL said it was about \$9.6 million.

CHAIRMAN THERRIAULT said he had not prepared a CS to HB 509. He asked if there were any amendments. He noted the bill would also be referred to finance because it had a small fiscal note. He asked for the will of the committee.

SENATOR PHILLIPS moved Amendment #1 to delete "commercial and"

from page 1, line 6.

SENATOR STEVENS objected.

SENATOR PHILLIPS withdrew Amendment #1.

CHAIRMAN THERRIAULT asked Senator Phillips if it was his intention to oppose HB 509.

SENATOR PHILLIPS said it was.

CHAIRMAN THERRIAULT said the bill would be held in committee because there were not enough votes to move it out of committee.

CSHB 509(STA) was held in committee.

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The next order of business was SCR 33.

#SCR 33

SCR 33-OVARIAN CANCER AWARENESS MONTH

GERAN TARR, Aide to Senator Johnny Ellis, said SCR 33 was a simple resolution recognizing September as Ovarian Cancer Awareness Month. In August of 2000, Kim Sexton and Deb Donoho formed the Alaska Chapter of the National Ovarian Cancer Coalition (NOCC), hoping to be able to educate women about ovarian cancer, which is often diagnosed too late. They hoped that by having Ovarian Cancer Awareness Month, they would be able to get the message to women about screening opportunities. She said there is not a comprehensive screening program for ovarian cancer like there is for breast cancer. She said the rates of ovarian cancer are rising dramatically. The Alaska Chapter of NOCC was trying to encourage women to consider ovarian cancer earlier rather than after they've ruled out all other potential health problems. She noted the following bullet points from the sponsor statement:

- In the United States, more women die of ovarian cancer each year than of cervical and endometrial cancers combined.
- Early detection is the key to survival; if the cancer is diagnosed while confined to the ovary the five-year survival rate reaches 93% on average.

MS. TARR said the Anchorage Assembly passed resolutions and the Governor made proclamations recognizing September as Ovarian Cancer Awareness Month for a couple of years. She said there was a national campaign to pass resolutions permanently recognizing September as Ovarian Cancer Awareness Month.

DEB DONOHO, Alaska Chapter of NOCC, said SCR 33 was important to them because we need to educate women of the symptoms of ovarian cancer. She said Ovarian Cancer Awareness Month would be a way to get their attention. She said if women knew what the symptoms are, they could check for ovarian cancer in the beginning instead of waiting until everything else was ruled out.

CHAIRMAN THERRIAULT asked if there were any questions. There were not.

KIM SEXTON, Alaska Chapter of NOCC, said before she was diagnosed with ovarian cancer, she had never heard of the disease. She said they did a women's show in Anchorage the previous weekend and she was alarmed at the amount of women that they educated on the fact that a pap smear doesn't detect ovarian cancer. She said women don't know about the disease and need to be educated.

CHAIRMAN THERRIAULT asked if there were any questions. There were none. He noted the zero fiscal note attached to the bill. He said he had not prepared a CS. He asked if there were any amendments. There were not. He asked for the will of the committee.

SENATOR PHILLIPS moved SCR 33 from committee with attached fiscal note and individual recommendations.

There being no objection, SCR 33 was moved from committee with attached fiscal note and individual recommendations.

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The final order of business was HB 458.

#HB 458

HB 458-STATE EMPLOYEE PROBATIONARY PERIOD

MELANIE LESH, Aide to Representative Bill Hudson, sponsor of HB 458, said HB 458 was a change to the state personnel statutes in AS 39.25.150. It would allow for the extension of probationary periods that are currently limited to 12 months when an agreement has been collectively bargained.

CHAIRMAN THERRIAULT asked if she heard anything in previous testimony on HB 458 that would indicate why the probationary period was set at 12 months and the flexibility was not built into the law.

MS. LESH said Dave Stewart, Personnel Manager at the Department of Administration, talked about the Police Standards Council, which has a 14-month probationary period. She said there was also a court case that suggested that the Legislature look at the statutory limitation because it doesn't allow for exceptions. For instance, she said if someone in the police-training program were injured, they would have to be let go after the 12-month probationary period because they would automatically become a permanent employee.

SENATOR PHILLIPS asked what case that was.

MS. LESH said the court case did not involve police standards. The case was *Baseden vs. State of Alaska*.

SENATOR PHILLIPS asked if the case was in Juneau or Anchorage.

MS. LESH believed the case had initiated in Juneau. She said a person was told by the State they would like to extend his probationary period and he was given advice by the Alaska State Employees Association that he was a probationary employee. However, he was automatically a permanent employee because of the statutory limitation. He took a course of action and the court ruled he was a permanent employee and other avenues of recourse were available. She said it was confusion over the statutory limit that put him and the State in that position.

CHAIRMAN THERRIAULT asked if there were any questions from committee members.

SENATOR PHILLIPS wondered if the confusion over state statutes was only when a lawyer made it that way.

CHAIRMAN THERRIAULT said eventually the courts had to interpret the law.

SENATOR PHILLIPS wondered how much the case cost the State of Alaska.

MS. LESH didn't believe the case had been resolved.

SENATOR PHILLIPS said in that case it would still be using State moneys.

CHAIRMAN THERRIAULT said, "The process of governing ourselves as a society is expensive and cumbersome." He asked if there was any opposition to the bill.

MS. LESH said there had not been any. She said there was a question in the House State Affairs Committee about who was excluded. She said the people who were excluded were those who were not represented, those being legislative employees and appointees, who don't have probationary periods.

CHAIRMAN THERRIAULT noted the zero fiscal note. He said he had not prepared a CS. He asked if there were any amendments. There were none. He asked for the will of the committee.

SENATOR STEVENS moved HB 458 from committee with attached zero fiscal note and individual recommendations.

There being no objection, HB 458 was moved from committee with attached fiscal note and individual recommendations.

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ADJOURNMENT

There being no further business before the committee, the Senate State Affairs Committee meeting was adjourned at 4:05 p.m.