

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 26, 2004

8:17 a.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative Jim Holm, Vice Chair
Representative Bob Lynn
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

Representative John Coghill

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

CS FOR SENATE BILL NO. 351(FIN)

"An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission."

- MOVED HCS CSSB 351(STA) OUT OF COMMITTEE

HOUSE BILL NO. 327

"An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

- HEARD AND HELD

SENATE BILL NO. 375

"An Act relating to consideration by the legislature of the executive budget and other bills affecting appropriations; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 379

"An Act providing that public members of the Board of Trustees of the Alaska Permanent Fund Corporation may be removed only for cause; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 392

"An Act relating to the expenses of investigation, hearing, or public advocacy before the Regulatory Commission of Alaska, to calculation of the regulatory cost charge for public utilities and pipeline carriers to include the Department of Law's costs of its public advocacy function, to inspection of certain books and records by the attorney general when participating as a party in a matter before the Regulatory Commission of Alaska; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 557

"An Act regarding lobbyist prohibitions."

- BILL HEARING POSTPONED to 4/30

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 MINUTE(STA)
04/13/04		(H)	STA AT 8:00 AM CAPITOL 102

04/13/04	(H)	Heard & Held MINUTE(STA)
04/21/04	(H)	STA AT 8:00 AM CAPITOL 102
04/21/04	(H)	Heard & Held MINUTE(STA)
04/22/04	(H)	STA AT 8:00 AM CAPITOL 102
04/22/04	(H)	Heard & Held MINUTE(STA)
04/26/04	(H)	STA AT 8:00 AM CAPITOL 102

BILL: SB 351

SHORT TITLE: APOC REPORTS: FORMS & ELECTRONIC FILING

SPONSOR(S): FINANCE

02/18/04	(S)	READ THE FIRST TIME - REFERRALS
02/18/04	(S)	STA, FIN
03/04/04	(S)	STA AT 3:30 PM BELTZ 211
03/04/04	(S)	Scheduled But Not Heard
03/09/04	(S)	STA AT 3:30 PM BELTZ 211
03/09/04	(S)	Moved SB 351 Out of Committee
03/09/04	(S)	MINUTE(STA)
03/10/04	(S)	STA RPT 1DP 2NR
03/10/04	(S)	NR: STEVENS G, STEDMAN; DP: COWDERY
04/05/04	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/05/04	(S)	RESTITUTION
04/06/04	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/06/04	(S)	Scheduled But Not Heard
04/06/04	(S)	FIN AT 4:15 PM SENATE FINANCE 532
04/06/04	(S)	Moved CSSB 351(fin) Out of Committee
04/06/04	(S)	MINUTE(FIN)
04/07/04	(S)	FIN RPT CS 3DP 4NR NEW TITLE
04/07/04	(S)	DP: GREEN, WILKEN, STEVENS B;
04/07/04	(S)	NR: DYSON, BUNDE, HOFFMAN, OLSON
04/16/04	(S)	TRANSMITTED TO (H)
04/16/04	(S)	VERSION: CSSB 351(FIN)
04/19/04	(H)	READ THE FIRST TIME - REFERRALS
04/19/04	(H)	STA, FIN
04/26/04	(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 327

SHORT TITLE: POWERS/DUTIES DOTPF

SPONSOR(S): REPRESENTATIVE(S) HOLM

05/16/03	(H)	READ THE FIRST TIME - REFERRALS
05/16/03	(H)	TRA, STA
02/19/04	(H)	TRA AT 1:30 PM CAPITOL 17
02/19/04	(H)	Heard & Held

02/19/04	(H)	MINUTE(TRA)
02/26/04	(H)	TRA AT 1:30 PM CAPITOL 17
02/26/04	(H)	Moved CSHB 327(TRA) Out of Committee
02/26/04	(H)	MINUTE(TRA)
03/01/04	(H)	TRA RPT CS(TRA) NT 4DP
03/01/04	(H)	DP: MASEK, OGG, STEPOVICH, HOLM
03/16/04	(H)	STA AT 8:00 AM CAPITOL 102
03/16/04	(H)	Heard & Held
03/16/04	(H)	MINUTE(STA)
03/26/04	(H)	STA AT 8:00 AM CAPITOL 102
03/26/04	(H)	Heard & Held
03/26/04	(H)	MINUTE(STA)
04/26/04	(H)	STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

JOE SONNEMAN

Juneau, Alaska

POSITION STATEMENT: Testified on HB 523.

LAURA GLAISER, Director

Division of Elections

Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 523, Version W.

KIMBERLY CARNOT, Staff

to Senator Lyda Green

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented SB 351 on behalf of Senator Green, sponsor.

BROOKE MILES, Executive Director

Alaska Public Offices Commission (APOC)

Department of Administration

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 351.

TAMMY KEMPTON, Regulation of Lobbying

Alaska Public Offices Commission (APOC)

Department of Administration

Juneau, Alaska

POSITION STATEMENT: Testified on SB 351.

SENATOR LYDA GREEN

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as sponsor of SB 351.

TODD LARKIN, Staff
to Representative Jim Holm
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on HB 327 on behalf of
Representative Holm, sponsor.

JEFF OTTESEN, Director
Division of Program Development
Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Testified on HB 327.

ACTION NARRATIVE

TAPE 04-69, SIDE A

Number 0001

CHAIR BRUCE WEYHRAUCH called the House State Affairs Standing Committee meeting to order at 8:17 a.m. Representatives Seaton, Lynn, Berkowitz, Gruenberg, and Weyhrauch were present at the call to order. Representative Holm arrived as the meeting was in progress.

HB 523-VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

Number 0049

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 0096

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HB 523, Version 23-GH2021\W, Kurtz, 4/22/04, as work draft. No objection was stated; therefore, Version W was before the committee.

REPRESENTATIVE GRUENBERG stated that he would offer two alternative amendments regarding a rolling ballot, labeled W.7 and W.8 [moved as Amendment 1]. The former [proposes] a rolling ballot precinct by precinct and the latter [proposes] a rolling ballot that will roll each individual ballot. He explained that rolling each individual ballot means that each person in line to vote would get a different order of candidates on his/her ballot.

