

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 13, 2004

8:02 a.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative John Coghill
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

Representative Jim Holm, Vice Chair
Representative Bob Lynn

COMMITTEE CALENDAR

HOUSE BILL NO. 523

"An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 411

"An Act relating to an optional election to prevent the name and address of a permanent fund dividend applicant from being disclosed, except to a state or federal agency."

- HEARD AND HELD

CS FOR SENATE BILL NO. 327(STA)

"An Act relating to pedestrians using rollerblades, roller skates, and rollerskis."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 523

SHORT TITLE: VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
02/26/04	2748	(H)	READ THE FIRST TIME - REFERRALS
02/26/04	2748	(H)	STA, JUD, FIN
02/26/04	2748	(H)	FN1: ZERO(LAW)
02/26/04	2748	(H)	FN2: (GOV)
02/26/04	2748	(H)	GOVERNOR'S TRANSMITTAL LETTER
04/08/04		(H)	STA AT 8:00 AM CAPITOL 102
04/08/04		(H)	Heard & Held
04/08/04		(H)	MINUTE(STA)
04/13/04		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 411

SHORT TITLE: PF DIVIDEND APPLICATION RECORDS PRIVATE

SPONSOR(S): REPRESENTATIVE(S) CROFT

Jrn-Date	Jrn-Page		Action
01/28/04	2421	(H)	READ THE FIRST TIME - REFERRALS
01/28/04	2421	(H)	STA, JUD
04/13/04		(H)	STA AT 8:00 AM CAPITOL 102

BILL: SB 327

SHORT TITLE: ROLLERBLADES, ROLLER SKATES, ROLLER SKIS

SPONSOR(S): SENATOR(S) SEEKINS

Jrn-Date	Jrn-Page		Action
02/13/04	2157	(S)	READ THE FIRST TIME - REFERRALS
02/13/04	2157	(S)	STA, FIN
02/26/04		(S)	STA AT 3:30 PM BELTZ 211
02/26/04		(S)	Moved CSSB 327(STA) Out of Committee
02/26/04		(S)	MINUTE(STA)
02/27/04	2312	(S)	STA RPT 3DP 1NR NEW TITLE
02/27/04	2312	(S)	DP: STEVENS G, COWDERY, STEDMAN;
02/27/04	2312	(S)	NR: HOFFMAN
02/27/04	2312	(S)	FN1: ZERO(DPS)
03/17/04	2545	(S)	FIN REFERRAL WAIVED
03/19/04	2571	(S)	RULES TO CALENDAR 3/19/2004
03/19/04	2571	(S)	READ THE SECOND TIME
03/19/04	2571	(S)	STA CS ADOPTED UNAN CONSENT
03/19/04	2571	(S)	ADVANCED TO THIRD READING UNAN CONSENT

03/19/04	2571	(S)	READ THE THIRD TIME CSSB 327(STA)
03/19/04	2571	(S)	COSPONSOR(S): WILKEN, GREEN, STEVENS B,
03/19/04	2571	(S)	FRENCH, DYSON, ELTON
03/19/04	2571	(S)	PASSED Y17 N1 E2
03/19/04	2578	(S)	TRANSMITTED TO (H)
03/19/04	2578	(S)	VERSION: CSSB 327(STA)
03/22/04	3015	(H)	READ THE FIRST TIME - REFERRALS
03/22/04	3015	(H)	TRA, STA
03/22/04	3035	(H)	CROSS SPONSOR(S): GUTTENBERG
03/30/04		(H)	TRA AT 1:30 PM CAPITOL 17
03/30/04		(H)	Moved CSSB 327(STA) Out of Committee
03/30/04		(H)	MINUTE(TRA)
03/31/04	3136	(H)	TRA RPT 4DP 3NR
03/31/04	3136	(H)	DP: MASEK, OGG, STEPOVICH, HOLM;
03/31/04	3136	(H)	NR: KOOKESH, KAPSNER, KOHRING
03/31/04	3136	(H)	FN1: ZERO(DPS)
04/13/04		(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

LAURA GLAISER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of the
division during the hearing on HB 523.

REPRESENTATIVE ERIC CROFT
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of HB 411.

JOE MICHEL, Staff
to Senator Ralph Seekins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on SB 327, on
behalf of Senator Seekins, sponsor.

LIEUTENANT AL STOREY
Central Office
Division of Alaska State Troopers

Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on behalf of the Alaska State Troopers during the hearing on SB 327.

ACTION NARRATIVE

TAPE 04-59, SIDE A

Number 0001

CHAIR BRUCE WEYHRAUCH called the House State Affairs Standing Committee meeting to order at 8:02 a.m. Representatives Seaton, Coghill, Gruenberg, and Weyhrauch were present at the call to order. Representative Berkowitz arrived as the meeting was in progress.

HB 523-VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

Number 0030

CHAIR WEYHRAUCH announced that the first order of business was HOUSE BILL NO. 523, "An Act relating to qualifications of voters, voter registration, voter residence, precinct boundary modification, recognized political parties, voters unaffiliated with political parties, early voting, absentee voting, ballot counting, voting by mail, initiative, referendum, recall, and definitions; and providing for an effective date."

Number 123

REPRESENTATIVE GRUENBERG moved [to adopt the committee substitute (CS) for HB 523, Version 23-GH2021\I, Kurtz, 4/12/04, as a work draft].

Number 0144

CHAIR WEYHRAUCH objected [for discussion purposes]. He directed the committee's attention to a memorandum from Kathryn Kurtz, [Legislative Counsel, Legislative Legal and Research Services].

Number 0220

REPRESENTATIVE GRUENBERG asked for time to digest the memorandum. He suggested the committee return to Amendment 2, which had been discussed, but not moved, during the last hearing on HB 523 [on April 8, 2004].

CHAIR WEYHRAUCH moved [to adopt Conceptual] Amendment 2, which read as follows, [with some handwritten changes]:

Page 1, line 5, following "**counting**,":
Insert "**voting electronically**,"

Page 20, following line 26:
Insert a new bill section to read:
"*** Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:
VOTING BY MAIL AND ELECTRONICALLY. Not later than January 31, 2005, the director of the division of elections shall provide a report to the legislature on the feasibility, costs, and benefits of authorizing a system of voting by mail and electronically."

Renumber the following bill sections accordingly.

REPRESENTATIVE GRUENBERG objected.

