

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 29, 2004

8:04 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Alaska Public Offices Commission

Roger E. Holl - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 461

"An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities."

- HEARD AND HELD

HOUSE BILL NO. 40

"An Act relating to issuance of a driver's license."

- MOVED CSHB 40(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."

- MOVED CSHB 327(STA) OUT OF COMMITTEE

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."

- MOVED CSHB 523(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 461

SHORT TITLE: EMERGENCY SERVICES DISPATCH/911 SURCHARGE

SPONSOR(S): REPRESENTATIVE(S) HOLM

02/16/04	(H)	READ THE FIRST TIME - REFERRALS
02/16/04	(H)	CRA, STA
03/02/04	(H)	CRA AT 8:00 AM CAPITOL 124
03/02/04	(H)	Heard & Held <Subcommittee Assigned>
03/02/04	(H)	MINUTE(CRA)
04/27/04	(H)	CRA AT 8:00 AM CAPITOL 124
04/27/04	(H)	Moved CSHB 461(CRA) Out of Committee
04/27/04	(H)	MINUTE(CRA)
04/28/04	(H)	CRA RPT CS(CRA) NT 1DP 5NR
04/28/04	(H)	DP: MORGAN; NR: ANDERSON, KOOKESH,
04/28/04	(H)	SAMUELS, WOLF, CISSNA
04/29/04	(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 40

SHORT TITLE: REQUIREMENTS FOR DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/21/03	(H)	PREFILE RELEASED (1/10/03)
01/21/03	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	(H)	TRA, STA
04/10/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/10/03	(H)	-- Meeting Canceled --
04/15/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/15/03	(H)	Heard & Held
04/15/03	(H)	MINUTE(TRA)
04/24/03	(H)	TRA AT 1:30 PM CAPITOL 17
04/24/03	(H)	Moved CSHB 40(TRA) Out of Committee
04/24/03	(H)	MINUTE(TRA)

04/25/03 (H) TRA RPT CS(TRA) NT 2DP 3NR  
 04/25/03 (H) DP: FATE, MASEK; NR: OGG, KOHRING,  
 04/25/03 (H) HOLM  
 05/07/03 (H) STA AT 8:00 AM CAPITOL 102  
 05/07/03 (H) Heard & Held  
 05/07/03 (H) MINUTE(STA)  
 05/14/03 (H) STA AT 8:00 AM CAPITOL 102  
 05/14/03 (H) Scheduled But Not Heard  
 05/15/03 (H) STA AT 8:00 AM CAPITOL 102  
 05/15/03 (H) Scheduled But Not Heard  
 01/13/04 (H) STA AT 8:00 AM CAPITOL 102  
 01/13/04 (H) Heard & Held  
 01/13/04 (H) MINUTE(STA)  
 04/29/04 (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  
 04/26/04 (H) Heard & Held  
 04/26/04 (H) MINUTE(STA)  
 04/28/04 (H) STA AT 9:00 AM CAPITOL 102  
 04/28/04 (H) -- Meeting Canceled --  
 04/29/04 (H) STA AT 8:00 AM CAPITOL 102

BILL: HB 523

SHORT TITLE: VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/26/04 (H) READ THE FIRST TIME - REFERRALS

02/26/04	(H)	STA, JUD, FIN
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
04/13/04	(H)	Heard & Held
04/13/04	(H)	MINUTE(STA)
04/21/04	(H)	STA AT 8:00 AM CAPITOL 102
04/21/04	(H)	Heard & Held
04/21/04	(H)	MINUTE(STA)
04/22/04	(H)	STA AT 8:00 AM CAPITOL 102
04/22/04	(H)	Heard & Held
04/22/04	(H)	MINUTE(STA)
04/26/04	(H)	STA AT 8:00 AM CAPITOL 102
04/26/04	(H)	Heard & Held
04/26/04	(H)	MINUTE(STA)
04/28/04	(H)	STA AT 9:00 AM CAPITOL 102
04/28/04	(H)	-- Meeting Canceled --
04/29/04	(H)	STA AT 8:00 AM CAPITOL 102

#### **WITNESS REGISTER**

ROGER E. HOLL, Appointee  
to the Alaska Public Offices Commission (APOC)  
Anchorage, Alaska  
POSITION STATEMENT: As appointee to the Alaska Public Offices  
Commission, provided background and answered questions.

GAIL VOIGTLANDER, Chief Assistant Attorney General - Statewide  
Section Supervisor  
Torts and Workers' Compensation Section  
Civil Division (Anchorage)  
Department of Law  
Anchorage, Alaska  
POSITION STATEMENT: Testified during the hearing on HB 461.

LINDA FREED, Manager  
City of Kodiak  
Kodiak, Alaska  
POSITION STATEMENT: Testified during the hearing on HB 461.

KEVIN RITCHIE  
Alaska Municipal League (AML)  
Juneau, Alaska  
POSITION STATEMENT: Testified during the hearing on HB 461.

MATTHEW RUDIG, Staff

to Representative Holm  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Offered a background summary of HB 461, on behalf of Representative Holm, sponsor.

DAVID GIBBS, Emergency Manager  
Kenai Peninsula Borough  
Kenai, Alaska

POSITION STATEMENT: Testified during the hearing on HB 461.

JIM ROWE, Executive Director  
Alaska Telephone Association (ATA)  
(No address provided)

POSITION STATEMENT: Testified during the hearing on HB 461.

SCOTT WALDEN, Fire Chief  
City of Kenai  
Kenai, Alaska

POSITION STATEMENT: Testified during the hearing on HB 461.

ALLEN STOREY, Central Office  
Division of Alaska State Troopers  
Department of Public Safety (DPS)  
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 461.