Number 0215

REPRESENTATIVE GRUENBERG moved to adopt [Amendment 1], labeled 23-GH2021\W.8, Kurtz, 4/24/04, which read as follows:

Page 1, line 5, following "**absentee voting**,":
Insert "**ballot design**,"

Page 4, following line 29:

Insert a new bill section to read:

"* **Sec. 5.** AS 15.15.030(6) is repealed and reenacted to read:

(6) For each contested office, the division shall rotate the order in which candidates' names appear on the ballot to ensure, as much as reasonably possible, that each candidate's name appears at the top of the list an equal number of times on the ballots that are distributed."

Renumber the following bill sections accordingly.

Page 6, following line 5:

Insert a new bill section to read:

"* **Sec. 10.** AS 15.15.040 is amended by adding a new subsection to read:

(d) Every sample ballot containing the names of candidates must also include the following statement: "Candidates' names may appear in a different order on the actual ballot."

Renumber the following bill sections accordingly.

Page 22, line 3:

Delete "secs. 21 - 43"

Insert "secs. 23 - 45"

Page 22, line 6:

Delete "sec. 8"

Insert "sec. 9"

Number 0239

CHAIR WEYHRAUCH objected.

REPRESENTATIVE GRUENBERG said he would consider W.7 as a friendly amendment. He stated, "I'm just doing the one versus the other."

CHAIR WEYHRAUCH asked, "So, you're saying W.7 would be a friendly amendment to W.8?"

REPRESENTATIVE GRUENBERG answered yes. [W.7 read as follows:]

Page 1, line 5, following "**absentee voting**,":
Insert "**ballot design**,"

Page 4, following line 29:

Insert a new bill section to read:

"* **Sec. 5.** AS 15.15.030(6) is repealed and reenacted to read:

(6) The order in which candidates for each office are placed on the general election ballot shall be randomly determined by the director for the lowest numbered precinct in the house district in which candidates are running. The order of placement shall be rotated for each successively numbered precinct. Absentee ballots in each house district shall be printed as though they were for an additional precinct in the house district and that precinct were the highest numbered precinct in the house district."

Renumber the following bill sections accordingly.

Page 6, following line 5:

Insert a new bill section to read:

"* **Sec. 10.** AS 15.15.040 is amended by adding a new subsection to read:

(d) Every sample ballot containing the names of candidates must also include the following statement: "Candidates' names may appear in a different order on the actual ballot."

Renumber the following bill sections accordingly.

Page 22, line 3:

Delete "secs. 21 - 43"
Insert "secs. 23 - 45"

Page 22, line 6:
Delete "sec. 8"
Insert "sec. 9"

Number 0300

JOE SONNEMAN reminded the committee that he had testified at a previous hearing on HB 523 regarding ballot rotation, which he noted is also known as the rolling ballot. He said it's the traditional method that was used in Alaska for approximately 70 years. He said he had felt strongly enough about continuing that method of "breaking up the rotation, essentially by voter," that he took the issue to court. He said the Division of Elections argued that that method may confuse voters, because the sample ballot and the actual ballot may differ. He reported that the supreme court minority wrote that a simple, clear disclaimer would cure any confusion, and he noted that both Amendment 1 and W.7 have such a clear disclaimer.

MR. SONNEMAN said the supreme court noted another possible source of confusion. He explained that the division, at the time of the court case, only had a drawing for the first letter of a candidate's last name. One way to fix that, he said, is to have a rolling ballot where each candidate is in a different position and each voter gets a different ballot. Mr. Sonneman suggested the committee have a letter of intent to express the intent that any positional bias that does exist be distributed equally.

MR. SONNEMAN offered his belief that Representative Lynn had [in a prior hearing of HB 523] expressed hesitation about the precinct method. Mr. Sonneman offered an example showing that that method is still a lottery system. He emphasized his preference for the ballot rotation system. He said he thinks Representative Coghill had expressed concern that things not be changed too much. He proffered that if consistency is desired, the rotating ballot that was in effect for 70 years should be used.

Number 0679

REPRESENTATIVE SEATON asked if the Division of Elections foresees any hurdles in implementing a full rotational ballot.

Number 0694

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, stated for the record, "If the question is, 'Can we implement it?,' the answer's yes." She reminded the committee that implementing this plan is not about improving voters' access, but about a candidate's placement on the ballot. In response to a question from Representative Seaton, she confirmed that the rotation would be built into the ballots for any house district, and "that amount of ballots would be given to each absentee voting station." In response to a question from Representative Lynn, she confirmed that the alphabet has already been drawn [for the upcoming 2004 election ballots] and is posted on the division's website.

Number 0842

REPRESENTATIVE LYNN observed that his name is currently placed before any of his opponents' names; therefore, it would be to his benefit to "keep it the way it is." Notwithstanding that, he indicated that he was shocked to hear about the "2.5 percent," which, in a close election could mean "one fellow as compared to the other fellow, which has nothing to do with the qualifications or issues."

Number 0873

CHAIR WEYHRAUCH stated his understanding that Representative Gruenberg wanted to discuss "W.8 in the context of W.7."

REPRESENTATIVE GRUENBERG announced that he would only offer Amendment 1, W.8, without W.7 as a friendly amendment.

CHAIR WEYHRAUCH, in response to a question from Representative Lynn, clarified that the amendment called W.8 is Amendment 1, and it is the amendment that [proposes] rolling the candidates' names.

Number 0924

A roll call vote was taken. Representatives Seaton, Lynn, Berkowitz, and Gruenberg voted in favor of Amendment 1. Representative Weyhrauch voted against it. Therefore, Amendment 1 was adopted by a vote of 4-1.

Number 0973

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, labeled 23-GH2021\W.5, Kurtz, 4/24/04, which read as follows [with one handwritten change]:

Page 4, line 1, following "**confidential.**":
Insert "(a)"

Page 4, line 3, following "voter's":
Insert "age or"

Page 4, following line 9:

Insert new subsections to read:

"(b) In addition to the information in (a) of this section, the name and address of a voter who has been the victim of domestic violence shall be confidential and not open to public inspection if the voter requests in writing that the voter's name and address not be released.