REPRESENTATIVE SEATON asked if the page numbers and line numbers needed to be changed to match [Version I].

The committee took a brief at-ease.

Number 0385

REPRESENTATIVE GRUENBERG pointed out that the new section would not be Section 39, and it would not go on page 20, line 6. He suggested that the committee ask the bill drafter to insert [Conceptual Amendment 2] wherever it should go in the bill. He said he thinks that would be on page 20 and would go somewhere near Sections 47-49.

CHAIR WEYHRAUCH stated the purpose of [Conceptual Amendment 2] was to address the electronic voting issue [that was addressed in another bill] that was passed out of the House State Affairs Standing Committee.

Number 0427

CHAIR WEYHRAUCH removed his objection to Version I for purposes of making amendments to the bill.

REPRESENTATIVE GRUENBERG recommended that [Conceptual Amendment 2] be offered conceptually, so that the bill drafter could place it in the right section of the bill.

CHAIR WEYHRAUCH clarified that he is offering [Amendment 2] as a conceptual amendment.

Number 0498

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, in response to a question from Representative Gruenberg, said there was no intention by the division to create an additional fiscal note as a result of providing the report [requested in Conceptual Amendment 2].

REPRESENTATIVE SEATON reminded the committee that the division had asked the date to be changed at the last hearing on HB 523.

MS. GLAISER suggested that the middle of February would work.

Number 0546

CHAIR WEYHRAUCH moved to amend [Conceptual Amendment 2] by changing the words "January 31" to "March 1". No objection was stated; therefore the amendment to Conceptual Amendment 2 was so ordered.

CHAIR WEYHRAUCH asked if there was any further objection to [Conceptual] Amendment 2.

Number 0573

REPRESENTATIVE GRUENBERG removed his objection [to Conceptual Amendment 2, as amended].

CHAIR WEYHRAUCH announced that, there being no objection, [Conceptual] Amendment 2 was adopted.

Number 0636

REPRESENTATIVE GRUENBERG, in response to Chair Weyhrauch, confirmed that he had prepared a number of amendments to offer that are numbered for Version H of the bill. He indicated that he would refer to Version H, but would ask that the bill drafter change the pagination to conform to Version I.

CHAIR WEYHRAUCH said, "So noted."

Number 0645

REPRESENTATIVE GRUENBERG moved to adopt Amendment 3, [labeled 23-GH2021\H.1, Kurtz, 4/12/04], which read as follows:

Page 4, lines 8 - 21:

Delete all material and insert:

"* **Sec. 4.** AS 15.10.090 is repealed and reenacted to read:

Sec. 15.10.090. Notice of precinct boundary designation and modification. The director shall give full public notice if a precinct is established or abolished or if the boundaries of a precinct are designated, abolished, or modified. Public notice must include

(1) whenever possible, sending written notice of the change to each affected registered voter in the precinct;

(2) providing notice of the change

(A) by publishing three times in a daily or weekly newspaper of general circulation in that house district and in that precinct; or

(B) if there is not a newspaper described in (A) of this paragraph, by posting written notice in three conspicuous places, at least one of which must be in the precinct;

(3) posting notice of the change on the Internet site of the division of elections; and

(4) providing notification of the change to the appropriate municipal clerks, community councils, tribal groups, presiding officers, Native villages, and village regional corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement Act)."

Page 20, following line 6:

Insert a new bill section to read:

"* **Sec. 47.** AS 15.10.020(b) is repealed."

Renumber the following bill sections accordingly.

REPRESENTATIVE GRUENBERG explained that he had added the written additions to Amendment 3 because the drafter had not realized that polling places were to be included.

Number 0740

CHAIR WEYHRAUCH pointed to [paragraph (2), subparagraph (A)] of Amendment 3. He asked if that language would require publication six times.

REPRESENTATIVE GRUENBERG answered no, it's only three times. He welcomed suggestions for clarifying the language there.

Number 0765

CHAIR WEYHRAUCH suggested a friendly amendment [Amendment 1] to Amendment 3, to insert "or" after "house district" in [subparagraph (A)].

REPRESENTATIVE GRUENBERG said he would accept that friendly amendment [Amendment 1] to Amendment 3. He clarified, "So, it would be, 'or, if possible, in the precinct;'. "

Number 0795

REPRESENTATIVE BERKOWITZ asked why the term house district is even mentioned in this.

REPRESENTATIVE GRUENBERG explained that there are some districts, such as that of Representative Carl Moses, where there may be a polling place change "out at the end of the chain." He said, "So, they may have something that's published and circulated in Sand Point, but not out in Unalaska or something."

REPRESENTATIVE GRUENBERG explained, "The thinking was that there may - out at Adak, or something - be no newspaper, but at least it would be published in something that may find its way out there and would at least be published in the district itself."

REPRESENTATIVE BERKOWITZ recommended deleting references to the "house district".

CHAIR WEYHRAUCH remarked that he is not certain if the original bill contained "house district".

MS. GLAISER noted that it is in current language. In response to a question from Representative Berkowitz, she confirmed that municipal precincts are the same as state precincts.

REPRESENTATIVE BERKOWITZ noted that there is language currently in the [Alaska State] Constitution that requires that House and Senate districts be contiguous. He said, "That doesn't

necessarily have to be the case." He noted that there are a lot of states where House boundaries are different than the Senate boundaries, for example. He said he would encourage Alaska to "go to that sort of concept in the future." He said, "This is about precinct boundaries and precinct polling places, and you're injecting another term of art into this statute."

Number 0956

MS. GLAISER directed attention to page 2 of Amendment 3, regarding the proposed repeal of AS 15.10.020(b). She said, "There probably will be an additional fiscal note, because right now we don't publish every time we change a polling place. Sometimes we make immediate changes in polling places, due to someone calling and notifying one of the regional offices saying they aren't available at the polling place, and we make a switch and do what we can to get that notice out." Ms. Glaiser emphasized that [the division] is willing to do this, but it will require more public notice than what it currently gives.

Number 0999

CHAIR WEYHRAUCH noted that in Version I, Section 4 already deals with the issue of publication. He offered his understanding that there wouldn't be any fiscal impact from that section, but there would be with the adoption of [Amendment 3].

MS. GLAISER confirmed that would be true. She offered her understanding that the intent of Amendment 3 would be to "merge the two types of notification to people - not just precinct boundary changes, but polling place changes." The additional requirement for notice of polling place changes would result in a minimal fiscal note requirement.

Number 1044

REPRESENTATIVE BERKOWITZ insisted that there be notice of changes in polling place because he has heard about an insidious tactic for voter suppression by changing the polling place.

REPRESENTATIVE GRUENBERG agreed with Representative Berkowitz and accepted a friendly amendment to delete the phrase "in the house district or".

Number 1083

REPRESENTATIVE GRUENBERG clarified that, with Amendment 2 to Amendment 3, the language [in subparagraph (A)] would read as follows:

(A) by publication three times in a daily or weekly newspaper of general circulation in, if possible, the precinct; or

REPRESENTATIVE GRUENBERG asked for unanimous consent on friendly Amendment 2 to Amendment 3.

CHAIR WEYHRAUCH objected for purposes of discussion.

Number 1117

MS. GLAISER stated that Amendment 2 to Amendment 3 is fine. She said, "We're very fortunate in the history of the state of Alaska that our regional supervisors would not think of changing a polling place for any motivation other than to accommodate a change required in the community" She emphasized that [the division] fully believes in giving notice. Regarding the language specifying a daily or weekly newspaper, she gave an example of a paper that is not daily, but publishes more than weekly.

CHAIR WEYHRAUCH withdrew his objection. He asked if there was any further objection to [Amendment 2] to Amendment 3.

Number 1240

REPRESENTATIVE SEATON objected. He asked, "Are we getting to a point where the probability of having a newspaper in a polling precinct is darn near zero?"

CHAIR WEYHRAUCH offered his interpretation that the paper of general circulation that covers the district also covers the precinct; therefore, the intent is not to have a specific paper in a precinct. He said, "It happens to be subsumed within the district where the newspaper's printed ... to provide whatever would be." He said he is uncertain what sort of newspapers would be dealt with in the rural areas.

MS. GLAISER responded, "There are several, and sometimes we overlap the publication." She listed some names of publications. She added that [the division] does a lot of notification by mail to the individual voters, and every time a

polling place changes, the voter [who uses the polling place] gets a new voter card.

REPRESENTATIVE GRUENBERG, addressing Representative Seaton's previously stated concern, clarified that the intent isn't that the paper itself be located in the precinct, but that it is available to be received in the precinct.

Number 1349

REPRESENTATIVE SEATON removed his objection.

CHAIR WEYHRAUCH announced that, there being no further objections, [Amendment 2] to Amendment 3 was adopted.

The committee took a brief at-ease.

CHAIR WEYHRAUCH, in response to questions, clarified that the previously adopted Amendment 1 to Amendment 3 had been to add the word "or", and Amendment 2 to Amendment 3, which the committee just adopted, removed that "or" language.

Number 1664

REPRESENTATIVE GRUENBERG moved to adopt Amendment 3 to Amendment 3, to delete the words "daily or weekly" [in paragraph (2), subparagraph (A)].

MS. GLAISER, in response, said, "I'm grateful for this."

CHAIR WEYHRAUCH announced that there was no objection to Amendment 3 to Amendment 3; therefore, Amendment 3 to Amendment 3 was adopted. In response to the recent comments from Representative Berkowitz, he said that he has heard of insidious tactics [for voter suppression] being used elsewhere, but not in Alaska. He said he understands Representative Berkowitz's concern.

REPRESENTATIVE BERKOWITZ cited some examples.

Number 1521

CHAIR WEYHRAUCH removed his objection to Amendment 3 [as amended]. No further objection was stated; therefore, Amendment 3, as amended, was adopted.

Number 1543

REPRESENTATIVE GRUENBERG moved to adopt Amendment 4, labeled, 23-GH2021\H.2, Kurtz, 4/12/04, which read as follows:

Page 5, following line 12:

Insert a new bill section to read:

"* **Sec. 7.** AS 15.20.045(b) is amended to read:

(b) The director may designate by regulation adopted under AS 44.62 (Administrative Procedure Act) locations at which absentee voting stations will be operated for 15 days [ON OR AFTER THE 15TH DAY] before an election and on election day [UP TO AND INCLUDING THE DATE OF THE ELECTION]. The director shall supply absentee voting stations with ballots for all house districts in the state and shall designate absentee voting officials to serve at absentee voting stations."

Renumber the following bill sections accordingly.

Page 5, line 14:

Delete "On or after the 15th day before an election up to and including"

Insert "For 15 days before an election and on"

Page 5, lines 16 - 17:

Delete "early in the office of an election supervisor or in other locations designated by the director ["

Insert "in locations designated by the director [EARLY IN THE OFFICE OF AN ELECTION SUPERVISOR]"

Page 20, following line 6:

Insert a new bill section to read:

"* **Sec. 48.** AS 15.20.048 is repealed."

Renumber the following bill sections accordingly.

Page 20, line 9:

Delete "secs. 17 - 39"

Insert "secs. 18 - 40"

CHAIR WEYHRAUCH objected for discussion purposes.

REPRESENTATIVE GRUENBERG explained that Amendment 4 is a technical amendment to cleanup the language.

CHAIR WEYHRAUCH noted that the amendment specifies that AS 15.20.048 would be repealed from Section 48, but it is not Section 48 in Version I; therefore, Amendment 4 would have to be conformed to Version I.

REPRESENTATIVE GRUENBERG concurred.

Number 1711

REPRESENTATIVE BERKOWITZ asked what locations are generally considered absentee voting stations.

MS. GLAISER answered that they are usually places requested by the community. Absentee voting stations are more likely to be found in a clerk's office or airports in places like Ketchikan and Kenai. In response to questions, she confirmed [that absentee voting stations are also found] at universities and Access Alaska. She said she is not certain if they are at hospitals, but said she would check. She mentioned that [the division] provides a service by which it delivers ballots to those who request them in a hospital.

Number 1765

CHAIR WEYHRAUCH compared the proposed new and deleted language [in Section 7, subsection (b) of Amendment 4] and said, "That was harder to read."

REPRESENTATIVE GRUENBERG emphasized that his intent is that it is 15 days before the election, so that the sixteenth day is the day of the election itself.

Number 1830

CHAIR WEYHRAUCH treated his own objection as withdrawn; therefore, he announced that Amendment 4 was adopted.