(c) Notwithstanding other provisions, and in compliance with federal law, information made confidential by this section may be released by the division

(1) to a local, state, or federal government agency, including to the child support enforcement agency created in AS 25.27.010 or the child support enforcement agency of another state; the agency receiving information under this paragraph may use the information only for governmental purposes authorized under law;

(2) in compliance with a court order;

(3) to a person holding a writ of execution against the person or property of the voter; or

(4) if the voter about whom information has been requested has provided written consent to the release."

CHAIR WEYHRAUCH objected.

REPRESENTATIVE GRUENBERG brought attention to [paragraph 4] of Amendment 2, which, before the handwritten changes, had originally read: "(4) if the voter who is the subject of the information has provided written consent to the release."

REPRESENTATIVE LYNN asked if [Amendment 2] relates to telephone numbers, an issue which he indicated had been brought up at a previous hearing on HB 523.

REPRESENTATIVE GRUENBERG directed attention to page 4, [lines 1-2], which read: "The following information set out in state voter registration records is confidential and is not open to public inspection:". He noted that the voter's telephone number is included in the ensuing list. He explained, "And the only way it could be opened under here would be if it comes in under subsection (c) [in Amendment 2]."

REPRESENTATIVE LYNN indicated that he wants to protect anyone who's been the subject of abuse [from having his/her phone number listed]. He explained that he would like candidates to be able to use [the division's] records to contact potential voters, so that the issues can be discussed by phone. He emphasized that, just like with the phone book, a person should be able to provide his/her name to the Division of Elections or choose to keep that information private.

REPRESENTATIVE GRUENBERG responded that it's an issue that has not been addressed thus far in Amendment 2. He pointed out once more that the phone number is made confidential on page 4, line 6. He said the issues Representative Lynn discussed would require an amendment. He asked if it could be an amendment separate from Amendment 2, which he offered to bring before the House Judiciary Standing Committee.

REPRESENTATIVE LYNN agreed to work with Representative Gruenberg.

CHAIR WEYHRAUCH suggested Representative Lynn make the amendment to Amendment 2 now.

Number 1200

REPRESENTATIVE LYNN moved to adopt a conceptual amendment to Amendment 2, on page 4, line 6, to make voters' telephone numbers available to candidates and voters, with the exception of instances in which there has been specific requests for the number not to be available.

CHAIR WEYHRAUCH objected for discussion purposes. He asked Ms. Glaiser how she would administer that.

Number 1245

MS. GLAISER replied that the new voter system that will be purchased by the division has a screen that prevents access "to those voters." Currently, she said, the division has to code

the database, which she said protects that information. She said, "We don't have a great deal of requests, but we do have several, and those people are hidden in a voter list."

CHAIR WEYHRAUCH asked, "Is this amendment necessary?"

MS. GLAISER answered yes. She said it would give the division the legal platform to "do what we've done." She said, "If we're going to build this confidentiality clause in - which we didn't ever have before - then we need a place where [state government] can access it if they need it for court records or law enforcement, or for any other reason." She added, "Now, I don't know whether you're talking about the conceptual part of the amendment yet."

CHAIR WEYHRAUCH said the conceptual amendment is just "making the telephone available."

Number 1311

MS. GLAISER, in response to questions from Representative Seaton, confirmed that currently a candidate has access to a voter's past voting history, name, and address, but the division does not reveal the voter's place of birth, social security number, or driver's license number, for example. She revealed that she knows of one private company named, Motznik (ph), that blends many public documents together, compiling information from hunting and fishing records, for example. That company makes a list that has more data on it than the division provides, she said. In response to a follow-up question from Representative Seaton, she said it's her understanding that the only change effected by the conceptual amendment to Amendment 2 would be to release the telephone number with the address and voting history.

Number 1386

REPRESENTATIVE BERKOWITZ indicated that this issue was addressed regarding a permanent fund matter last week. He said he sees a situation materializing in which "we serially address releases of [domestic violence] victim information, depending on what it is." He stated that there ought to be some blanket provision in state law that precludes release [of that information] and protects confidentiality rather than [addressing the issue on a bill-by-bill basis].

Number 1421

REPRESENTATIVE GRUENBERG requested that the issue not be addressed in a conceptual amendment right now, but rather be it worked on at a later point.

CHAIR WEYHRAUCH reminded the committee that a motion is on the floor to adopt the conceptual amendment to Amendment 2.

REPRESENTATIVE GRUENBERG stated, "The reason it's not a simple amendment is people have to opt in and opt out of it and will have to look at how they did that on the telemarketing bill, ... and that took a lot of crafting."

Number 1463

MS. GLAISER, in response to a question from Representative Lynn, explained that [asking for] phone numbers on the voter registration began a long time ago. She indicated that on a voter application a person can check that he/she wants to be an election worker, and supplying a phone number helps the division contact that registered voter.

Number 1515

REPRESENTATIVE SEATON objected to the conceptual amendment [to Amendment 2]. He indicated his disagree with "putting out to the general public everybody's telephone numbers."

REPRESENTATIVE LYNN said he is willing to vote on the conceptual amendment to Amendment 2 now, or address the issue later in the next committee of referral.

The committee took an at-ease from 8:45 a.m. to 9:08 a.m.

REPRESENTATIVE LYNN advocated for more information to candidates. He said nothing takes the place of a candidate going door to door. He said that only second to that is having a telephone contact in order to discuss issues. He said he wants to assist that, but would work with Representative Gruenberg on the issue.

Number 1654

REPRESENTATIVE LYNN withdrew the conceptual amendment to Amendment 2.

Number 1695

CHAIR WEYHRAUCH drew attention to the handwritten change on Amendment 2 [text provided previously] and suggested that Amendment 2 be made a conceptual amendment so that "the drafters can take the language and put it [in] whatever form that comports with that handwritten note."

CHAIR WEYHRAUCH removed his objection to Conceptual Amendment 2. He clarified that he is now calling the entire Amendment 2, Conceptual Amendment 2.