Number 1850

REPRESENTATIVE GRUENBERG moved to adopt Amendment 5, labeled, 23-GH2021\H.3, Kurtz, 4/9/04, which read as follows:

Page 2, line 29:
Delete "voter's [VOTER]"
Insert "voter"

Number 1855

REPRESENTATIVE SEATON objected.

REPRESENTATIVE GRUENBERG read from a memorandum from Legislative Legal and Research Services regarding grammar and the use of "voter's" versus "voter".

Number 1930

REPRESENTATIVE BERKOWITZ suggested an alternative would be to say, "only if the voter notified the director".

REPRESENTATIVE GRUENBERG said he would accept that as a friendly amendment to Amendment 5.

CHAIR WEYHRAUCH clarified that the issue is an act that the voter will have to take; "there has to be an affirmative duty by the voter to take some action in the section." He suggested that it may be more elegant for Representative Gruenberg to withdraw Amendment 5.

Number 1975

REPRESENTATIVE GRUENBERG withdrew Amendment 5.

Number 1995

CHAIR WEYHRAUCH announced that Representative Berkowitz's previous suggestion for an amendment would be called Amendment 6, and it read as follows:

This presumption is negated only if the voter notified the director in writing of a change of voting residence.

REPRESENTATIVE BERKOWITZ stated that he wants to get a clearer idea why it's necessary that "this be the only way a voter can negate a presumption of address."

MS. GLAISER offered her belief that the intent is to prevent anyone else from changing a voter's record; the only way a record can be changed is if the voter asks for that change.

REPRESENTATIVE BERKOWITZ said frequently people show up to the wrong polling place for whatever reason. He asked if the voter can change his/her address [on the voter's record] at that time.

MS. GLAISER answered that can be done on the envelope of a question ballot.

Number 2068

REPRESENTATIVE COGHILL offered his understanding that if a person is going to change his/her address, that requires a registration application.

MS. GLAISER answered yes, but clarified that if a person wants to change his/her address, the aforementioned answer about the question ballot just means that a person can make the change at the polls, but it doesn't affect how that person's ballot is counted.

Number 2100

REPRESENTATIVE BERKOWITZ noted that in his district, people move and their House votes will not count because they are registered in a different House district, because they haven't "notified within 30 days." He asked if that is correct.

MS. GLAISER answered yes.

REPRESENTATIVE BERKOWITZ said, "And yet they're valid voters in every other respect." He said those votes ought to count.

MS. GLAISER responded that she believes that is a policy call of the committee. She said it's the voter's responsibility to notify that he/she has changed districts.

CHAIR WEYHRAUCH stated his assumption that the rule is in there to provide some certainty as to where the voter is and for the purpose of the division's records.

REPRESENTATIVE BERKOWITZ said it seems to him that the system should not be set up to serve the process, but rather to serve the voter. He expressed that discounting a person's vote because he/she has a wrong address, when in all other respects that person is a qualified voter is a wrong policy call.

REPRESENTATIVE COGHILL stated that it is an individual's responsibility to ensure that he/she is voting in the district in which he/she resides. He said, "I don't know that we want them voting in a district that they're not residing in." He suggested that would create more questioned ballots.

2271

CHAIR WEYHRAUCH reminded the committee that Amendment 6 had been offered by Representative Berkowitz.

REPRESENTATIVE BERKOWITZ removed his objection to Amendment 6.

CHAIR WEYHRAUCH asked if there was any further objection to Amendment 6. No objection was stated; therefore, Amendment 6 was adopted.

Number 2313

REPRESENTATIVE BERKOWITZ moved to adopt Conceptual Amendment 7 to allow a person to vote if he/she meets all the requirements of a voter, regardless of whether that person has moved to another district without notifying of the change of address.

TAPE 04-59, SIDE B

Number 2328

REPRESENTATIVE SEATON stated that, basically, "this is just getting rid of voter registration." He explained that there would be no need to preregister, because a person would just say from which district he/she is. He said, "It seems the entire process of voter registration becomes almost meaningless."

REPRESENTATIVE BERKOWITZ clarified his meaning as follows:

What I'm saying is, someone who is already registered to vote - someone who the department has found meets the criteria to be a voter - ... moved in the intervening election and [has] been in a new address for more than 30 days. They ought to be able to show up and vote for their House district, or their Senate district, or their judicial district without some sort of repercussion for not having ... notified government that they've moved.

Number 2284

CHAIR WEYHRAUCH clarified that Conceptual [Amendment 7] was the "not my obligation to tell the government that I moved and ... if I am already registered I can vote where I live" amendment. He stated that although he also doesn't like telling the government about himself, he knows that he has "some duty" and would rather tell the government what he's doing rather than

having the government hunt him down. He said he does put a little bit of responsibility on the individual. He pointed out that there has to be administration that takes place regarding voting and there needs to be some certainty that people are voting where they live and are registered. He added, "I guess, conceptually, I have a problem with your conceptual amendment."

REPRESENTATIVE GRUENBERG suggested that Representative Berkowitz and Ms. Glaiser could come up with something that "can help solve the problem yet be a workable solution."

REPRESENTATIVE BERKOWITZ withdrew Conceptual [Amendment 7].

Number 2173

REPRESENTATIVE GRUENBERG moved to adopt Amendment 8, labeled 23-GH2021\H.4, Kurtz, 4/12/04, which read as follows:

Page 2, following line 30:

Insert a new bill section to read:

"* **Sec. 2.** AS 15.07.040 is amended to read:

Sec. 15.07.040. Time for registration. A person who is qualified under AS 15.05.010(1) - (3) is entitled to register at any time throughout the year except that a person under 18 years of age may register if the person will be 18 years of age or older before the date of the next primary or general election or the next regularly scheduled municipal election in the district in which the applicant resides [AT ANY TIME WITHIN 90 DAYS IMMEDIATELY PRECEDING THE PERSON'S 18TH BIRTHDAY]."

Renumber the following bill sections accordingly.

Page 3, line 16:

Delete "within 90 days after [OF] the date of registration"

Insert "before the date of the next primary or general election or the next regularly scheduled municipal election in the district in which the applicant resides [WITHIN 90 DAYS OF THE DATE OF REGISTRATION]"

Page 3, lines 21 - 23:

Delete "any former name under which the applicant was registered to vote in the state;

(11)"

Insert ["ANY FORMER NAME UNDER WHICH THE
APPLICANT WAS REGISTERED TO VOTE IN THE STATE;
(11)"]

Page 3, line 23:
Delete "attestation"
Insert "oath [ATTESTATION]"

Page 3, line 24:
Delete "(10)"
Insert "(9) [10]"

Page 3, line 25:
Delete "(12)"
Insert "(11) [(12)]"

Page 20, following line 6:
Insert a new bill section to read:
"* **Sec. 48.** AS 15.07.060(d) is repealed."