REPRESENTATIVE GRUENBERG concurred.

Number 1726

CHAIR WEYHRAUCH asked if there was any further objection to Conceptual Amendment 2. There being none, Conceptual Amendment 2 was adopted.

Number 1746

REPRESENTATIVE GRUENBERG [moved to adopt] Amendment 3, labeled 23-GH2021\U.2, Kurtz, 4/20/04, which read as follows:

Page 4, lines 18 - 23:

Delete all material and insert:

"(A) by publication three times in a newspaper of general circulation in the precinct; or
(B) if there is not a newspaper of general circulation in the precinct, by posting written notice in three conspicuous places as close to the precinct as possible; at least one posting location must be in the precinct;"

CHAIR WEYHRAUCH objected [for discussion purposes].

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1 to Amendment 3 as follows:

In subparagraph (A)
Between "a" and "newspaper"
Insert "local"

In subparagraph (B)
Between "a" and "newspaper"
Insert "local"

Number 1820

MS. GLAISER said [Amendment 1 to Amendment 3] would be helpful to the division and would get notices in the papers where the most voters will be able to read about them.

CHAIR WEYHRAUCH withdrew his objection and announced that Amendment 1 to Amendment 3 was adopted.

REPRESENTATIVE GRUENBERG noted that a memorandum is attached to Amendment 3.

Number 1872

CHAIR WEYHRAUCH removed his objection to Amendment 3, as amended. He asked if there was further objection. There being none, Amendment 3, as amended, was adopted.

Number 1885

REPRESENTATIVE GRUENBERG moved to adopt Amendment 4, labeled 23-GH2021\W.6, Kurtz, 4/24/04, which read as follows:

Page 11, line 30, through page 12, line 18:

Delete all material and insert:

"* **Sec. 26.** AS 15.45.130 is repealed and reenacted to read:

Sec. 15.45.130. Certification of circulator.

Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted. The affidavit must state in substance that

(1) the circulator signing the affidavit meets the residency, age, and citizenship qualifications for circulating a petition under AS 15.45.105;

(2) the person is the only circulator of that petition;

(3) the signatures were made in the circulator's actual presence;

(4) to the best of the circulator's knowledge, the signatures are those of the persons whose names they purport to be;

(5) the signatures are of persons who were qualified voters on the date of signature;

(6) the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.110(c);

(7) the circulator has not violated AS 15.45.110(d) with respect to that petition; and

(8) if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, before circulating the petition, the circulator prominently placed, in the space provided under AS 15.45.090(5), the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition."

Page 14, line 29, through page 15, line 16:

Delete all material and insert:

"* **Sec. 34.** AS 15.45.360 is repealed and reenacted to read:

Sec. 15.45.360. Certification of circulator. Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted. The affidavit must state in substance that

(1) the person signing the affidavit meets the residency, age, and citizenship qualifications for circulating a petition under AS 15.45.335;

(2) the person is the only circulator of the petition;

(3) the signatures were made in the circulator's actual presence;

(4) to the best of the circulator's knowledge, the signatures are the signatures of persons whose names they purport to be;

(5) the signatures are of persons who were qualified voters on the date of signature;

(6) the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.340(b);

(7) the circulator has not violated AS 15.45.340(c) with respect to that petition; and

(8) before circulation of the petition, the circulator prominently placed, in the space provided under AS 15.45.320(6), if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition."

Renumber the following bill sections accordingly.

Page 17, following line 9:

Insert a new bill section to read:

"* **Sec. 39.** AS 15.45.570 is amended to read:

Sec. 15.45.570. Statement of warning. Each petition must [AND DUPLICATE COPY SHALL] include a statement of warning that a person who signs a name other than the person's own to the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition while knowingly not a qualified voter, is guilty of a class B misdemeanor."

Renumber the following bill sections accordingly.

Page 18, lines 5 - 22:

Delete all material and insert:

"* **Sec. 43.** AS 15.45.600 is repealed and reenacted to read:

Sec. 15.45.600. Certification of circulator. Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted. The affidavit must state in substance that

(1) the person signing the affidavit meets the residency, age, and citizenship qualifications for circulating a petition under AS 15.45.575;

(2) the person is the only circulator of the petition;

(3) the signatures were made in the circulator's actual presence;

(4) to the best of the circulator's knowledge, the signatures are the signatures of persons whose names they purport to be;

(5) the signatures are of persons who were qualified voters on the date of signature;

(6) the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.580(b);

(7) the circulator has not violated AS 15.45.580(c) with respect to that petition; and

(8) before circulation of the petition, the circulator prominently placed, in the space provided under AS 15.45.560(5), if the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition."

Page 22, line 3:

Delete "secs. 21 - 43"

Insert "secs. 21 - 44"

REPRESENTATIVE GRUENBERG said, "When we saw this in its previous version, it only dealt with Section 15.45.130." Kathryn Kurtz, Legal Counsel, Legislative Legal and Research Services, saw that there were three statutes involved - one on initiatives, one on referendums, and one on recalls - and she made the conforming amendment to AS 15.45.360 and AS 15.45.600. Representative Gruenberg said Ms. Kurtz set the sections out much more clearly and drafted them in current style.

Number 1981

REPRESENTATIVE GRUENBERG explained that Amendment 4 is basically technical, except that, substantively, it will allow "things on the petition to be corrected before the subscriptions are counted." He said if somebody makes a mistake, the petition shouldn't be thrown out, because that affects hundreds of people who have signed the petition in good faith.

Number 2018

MS. GLAISER indicated that [Amendment 4] addresses some of the court's concerns. She said, "If we find ... a circulator hasn't filled out the affidavit, we can make that correction and then count all those signatures in the books, rather than casting

them aside due to a technical failure by the circulator." In response to a question from Chair Weyhrauch, she stated that, in current law, it's a misdemeanor for someone to sign a petition who is knowingly not a qualified voter.

CHAIR WEYHRAUCH asked what the basis for Amendment 4 is.

MS. GLAISER answered that Amendment 4 was Representative Gruenberg's idea. She suggested it falls into place with the Hinterberger v. State of Alaska, which she explained was in regard to a hemp petition that was heard in superior court.

CHAIR WEYHRAUCH asked if the Hinterberger case was on appeal.

MS. GLAISER answered no. She said the lieutenant governor held a press conference to say that [the division] would "address all of the concerns." She stated, "The judge was clear about accountability reports, and that's within ... the original version of the bill and it still remains. This is just additional -- we certainly could include that as an improvement to the process." She continued as follows:

What the judge was addressing was that government doesn't create barriers to the people petitioning the government; that it's a reasonable -- and that they understand that right out in front, which is also why the division then went and picked up referendum and recall and made them very similar in this bill, so that when people do petition their government on either three of those occasions, that they're all similar and they're held to the same standards: circulators are the same; affidavits are the same; a misdemeanor's a misdemeanor; because you're always petitioning your government.

Number 2139

CHAIR WEYHRAUCH withdrew his objection [to Amendment 4]. He asked if there was further objection. There being no further objection, Amendment 4 was adopted.

Number 2146

REPRESENTATIVE GRUENBERG, in response to a question from Chair Weyhrauch, indicated that he had one or two more amendments to offer, but would prefer to wait until there was a full committee at the next hearing on HB 523.

[HB 523 was heard and held.]

SB 351-APOC REPORTS: FORMS & ELECTRONIC FILING

Number 2216

CHAIR WEYHRAUCH announced that the next order of business was CS FOR SENATE BILL NO. 351(FIN), "An Act requiring the Alaska Public Offices Commission to accept documents by nonelectronic means, and specifying the manner of preparing the forms that are provided by the commission."

Number 2229

KIMBERLY CARNOT, Staff to Senator Lyda Green, Alaska State Legislature, presented SB 351 on behalf of Senator Green, sponsor. She stated that [SB 351] would expand the Alaska Public Offices Commission's (APOC) authority to continue to accept filing that is not electronic, including standard paper filing.

CHAIR WEYHRAUCH asked if [SB 351] is a "fix-it" bill from what the legislature passed the previous year.

MS. CARNOT answered yes. She said the bill is, essentially, limited to filings that a candidate for an election or incumbent would file and would not deal with lobbyist reports, for example.

CHAIR WEYHRAUCH recalled that Representative Lynn had testified at length regarding part of the related legislation heard last year.

Number 2261

REPRESENTATIVE LYNN clarified that the discussion had been in regard to publishing any donations made to a candidate on the Internet, thus providing instantaneous disclosure of how much has been contributed to a candidate and by whom. It would eliminate the number of reports that have to be made by candidates, as well as the possibility of being late on reports.

Number 2325

BROOKE MILES, Executive Director, Alaska Public Offices Commission (APOC), Department of Administration, stated that

APOC does not support SB 351 and does not view it as cleanup legislation from last year. Conversely, she stated, APOC views [SB 351] as reversing one of the primary components that passed last year: mandatory electronic filing.

CHAIR WEYHRAUCH noted that on page 1, [line 9], the bill requires that black ink be used. He asked about blue ink.

TAPE 04-69, SIDE B

Number 2359

MS. MILES responded that the commission did not suggest this language and accepts any color ink; it does not accept pencil.

CHAIR WEYHRAUCH expressed concern that "some clerk at a counter" would reject information submitted in a color of ink that was not black. He asked if specifying dark ink would be a good idea.

MS. MILES agreed that "dark ink" would be better, or even just "ink".

Number 2305

MS. CARNOT explained the reason for using "legible black typeface or hand-printed in black ink" was because of concerns raised by APOC that many of the forms submitted are illegible. She said [the sponsor] would not object to APOC's suggestion that a form could be submitted in any color ink.

Number 2275

REPRESENTATIVE GRUENBERG related personal experience with having used the wrong color ink on a form. He suggested that eliminating [the specification of] the color of ink may keep somebody on the ballot.

CHAIR WEYHRAUCH mirrored Representative Gruenberg's story with one of his own.

MS. CARNOT noted that APOC forms can be sent by facsimile and some colors of ink do not show up well when sent in that manner.

CHAIR WEYHRAUCH said he thinks requiring "dark" [ink would suffice].

MS. CARNOT responded, "My suggestion would be that it's not really necessary, but I understand what you're trying to address, so I'm not going to fight it any more than that."

Number 2210

TAMMY KEMPTON, Regulation of Lobbying, Alaska Public Offices Commission (APOC), Department of Administration, suggested that the bigger problem is illegibility.

CHAIR WEYHRAUCH noted that "legible" appears in the bill.

Number 2195

REPRESENTATIVE SEATON stated that one of the points that is made for [SB 351] is that communities don't have access to Internet service. He stated his understanding that all the village schools have Internet services that's available for people in the area to use if they don't have commercial Internet service available. He said he's trying to figure out if the basis for this is a reality in the villages, or a "convenience to candidates."

MS. CARNOT replied that [the sponsor] was trying not to discourage people from running for office, simply because they are not comfortable on a computer or don't have full access to one.

CHAIR WEYHRAUCH noted that all his forms are handwritten.

REPRESENTATIVE SEATON indicated his concern is in regard to the availability of the information to the public. He compared the speed of the Internet with sending a form by mail from a village. He asked if there would be any restriction on a candidate running for office using the Internet provided through the school system to file the required reports. He added, "If that Internet access, which is the only Internet access in the village, would be, for some reason, restricted because it's state subsidized, ... then I see a need for the bill."

Number 2054

CHAIR WEYHRAUCH asked if there was any objection to changing "black" to "dark". He explained that it appears in "four or five places."

REPRESENTATIVE GRUENBERG said he thinks that in the phrase "legible black typeface" [on page 1, line 9], the word "black" should remain.

CHAIR WEYHRAUCH, in response to Representative Gruenberg, confirmed that his intent was to change "black ink" to "dark ink", [by means of Conceptual Amendment 1 on page 1, line 9, and page 2, lines 7 and 22].

CHAIR WEYHRAUCH announced that no objection was stated; therefore, [Conceptual Amendment 1] was adopted.