Renumber the following bill sections accordingly.

Page 20, line 9:
Delete "secs. 17 - 39"
Insert "secs. 18 - 40"

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE GRUENBERG stated that it doesn't matter whether a person is 18 years of age 90 days before an election, but rather whether he/she is 18 years of age by election day. Representative Gruenberg noted that the first portion of Amendment 8 states that a person can register if he/she is going to be 18 by the date of the next primary, general, or municipal election - whichever first occurs.

MS. GLAISER said that appears to read clearly and make sense. In response to a question from Chair Weyhrauch, she offered her understanding that current language states that a person can register "90 days prior," whereas [Amendment 8] would allow the person to register on January 1.

CHAIR WEYHRAUCH remarked that the person could request an absentee ballot and may then actually be voting at 17 years of age, because they turn 18 the day before the election, for example. He indicated that that situation could happen within the current 90-day language.

MS. GLAISER said she thinks that's correct.

Number 2009

REPRESENTATIVE GRUENBERG said Chair Weyhrauch is correct. He clarified that a person doesn't actually vote until the vote is received.

REPRESENTATIVE BERKOWITZ said he thinks the way around the problem is that a person can register in January, but that person will not be "on the rolls until November." He said, "It seems to me if I'm 17 on November 6, I can't attest the way I need to attest on an absentee ballot, so you couldn't vote until election day anyway."

CHAIR WEYHRAUCH noted that [Amendment 8] would refine the law that's already in place regarding 90 days.

MS. GLAISER concurred.

CHAIR WEYHRAUCH said his central concern is that, from the standpoint of administration, [this part of Amendment 8] would not cause a problem for the division.

MS. GLAISER answered, "At first blush, yes, sir, that's right."

Number 1936

REPRESENTATIVE SEATON indicated that a person who registers January 1 may be 18 by the general election, but not by the primary.

Number 1918

REPRESENTATIVE GRUENBERG suggested an amendment to Amendment 8, to add the phrase "whichever election first occurs" after "in which the applicant resides", on page 1, lines 8 and 17 [as numbered on the amendment].

MS. GLAISER commented that she understands [Representative Gruenberg] is trying to help. She added, "If I had some time with my regional supervisors and the people that have conducted elections over a number of years, then it would be a more fair playing field, then I could respond."

CHAIR WEYHRAUCH asked if there was any objection to [the suggestion to] amend Amendment 8.

Number 1839

REPRESENTATIVE COGHILL asked, "Is this to say that if there was a special election and they were properly registered that they could not?"

REPRESENTATIVE GRUENBERG said that's correct. He said, "If there's a special election, it doesn't count; this is only registering for regular elections, otherwise it would be impossible to administer."

Number 1815

MS. GLAISER responded that she does believe that the old language regarding the 90 days would address Representative Coghill's concern, because "the markers weren't elections - the marker was 90 days prior."

REPRESENTATIVE COGHILL said he understands that special elections are "a problem." He noted that the 90-day issue would be an important policy call. He continued as follows:

Because what we're doing is we're saying now that the 90-day marker is not the issue, but a municipal, general, or primary election [is] the issue. Now are we saying to young men and women that their vote is only good starting then, when they could very well, under the present law, be qualified to vote, and are we helping the situation at all? And ... I'm asking myself that question, as well as asking you, because I'm going to have to ponder this a little bit.

Number 1759

REPRESENTATIVE SEATON observed:

It seems like what we're doing here is satisfying the time for registration - of when you can register to vote - but ... if you register to vote and you're 18 by the time a special election comes up, you're going to be able to vote anyway. This just marks when you can register to vote, not when you can vote if you're legally allowed to vote. I mean, if you filled the requirement at the time of the ... special election, I

presume -- maybe we can ask the ... division if there's anything, even if it was a special election, if you are qualified, if you'd be able to vote.

Number 1723

MS. GLAISER replied that a person would have to be 18 at the time of any election to vote, and "this is a question about registration." She explained that she was just trying to clarify what the markers are for registration; "before, it was 90 days and now, it's these elections."

REPRESENTATIVE GRUENBERG, addressing the issue previously stated by Representative Coghill, stated that his intent is to allow a person to register early; it was not to prohibit a person who is otherwise eligible from voting in a special election. He explained, for example, that he had hoped to make it easier for young people to register before going away to college.

Number 1660

REPRESENTATIVE COGHILL voiced the following:

Still, the 30-days requirement from age 18 to any election - you'd still have to be registered 30 days before the election, so that doesn't change anything. So, all I'm trying to figure out is if they could register early as you said, and we had a special election the end of July where they might otherwise be eligible, but they now have to wait until the end of August to vote.

REPRESENTATIVE GRUENBERG said no; that's not the intent and if further reading shows that there is a problem, he'll be the first to offer an amendment to "cure that."

CHAIR WEYHRAUCH said he is uncertain if [the amendment to Amendment 8] would help. In response to Representative Coghill, he stated his intention was not to move the bill before there was a new committee substitute before the committee.

REPRESENTATIVE SEATON said he thinks the time before someone's birthday is a more internal marker than when an election is going to be held. He said he would not have a problem expanding the time [from 90 days] to 120 days, because the person would still have to be 18 before the election.

Number 1544

CHAIR WEYHRAUCH suggested that Representative Gruenberg bifurcate Amendment 8. He suggested that lines 1-18 [as numbered on Amendment 8] be deleted.

CHAIR WEYHRAUCH announced that, hearing no objection, lines 1-18 were deleted.

Number 1488

REPRESENTATIVE GRUENBERG turned to the second part of Amendment 8, which he said spanned page 1, lines 20-23 through page 2, lines 1-3, as well as the repealer on page 2, lines 16-18 [all lines as numbered on Amendment 8]. He noted that the original language in [Version H] had read that each applicant who requests registration or reregistration shall supply any former name under which he/she was registered to vote in the state.

MS. GLAISER explained that "it's just another way for us, when we're checking the rolls, to make sure that they're clean; that if you've reregistered under a former name, ... we've deleted the old record and that we put the new record back in."

REPRESENTATIVE GRUENBERG said he would "delete" that part of the amendment.

CHAIR WEYHRAUCH announced that the committee was deleting lines 21-23 on page 1 and lines 1-2 on page 2 [as numbered on Amendment 8].

Number 1340

REPRESENTATIVE GRUENBERG turned to page 2, lines 4-6 [as numbered on Amendment 8], which would delete "attestation" and insert "oath". He explained that the use of the word attestation is not found in the law anymore.

MS. GLAISER confirmed that is correct.

Number 1316

REPRESENTATIVE GRUENBERG indicated that lines 4-6 on page 2 of Amendment 8 [as numbered on the amendment] is the only part of Amendment 8 remaining, since everything else either has been deleted or should be.

Number 1293

CHAIR WEYHRAUCH asked if there was any objection to Amendment 8, as amended. No objection was stated; therefore, Amendment 8, as amended was adopted.

Number 1981

MS. GLAISER asked if there were any questions that the committee would like answered regarding registration for an 18 year old.

CHAIR WEYHRAUCH said he wasn't sure, because he is not dissatisfied with the way the law presently reads. He mentioned that Representative Seaton had suggested to change the 90 days to 120, and he said he doesn't have a conceptual problem with that either.

Number 1229

REPRESENTATIVE COGHILL said he prefers the present marker.

CHAIR WEYHRAUCH reiterated that Amendment 8, as amended, had been adopted, "which deletes that entire issue."

Number 1154

REPRESENTATIVE GRUENBERG moved to adopt Amendment 9, labeled 23-GH2021\H.5, Kurtz, 4/9/04, which read as follows:

Page 7, line 26:

Delete "at least 90 days"

Insert "not earlier than January 1 of a presidential election year and not later than the 90th day"

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE GRUENBERG noted that, currently, there is no provision in state law for independent candidates, such as Ralph Nader, to be on the ballot. He offered his understanding that there may be a constitutional requirement that if people want to run, there should be a process by which they get on the ballot. He recollected that Ms. Glaiser had told him that Alaska is the only state not to have such a statute.

MS. GLAISER said that's what she had been told. In response to a request for clarification from Chair Weyhrauch, she revealed that there is a group of attorneys that placed this question

before members of the Alaska State Legislature last year. She said [the division] checked with the Department of Law, because the division thought that the current law on limited political parties was sufficient; however, it was suggested by the Department of Law that "yes, we did need to make this change to our laws." In response to a follow-up question from Chair Weyhrauch, she explained that Alaska needs to make this change to its laws in order to allow access for a presidential candidate to its ballot. She confirmed that it is simply a presidential candidate issue.

CHAIR WEYHRAUCH commented that "all kinds of presidential candidates get access to our ballots under existing [law]." He said he is not sure what is really going on with [Amendment 9].

Number 0959

MS. GLAISER responded that she doesn't really know the history surrounding the law and she doesn't know whether adding this means there would be more presidential candidates in the state.

Number 0900

REPRESENTATIVE COGHILL noted that present statute says that if a person wants to be a candidate, he/she has to get a petition in within 90 days of the general election. [Amendment 9] would make it no earlier than January, but would still limit it to 90 days; therefore, there would be a "window that's a little more narrowly defined." Representative Coghill said that seems like a greater limitation.

REPRESENTATIVE GRUENBERG noted that Section 14 is new and there is no provision for an independent candidate. He stated that [Amendment 9] does exactly what Representative Coghill said it would: a candidate cannot register earlier than January.

REPRESENTATIVE COGHILL said he stands corrected seeing the new Section [14] and had only been focusing on [Amendment 8].

Number 0824

REPRESENTATIVE SEATON offered his understanding that, currently, a candidate can file from January 1 to August 2, but Amendment 9 would require that the candidate get his/her filing in by the end of March, which he said he presumed is the 90th day after January 1. He asked if that is what Representative Gruenberg intended, or if he meant the 90th day before the election.

CHAIR WEYHRAUCH offered his understanding that it would be January 1 to the ninetieth day before the general election.

MS. GLAISER said that's her understanding.

Number 0762

REPRESENTATIVE GRUENBERG explained, "If it does become law, we don't want them filing before January 1 of the presidential election year."

CHAIR WEYHRAUCH announced that no public testimony would be taken today, but would be taken at the next hearing on HB 523.

Number 0655

REPRESENTATIVE COGHILL removed his objection [to Amendment 9].

CHAIR WEYHRAUCH asked if there was "further comment on Amendment 9." He announced, "Amendment 9, then, is adopted."

Number 0643

CHAIR WEYHRAUCH turned attention to Amendment 10, labeled 23-GH2021\H.6, Kurtz, 4/12/04, which read as follows:

Page 8, line 9, following "candidate":

Insert "; and

(3) the name, Alaska mailing address, and signature of the campaign chair, who must be an Alaska resident"

REPRESENTATIVE GRUENBERG explained that the purpose for Amendment 10 is so that there is an Alaska contact, which he said should be an Alaska resident.

Number 0576

REPRESENTATIVE GRUENBERG moved to adopt Amendment 10.

CHAIR WEYHRAUCH objected.

MS. GLAISER stated that all the current seated parties have chairs in the state and the division has contacts for them. She said she doesn't think that "this is onerous or an undue burden on an independent candidate," and she added that this would be a policy call.

CHAIR WEYHRAUCH noted that [Amendment 10 is part of Section 14], which addresses: "**Qualifications for independent candidates for President of the United States; selection of candidate for Vice-President; selection of electors.**" He asked if major party candidates are required to "put ... the state campaign chair."

MS. GLAISER responded that that's a good question. She said the chair might be something that APOC requires, but [the division] does not. She noted, "We do have the chairman of the party; all of that contact information is given to the Division of Elections when they submit their bylaws." She said the recognized parties are always in contact with the division when the chairman changes. She added, "So, I don't know whether it's like-to-like, but it appears to be."

CHAIR WEYHRAUCH said he sees this as "putting something on one group and not on another," and he said he wonders if there is some sort of equality issue [regarding Amendment 10]. He questioned whether requiring the chair to be an Alaska resident might raise legal questions regarding privileges and immunities, for example. In response to a comment from Ms. Glaiser, he said the legal issues could be considered in the House Judiciary Standing Committee, but he remarked that a policy issue is, "Why are we doing that on one kind of a candidate and not on another?"