Number 2003

REPRESENTATIVE LYNN observed that one candidate who files electronically gives his/her information instantly, while another who files by mail does not; therefore, some candidates may have an advantage of seeing that information sooner than others. He opined that everyone should either send his/her forms in electronically or by mail, in order to level the playing field. He said he believes there are some candidates who would play games and would deliberately submit handwritten forms to defeat timely disclosure.

Number 1965

MS. CARNOT offered her belief that only six states require electronic filing.

MS. MILES clarified that 22 states currently have mandatory electronic filing.

MS. CARNOT noted that the online application for the Alaska permanent fund dividend (PFD) is a three-page form, which people had trouble filing out. The APOC reports, which are difficult, are lengthy reports. She pointed out that a difficult situation would be if a person were to experience a transmission problem in the process of filing. In reference to Representative Lynn's previously voiced concerns, she noted that currently it is possible to get photocopies or facsimiles of filings. She admitted that it's a difficult task for APOC to take the information off of paper form and enter it into a computer, which is why attempts are being made to clean up the forms and make them as user-friendly as possible. She said she understands the concern about a candidate potentially writing in an illegible manner to shield contribution for whatever reason,

but she asked the committee to remember that APOC has a dual role of being user-friendly to the people filing, as well as being able to get the information out to the public. She stated, "I don't think one role should trump the other, as the current statute would have it."

Number 1887

REPRESENTATIVE LYNN said he thinks the integrity of the electoral process is more important than convenience to the candidates. He asked what the statistics have been regarding how many have filed electronically and those who have filed nonelectronically during the House and Senate races.

Number 1872

MS. MILES noted that in 1998, 7 percent of filers voluntarily filed electronically; in 2000, 12 percent; and in 2002, 15 percent. The rest of the forms filed must be entered manually. She continued as follows:

This is complicated . . . , because when you passed this legislation last year, it was anticipated that when electronic filing came online - which is a three-year project - . . . our agency could realize some efficiencies. However, the legislature didn't wait for that, but cut our budget by \$100,000, which - because our budget is small and all of our money is in personal services - resulted in a 20-percent loss of staff. Instead of ten, we're now eight. So, there are fewer people to conduct the data entry and, in addition to that, we prioritize - as we primarily spoke to - the public service. So, we always prioritize the assisting of filers before conducting data entry.

Looking at this scenario, we're fairly certain that we will not be able to have information published for all candidates before election day in 2004, and, if this legislation passes, then that goal is probably lost until such time as we get a much higher degree of voluntary filing electronically.

Number 1805

REPRESENTATIVE GRUENBERG pointed out that a person who is computer illiterate who runs for office may have to hire someone

[to fill out electronic forms]. He said he thinks poor people should be able to run for office, and he said he thinks that may prevent them from being able to run for office.

REPRESENTATIVE GRUENBERG suggested a win-win situation. He said if the language is kept basically as it is [in SB 351], but add a provision that says if someone submits an illegible form, APOC may require that person to submit a legible copy and may impose a civil penalty for repeated offenses, or take any other disciplinary action necessary. He offered to help draft language [for an amendment].

CHAIR WEYHRAUCH responded, "Well, not on this bill."

Number 1725

MS. MILES responded that that wouldn't have anything to do with solving the data entry problem. She said the primary concern is not that people don't want to file electronically, but it is that the agency is not funded to lead its mission without electronic filing.

Number 1697

REPRESENTATIVE GRUENBERG moved [to report CSSB 351(FIN), as amended, out of committee with individual recommendations and the accompanying fiscal note]. There being no objection, HCS CSSB 351(STA) was reported out of the House State Affairs Standing Committee.

CHAIR WEYHRAUCH noted for the record that Senator Green had just arrived, and he recapped the amendment that had been adopted to SB 351.

Number 1660

SENATOR LYDA GREEN, as sponsor of SB 351, offered her understanding that some shades of blue ink don't copy well. She said she didn't think an APOC clerk would turn away an application based on the color of ink.

CHAIR WEYHRAUCH emphasized that the intent was to have APOC accept applications.

HB 327-POWERS/DUTIES DOTPF

Number 1530

CHAIR WEYHRAUCH announced that the last order of business was HOUSE BILL NO. 327, "An Act relating to the powers and duties of the Department of Transportation and Public Facilities; and repealing a requirement that public facilities comply with energy standards adopted by the Department of Transportation and Public Facilities."

CHAIR WEYHRAUCH noted there were two committee substitutes: Version S, labeled 23-LS1135\S, Utermohle, 4/22/04; and Version U, labeled 23-LS1135\U, Utermohle, 4/24/04. [Regarding Version U], he said, "Neither you, nor the sponsor, nor I had ... a chance to look at this until now, so we didn't want to do anything without getting input here."

Number 1576

TODD LARKIN, Staff to Representative Jim Holm, Alaska State Legislature, testified on behalf of Representative Holm, sponsor. He indicated that he is more familiar with Version U and offered to present that version by section.

Number 1533

The committee took a brief at-ease.

MR. LARKIN noted that Section 1 changes the requirement for a long-range plan to be developed by the Department of Transportation from every year to "periodically". He explained that the plans "reach out 10-20 years," thus there is no reason to "be constantly revamping that."

CHAIR WEYHRAUCH reiterated that the changes that had been made to Version S now show in Version U and are being seen by everybody for the first time. He added, "So, we're both playing a little bit of catch-up, and I apologize for that." He noted that the amendments that currently exist are to Version U, with the exception of one, from Representative Holm, which correlates with Version S.

MR. LARKIN said Representative Holm's amendment, if offered, could be changed to [fit] Version U. In response to an observation by Chair Weyhrauch, Mr. Larkin confirmed that the large intent language section was withdrawn.

MR. LARKIN directed the committee's attention to page 2, beginning on line 1, which read as follows:

program shall become part of the state transportation
plan developed under AS 44.42.050

MR. LARKIN explained that's the major section of statute that "we will be amending." He added, "The section changed, the power did not."

CHAIR WEYHRAUCH noted that Section 1 has no substantive changes from the original bill version.

MR. LARKIN noted that Section 2 addresses requirements to the department. He highlighted one change in [paragraph (11)], where the requirement to "[ANNUALLY]" evaluate "[NATURAL GAS]" has been changed to "periodically" evaluate "alternative fuels". In response to a question from Chair Weyhrauch, he confirmed that the intent of the bill is to include electricity as an alternative fuel.

Number 1302

MR. LARKIN noted that [paragraph (13)], which had been deleted in [CSHB 327(TRA), Version 23-LS1135\Q] had been reinserted. Paragraph 13 read as follows:

(13) complete and maintain a current inventory of public facilities, including a projection of the serviceability of the facilities and projections of replacements and additions to facilities needed to provide the level of services programmed by the various user agencies, for municipalities with populations of less than 12,000 and for unincorporated communities, and perform those duties on a cooperative basis with larger municipalities;

MR. LARKIN, in response to a questions from Chair Weyhrauch, confirmed that the reason that language was reinserted was because of concern that there be an inventory for projects that occur in the Bush. He added, "These are more in the area of cleaning up the statute of what was the department doing and what weren't they doing, that's been handed off to other departments in the state. Hopefully, the section that we're coming to wouldn't have affected that."

CHAIR WEYHRAUCH asked, "Would that be like [the Department of Transportation & Public Facilities (DOT&PF)] handing off to [the Department of Environmental Conservation (DEC)] for water?"

MR. LARKIN said that's an excellent example.

Number 1219

JEFF OTTESEN, Director, Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), explained that the department had asked for the [requirement listed in paragraph 13] to be deleted, because it does not have the budget to fulfill it. He stated that when the Department of Highways and the Department of Public Works merged, "this was a duty that came to us as part of public works." He explained that the Department of Public Works used to be the builders of public facilities for local governments, but today facilities are being built by governments at the local level, so DOT&PF is no longer involved.

CHAIR WEYHRAUCH asked if the figure of 12,000 was in statute at statehood.

MR. OTTESEN answered, "Probably statehood, or shortly after." In response to a follow-up question from Chair Weyhrauch, he said he doesn't believe that number is currently relevant, and he suggested that the number be [lowered]. He stated, "Local governments have just become far more capable than they were 30 years ago."

CHAIR WEYHRAUCH said he is not certain what number would be appropriate.

MR. OTTESEN suggested that number should be in the range of 2,000-3,000. He said he would like to look at communities by population, and he said he would get back to the committee regarding this issue.

Number 1127

MR. LARKIN continued reviewing Version U. He explained that paragraph 14 is being deleted because it relates to performance standards that have been replaced by more current building codes; it's not DOT&PF's job to dictate building codes for the rest of the state. Paragraph 15 relates to planning assistance, and is being deleted for "housecleaning" reasons. He clarified

that "they're duties that have been handed off to other entities in almost every case."

MR. LARKIN explained that [paragraph (16)] makes an annual requirement of the report of the activities of the department. He said he imagines it would be a lengthy report.

CHAIR WEYHRAUCH confirmed that it was his idea to add [paragraph (16)], but he suggested that the report could be a summary.

Number 0993

MR. LARKIN turned to Section 3, which he said addresses "how that plan will be broken up." He offered examples. He said it would put requirements on the commissioner more in line with the current standard practice. He highlighted a sentence [on page 4, beginning on line 19], which read as follows:

The commissioner shall include the estimated costs of projects described in the plan and, if the commissioner determines appropriate, an estimate of the benefits of the project.

CHAIR WEYHRAUCH requested that Mr. Larkin provide a copy of 23 U.S.C. 135 to the committee.

MR. LARKIN said he would, but emphasized that it is a document of considerable length.

MR. OTTESEN assured the committee that the document is not that long. He said, "Title 23 is the whole enchilada for the department; Part 135 is the part that speaks to transportation planning. He estimated it to be 20-30 pages in length.

MR. LARKIN, returning to the aforementioned language on page 4, line [19], said the intent is to allow the commissioner to estimate the benefits of a project, when he/she deems it is appropriate to do so. Mr. Larkin added, "In the following sections, we're going to lay out how those regulations would be written to cover projects."

CHAIR WEYHRAUCH asked Mr. Ottesen if use of the term "the plan" refers to the "comprehensive, intermodal, long-range transportation plan."

Number 0833

MR. OTTESEN answered that he believes that's correct. He said, "This is very similar language to what's now required by 23 U.S.C., which requires a statewide transportation plan that's intermodal" In response to a question from Chair Weyhrauch, he indicated that intermodal includes: road, air, rail, marine, and trails. In response to a follow-up question from Chair Weyhrauch, he explained that [the plan], at one time, was a single document, but now it's comprised of many documents. He noted that the state is divided up into three regions. Area plans are made, which look mostly at parts of the state that don't have a complete road system.

CHAIR WEYHRAUCH asked if the draft of the Southeast Alaska transportation plan is one of the intermodal long-range transportation plans.

MR. OTTESEN described it as a piece of the larger plan. He added, "The larger plan is never really seen; it's really flushed out by all its individual components. ... It would be a geographic area of the state."

Number 0724

MR. LARKIN turned to Section 3, which he noted would delete the recommendation of the now defunct Alaska Transportation Planning Council and "THE COSTS AND BENEFITS OF NEW TRANSPORTATION MODES AND FACILITIES." In its place would be language allowing discretion [to the commissioner].

CHAIR WEYHRAUCH offered his understanding that the administration developed two entities to address issues regarding air and roads, as well as "some advisory committee for the ferries." He asked, "Does this have sort of an integrated support from those entities?"

MR. OTTESEN responded that "this language" reflects what the department is doing and "what these boards have been overseeing." He explained, "Rather than having a single document, where we're trying to do everything at once, with all these ... different areas of the state ..., we realized that, practically speaking, we have to do our planning ... at a subcomponent level." He offered examples. He noted that the regional plans have been a good vehicle; they have been geographically based and have had advisory committees made up primarily of local officials in each of the regions.

CHAIR WEYHRAUCH asked where the strategic vision for the Southeast Alaska transportation system exists.