MS. GLAISER noted that the chairs in Alaska for President George W. Bush and U.S. Senator John Kerry are both Alaska residents; however, she said she doesn't know if that's required by law.

Number 0375

REPRESENTATIVE SEATON said, "The only reason it seems to be a separate thing is because these are independent people that aren't affiliated with political parties, so it seems to me it's not an onerous burden on them that's not put on every party that nominates a candidate"

CHAIR WEYHRAUCH remarked, "Well the parties have the machine and the staff and the people, and some of these independents are, you know, just frankly out there."

REPRESENTATIVE SEATON responded as follows:

You have to have signatures of 1 percent of all the voters that voted in the last election, so you're not

going to have somebody just submitting their name without having some kind of an apparatus to get 1 percent of all the voters that voted in the last presidential election submitted. So, it just seems to me that for administration, if the Division of Elections doesn't have anybody to contact in the state, ... it would be a very difficult situation.

CHAIR WEYHRAUCH said he is looking at the balance of getting access to the ballot and choice to the voters, versus administration, and he said [Amendment 10] seems to weigh against access to the ballot in benefit to the administrator.

Number 0251

REPRESENTATIVE GRUENBERG said it seems to him that a campaign for an independent candidate for President of the United States should have somebody the division can contact in Alaska.

Number 0220

CHAIR WEYHRAUCH announced that Amendment 10 would be set aside to wait for a quorum.

The committee took an at-ease from 9:36 a.m. to 9:37 a.m.

CHAIR WEYHRAUCH announced that Amendment 10 was once again before the committee.

Number 0165

REPRESENTATIVE COGHILL said he has no objection to Amendment 10.

CHAIR WEYHRAUCH withdrew his objection. He announced that, there being no further objections, Amendment 10 was adopted.

CHAIR WEYHRAUCH announced that HB 523 would be held over.

HB 411-PF DIVIDEND APPLICATION RECORDS PRIVATE

Number 0098

CHAIR WEYHRAUCH announced that the next order of business was HOUSE BILL NO. 411, "An Act relating to an optional election to prevent the name and address of a permanent fund dividend applicant from being disclosed, except to a state or federal agency."

Number 0091

REPRESENTATIVE ERIC CROFT, Alaska State Legislature, as sponsor of HB 411, explained that the proposed legislation is a privacy measure regarding the permanent fund dividend (PFD), which would direct the government to "keep some of the information we give confidential." He indicated that confidential information includes [an applicant's] name and residential address, for example. He stated that it's a right under "our constitution" to keep that information private.

TAPE 04-60, SIDE A

Number 0001

REPRESENTATIVE CROFT offered an example of why a citizen may want that [information] kept private.

REPRESENTATIVE CROFT turned to the fiscal note. He directed attention to [page 1, beginning on line 10], which read as follows:

Notwithstanding other provisions, if a confidentiality election is made under this section, the department may only release the name and address

- (1) to a state or federal agency;
- (2) in compliance with a court order; or
- (3) as directed by the individual who made the confidentiality election.

REPRESENTATIVE CROFT indicated a portion of the fiscal note analysis, which read as follows:

The bill as written does not allow sharing of the information with local government agencies. If we cannot share the file, or if the file is not complete, local government agencies will submit their full lists to PFD and we will have to do the matching process. Approximately 60,000 garnishments will need to be keyed in to the system and matched.

REPRESENTATIVE CROFT noted that the Senate discussed allowing the names to be put on the web, but not the addresses, because having access to the names may help in the prevention of fraud. He offered an example.

Number 0127

CHAIR WEYHRAUCH referred to a letter [included in the committee packet] from a woman [who survived domestic violence] and has changed her social security number and name. He asked how it would matter if the name was accessible if it's a new name anyway.

REPRESENTATIVE CROFT noted that the name change process itself is public; therefore, the perpetrator could go to the court and find that information. He emphasized that the important concept behind the bill is to enable people to have control over what information the government advertises about them. He mentioned the "check box" approach, but said he would be amenable to any approach that helps protect the privacy of PFD applicants.

CHAIR WEYHRAUCH asked about the court system, which uses PFD lists for its jury duty lists.

REPRESENTATIVE CROFT offered his understanding that would be categorized as a state agency.

Number 0273

REPRESENTATIVE SEATON asked if there have been a significant number of people that are reported on fraud, based on the publication of the list on the web.

REPRESENTATIVE CROFT noted, "That was a concern that was raised in the Senate hearings on the bill."

REPRESENTATIVE SEATON questioned whether there was any reason to supply a list of PFD applicants. He clarified, "Is there any reason why each person should have to select 'confidential' or 'nonconfidential'?" He surmised that the biggest reason to get names on a list is for purposes of advertisers.

REPRESENTATIVE CROFT responded that he generally agrees with Representative Seaton on this issue. He said he doesn't see much public justification for supplying the list. Giving the individual the option would be fine, he said.

CHAIR WEYHRAUCH asked about individuals who owe debt. He noted that the Alaska permanent fund is a source of income to pay off debt. He said, "This would not prohibit a creditor from getting information, at all, from the [Permanent Fund Dividend Division] in order to collect on a debt through the PFD check."

REPRESENTATIVE CROFT responded that he hopes not. He indicated that would involve a court order [which is one of the exceptions to the confidentiality rule listed in Section 1 of the bill].

Number 0458

REPRESENTATIVE GRUENBERG asked if writ of execution would be such an order. He said he would like the language to include that.

REPRESENTATIVE CROFT said he thought the language [in Section 1, paragraph (2)] would cover that, but he added that it would be fine to clarify that language.

REPRESENTATIVE GRUENBERG said he can't think of any other reason why people would have to access that information.

Number 0536

CHAIR WEYHRAUCH questioned why a federal agency would be allowed access.

REPRESENTATIVE CROFT answered that he didn't want to get in the way of the creditor - somebody who is legitimately owed money - or "sort of legitimate governmental purposes."

REPRESENTATIVE GRUENBERG suggested that bounty hunters might need this information.

Number 0615

REPRESENTATIVE COGHILL suggested that the committee might be able to change some of the bill's language in which people would have to specify that they do want the information to be shared.

[HB 411 was heard and held.]