MR. OTTESEN answered that it exists in the Southeast plan. He defined the Area Transportation Plan as being the strategic vision for the state. He stated that the last four or five area transportation plans have caused the department to rethink things and come up with new ways of doing things. One example, he said, are the fast ferries. Another example is the complete change of the way airports are designed in Southwest Alaska, as a result of the plan.

Number 0536

MR. LARKIN directed attention to Section 4, which is language that would require the commissioner to periodically develop a list of the projects in a plan that are on deck to be done.

CHAIR WEYHRAUCH asked what the difference is between "annually" and "periodically".

MR. LARKIN defined the former as a plan that would have to be submitted or renewed every year, and the latter as the requirement to update a plan when something new occurs. In response to a follow-up question from Chair Weyhrauch, he confirmed that the effect of this language will be to change from annually to a period of not less than two years.

Number 0488

MR. OTTESEN explained that "the program" is essentially what is thought of as the list of projects. He said the federal term for that list is the Statewide Transportation Improvement Program (STIP), and it essentially is a multi-year capital budget. He stated that federal law requires that the STIP must have a minimum two-year horizon. He noted that bills currently before the House and Senate would make that requirement a four-year horizon, and he indicated that that change could be in effect in four weeks. He clarified, "Essentially, we're trying to make state law here conform to federal law so that we don't end up with things that are inconsistent or, basically, make us do things twice."

CHAIR WEYHRAUCH remarked, "This is that 23 U.S.C. 135 again." He asked how often that is amended. He noted that [United States Representative Don Young] just passed a bill - "this huge

omnibus transportation." He asked, "Is that 23 U.S.C. 135, is that amended in that?"

MR. OTTESEN answered yes. He explained that Title 23 is the full law that applies to surface transportation and 23 U.S.C. 135 is one chapter in that law. He noted that there was also a bill passed by the Senate, known as SAFETEA [Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2004]. He said, "Both will address, in part, 135, and there are many, many changes in those two bills."

CHAIR WEYHRAUCH said he knows there were a number of projects in Alaska that were in at least "the House version of the bill." He asked, "How does the State of Alaska act quickly to incorporate the funds for projects in that bill, so the state can move forward in conjunction with the federal government to start on those projects?"

MR. OTTESEN replied that is the crux of the issue before the committee. He explained, "We can't quite formally put them in the STIP yet, because they're not real, but we can put them in the capital budget, and have done so." In response to a question from Chair Weyhrauch, he confirmed that he meant in the capital budget for the State of Alaska for this year.

CHAIR WEYHRAUCH asked about authorizing language to receive the funds.

MR. OTTESEN responded as follows:

It's partly by project capital budget authority. We're tracking those projects very carefully, as are many other people in the state. There's over \$450 million-worth of projects in the Young version of the bill - just in earmarks.

Number 0284

MR. LARKIN stated that the assumption is that there are people presently in the department constantly "watching Title 23." He added, "And what we'll allow them to do by statute is, rather than proposing changes to our statute all the time, they can continue to watch [Title] 23 and just comply."

CHAIR WEYHRAUCH observed that the statute has been around a long time, and [HB 327] would only now incorporate it into Alaska law.

MR. OTTESEN said that is formally correct; however, he explained that "it's one of the rules we've had to follow if we want to use federal dollars, since the federal aid program began." In response to questions from Chair Weyhrauch, he explained, "There isn't anyone in our department in a responsible job that doesn't have a copy of Title 23 on their bookshelf."

MR. LARKIN stated that Section 4 also provides that the commissioner will provide specific information to the governor and to the legislature for review.

Number 0119

The committee took an at-ease from 10:15 a.m. to 10:24 a.m.

TAPE 04-70, SIDE A

Number 0096

MR. LARKIN directed the committee's attention to Section 5, which would provide guidelines for the regulations that the commissioner adopts. Section 6 contains housecleaning measures.

CHAIR WEYHRAUCH mentioned language that had been deleted [from a prior version of the bill], regarding energy performance standards, energy audits, standards for design, and energy conservation measures. He asked Mr. Ottesen, "If [DOT&PF] is doing a project in a locality, do they have to comply with local building standards, energy conservation measures, et cetera?"

MR. OTTESEN answered yes. He noted that there is another statute that also requires that [the department] go through local government approval for every project. He offered examples.

Number 0128

CHAIR WEYHRAUCH asked why the language [on page 6, lines 7-9] was being deleted. That language read as follows:

[(i) BY THE COMMISSIONER OF
TRANSPORTATION AND PUBLIC FACILITIES UNDER AS
44.42.020(a) FOR PUBLIC FACILITIES; OR

MR. OTTESEN explained as follows:

This is kind of language that's pointing back to standards that we have earlier in this draft bill, Section 2, I believe. ... In the late '70s there was an energy crisis, [and the] price of fuel was spiking. At the time, the department was the constructors of public facilities across the state, and so we were given a lot of authority to adopt standards and to deploy them in our buildings. And, over time, standards now have evolved to local governments; they now have building officials and building codes. We're no longer the predominate builder of public facilities. We build our own facilities and a few others, but many agencies now are kind of going it alone, as well as certain school districts and [Rural Education Attendance Area] REAAs, and the like. So, really, both the responsibility for constructing public facilities and the responsibility for establishing standards for public facilities is no longer on our shoulders.

CHAIR WEYHRAUCH asked if the lighting and energy standards aren't also developed by local entities.

MR. OTTESEN replied that a national standard is almost always adopted.

CHAIR WEYHRAUCH asked, "Why make this so specific?"

MR. OTTESEN explained that it is just latent language that is currently in statute.

Number 0258

MR. LARKIN indicated that the repealer in Section 7 simply refers to the thermal and lighting energy standards. He added, "Those were the standards that were adopted under the previous requirement of the statutes." In Section 8, Mr. Larkin noted, language has been added in Version U outlining how and when the new regulations can be implemented and who has to be notified.

CHAIR WEYHRAUCH suggested that the committee needs to take time to read the language.

[HB 327 was heard and held.]

ADJOURNMENT

Number 0403

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:32 a.m.