SB 327-ROLLERBLADES,ROLLER SKATES, ROLLER SKIS

Number 0684

CHAIR WEYHRAUCH announced that the last order of business was CS FOR SENATE BILL NO. 327(STA), "An Act relating to pedestrians using rollerblades, roller skates, and rollerskis."

Number 0700

JOE MICHEL, Staff to Senator Ralph Seekins, Alaska State Legislature, testifying on behalf of Senator Seekins, sponsor, presented the sponsor statement, which read as follows [original punctuation provided]:

For many years roller-skiers' legal use of public roadways was, more or less, taken for granted. This assumption was successfully challenged in the Fairbanks area last fall. Senate Bill 327 seeks to remedy this situation by specifically allowing the use of particular wheeled devices on those public roadways also available to bicyclists. It also recommends a set of safety standards for the use of these devices.

Alaska is home to some of the best international, national, collegiate, and junior cross-country skiers on the planet. In fact, seven of the ten Alaskans competing in the 2002 Winter Olympics in Salt Lake City were cross-country skiers. Imagine that. Seven Olympic cross-country skiers from such a small state as ours! This speaks volumes not only about our skiers' work ethic but also their training opportunities.

The natural preference of many of these world-class athletes would, no doubt, have Alaska covered in snow year-round. Since this is not a reasonable near-term possibility, the use of wheeled skis to imitate snow skiing has grown to become an effective training tool for use during non-winter months. What's more, Alaska is becoming well known nationally and internationally as a favored summer-time training site.

For these reasons, it is the intent of the proposed legislation to accommodate this seasonal use of some of our roadways. In fact, other northern locales - such as Norway, Sweden and Canada - have, for many years, supported the efforts of their cross-country athletes with similar provisions. Furthermore, the proposed legislation borrows heavily from Cross Country Canada's policy respecting the use of roller-skis on public roads.

Senate Bill 327 seeks to accommodate this important training activity by utilizing safe and reasonable methods for sharing roadway surfaces with motorized vehicles. It has garnered a groundswell of support

throughout the cross-country community ranging from Alaska's Interior region to Southcentral to the Kenai Peninsula.

The 2006 Winter Olympic games are just around the corner. Would it be too much to expect seven (or more) of our cross-country skiers to make the trip to Torino, Italy? Of course not! In fact, a little courtesy and common sense combined with a small statutory revision can help make it happen.

Number 0855

LIEUTENANT AL STOREY, Alaska State Troopers ("troopers"), stated that the troopers have been working with the sponsor of SB 327. He stated, "We are testifying to let the legislators know that we will gladly work with the sponsor if this was to become law, in promulgating regulations through the Department of Public Safety to address the use of these devices on the areas that can legally have bicycles on them." He indicated the desire to give consideration in those regulations to certain factors, including the age and experience level of the people who would be using "these devices" on the shoulder of the roads, and how the devices can be used in a safe manner. He mentioned factors that the troopers will give consideration to if the bill becomes law, including "those stopping issues," the protective gear that people would be required to use, and how they will conduct themselves in intersections and driveways to avoid injuries, especially the inexperienced, younger users of the devices.

Number 0958

CHAIR WEYHRAUCH asked what the difference is between "roadways" and "vehicular ways", as written in the bill.

LIEUTENANT STOREY surmised that a vehicular way could mean a long driveway or parking lot.

CHAIR WEYHRAUCH pointed out that a parking lot could be privately owned. He asked if the intent of the bill is to cover both public and private vehicular ways.

LIEUTENANT STOREY replied that he can't speak to the intent of the sponsor. Notwithstanding that, he remarked that school parking lots, for example, are common-use areas. In response to a follow-up question from Chair Weyhrauch, he offered his understanding that "areas available for use by bicycles" would

mean that "if you can legally ride a bicycle on the shoulder of a particular roadway, then you can legally use the devices."

Number 1044

REPRESENTATIVE GRUENBERG asked if there is currently a law or regulation requiring bicyclists to wear helmets.

LIEUTENANT STOREY answered, "Not to my knowledge."

REPRESENTATIVE GRUENBERG asked, "Is there a good reason why these people should wear them, but bicyclists shouldn't?"

LIEUTENANT STOREY offered his own point of view that there is a greater capability to stop a bicycle because of the mechanical braking device on it, and the front wheel provides a "reactionary gap" - some cushion between the bicyclist and a vehicle that may come out in front of him/her from a driveway, for example.

Number 1110

REPRESENTATIVE GRUENBERG noted that his wife made a video on bicycle safety and the need to wear helmets. He asked Lieutenant Storey if he thinks it's safe to bicycle without a helmet.

LIEUTENANT STOREY said he can't speak from personal experience; however, he revealed that he has seen people who have sustained serious injuries in bicycle accidents, resulting in soft tissue damage and head injuries. He noted that helmets are required on military bases. Subsequently, he stated his personal belief is that bicyclists should wear helmets.

REPRESENTATIVE GRUENBERG noted that on line 8 of the bill, it only requires that a helmet and bright clothing be worn. He asked if other protective gear, such as elbow pads, should be included in the language.

LIEUTENANT STOREY answered that would be one of the issues that would be considered when drafting regulations related to this. He said his kids had [in-line skates], and he indicated that if he hadn't insisted that they wear kneepads and elbow pads his medical expenses would have been much higher.

REPRESENTATIVE GRUENBERG noted that the bill is unusually drafted and doesn't set out the whole statute; therefore, "you

can't see what the bill itself does." He said, "It apparently is some kind of authorization to the director of motor vehicles, or somebody, and I think ... this thing should be reprinted to set out the ... whole statute"

Number 1208

REPRESENTATIVE SEATON noted the language on page 1, line 1, read, "pedestrians obey traffic laws". He said pedestrians face traffic, while bicyclists ride with traffic, and he asked which set of traffic laws [the "pedestrians using wheeled adjuncts"] would obey.

LIEUTENANT STOREY stated that SB 327 addresses AS 28.05.011, which describes the duties of the commissioner of public safety. He offered his impression that the intent of the bill is to give empowerment to the commissioner to draft regulations to allow rollerbladers and rollerskiers to use those same areas that are legal for bicycles to use.

Number 1300

REPRESENTATIVE BERKOWITZ pointed out that "rollerblades" is a brand name. He suggested using "in-line skates".

[SB 327 was heard and held.]

ADJOURNMENT

Number 1312

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:03 a.m.