JIM HARPRING  
National Emergency Numbering Association (NENA)  
(No address provided)

POSITION STATEMENT: Testified on behalf of NENA during the hearing on HB 461.

ROB HEUN, Deputy Chief  
Anchorage Police Department  
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 461.

TIM ROGERS, representing  
the Alaska Municipal League (AML)  
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of the AML in support of HB 461.

DON SAVAGE, Police Chief  
City of Wasilla  
Wasilla, Alaska

POSITION STATEMENT: Testified during the hearing on HB 461.

STEVEN DeVRIES, Assistant Attorney General  
Commercial/Fair Business Section  
Civil Division (Anchorage)

Department of Law  
Anchorage, Alaska

POSITION STATEMENT: Answered a question during the hearing on HB 461.

DUANE BANNOCK, Director  
Division of Motor Vehicles  
Department of Administration  
Anchorage, Alaska

POSITION STATEMENT: Answered questions on behalf of the division, during the hearing on HB 40.

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

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

MYRL THOMPSON, Chairman  
Ogan is So Gone  
Wasilla, Alaska

POSITION STATEMENT: Testified during the hearing on HB 523.

JIM SYKES, Election Specialist  
Green Party of Alaska  
Palmer, Alaska

POSITION STATEMENT: Testified during the hearing on HB 523.

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

POSITION STATEMENT: Provided feedback to the committee on behalf of the division, during the hearing on HB 523.

**ACTION NARRATIVE**

**TAPE 04-71, SIDE A**

Number 0001

**CHAIR BRUCE WEYHRAUCH** called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Holm, Seaton, Coghill, Lynn, Gruenberg, and Weyhrauch were present at the call to order. Representative Berkowitz arrived as the meeting was in progress.

Number 0088

CHAIR WEYHRAUCH announced the first order of business, the confirmation hearing on the appointment of Roger E. Holl to the Alaska Public Offices Commission (APOC).

Number 0113

ROGER E. HOLL, Appointee to the Alaska Public Offices Commission (APOC), offered background information, noting that he has practiced law since 1972 and served 10 years on the ethics committee of the Alaska Bar Association, writing and co-writing opinions. He stated that he has been active with the University of Alaska for many years, presently serving as adjunct faculty for the College of Business and Public Policy, and formerly serving on the governance committee, as well as on the institutional restructuring committee during the merger of the community college system. Mr. Holl also reported that he serves as a colonel with the 49th Military Police Brigade and as commander of the 492nd Alaska Coastal Command, which provides security and training in six port communities of Alaska.

MR. HOLL stated that he does not come to the APOC with an agenda in mind, but he respects and supports the purpose of the APOC - that the public has a right to know the source of a candidate's campaign funds and "to see that groups or persons may or may not have an influence on the candidate." He indicated that he thinks the [APOC] should be supportive of those running for office by carrying out its statutory stated purpose of assisting candidates and groups to comply, and by developing forms and manuals. He said he knows the APOC serves as an administrative body on issues coming before it and investigates complaints, and he presumes that it also will be acting to give input into state regulations affecting its commission.

MR. HOLL revealed that he has served as a state hearing officer in the past. He expressed pleasure in having been appointed, and he said he thinks he can be impartial. He stated the importance of respecting all candidates applying, regardless of political affiliation. In response to a question from Chair

Weyhrauch, he stated that he is a registered Republican, although he noted that in past years he was a Democrat.

Number 0379

CHAIR WEYHRAUCH asked Mr. Holl if addressing issues in an expeditious manner and reaching decisions in the public interest within a fairly short time frame is something that meets with his temperament.

MR. HOLL answered yes. He said that because he has his own law practice, he has flexibility over his schedule; therefore, he would be able to respond. He indicated that his job as an attorney is similar, in that he must respond to the needs of clients in a timely manner. In response to a follow-up question from Chair Weyhrauch, he said he thinks it's important to be fair and open in applying the statutory and regulatory standards to all parties, regardless of political affiliation. He said, "I think to do so otherwise would be really quite a travesty; I think that would really be the opposite of the purpose of the APOC of really ... assisting candidates and providing for an open and free exchange of information."

CHAIR WEYHRAUCH expressed his appreciation of Mr. Holl's willingness to serve. He remarked that a public service is sometimes a burden.

Number 0530

REPRESENTATIVE GRUENBERG stated that he has known Mr. Holl for a long time, both personally and professionally, and he thinks he is of the highest caliber and recommends him.

CHAIR WEYHRAUCH reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

Number 0577

REPRESENTATIVE GRUENBERG moved to advance the confirmation of Roger E. Holl to the joint session of the House and Senate. There being no objection, the nomination of Roger E. Holl to the Alaska Public Offices Commission was advanced.

HB 461-EMERGENCY SERVICES DISPATCH/911 SURCHARGE

[Contains discussion of HB 499 and SB 335.]

Number 0600

CHAIR WEYHRAUCH announced that the next order of business was HOUSE BILL NO. 461, "An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities."

Number 0620

REPRESENTATIVE HOLM moved to adopt the committee substitute (CS) for HB 461, Version 23-LS1633\Z, Cook, 4/28/04, as a work draft.

CHAIR WEYHRAUCH objected.

Number 0718

GAIL VOIGTLANDER, Chief Assistant Attorney General - Statewide Section Supervisor, Torts and Workers' Compensation Section, Civil Division (Anchorage), Department of Law, noted that she did not have a copy of Version Z; therefore, her comments would be in regard to CSHB 461(CRA). She directed attention to Section 7 [which is Section 8 in Version Z]. She stated her concern is that "there is a difference in the immunity that's granted." She explained as follows:

The immunity under AS 09.65.070(d)(6), which relates to local government, covers ... policy issues, discretionary functions, and operational functions. The citation in that same section for the state, which is AS 09.50.250(1), ... points towards (indisc. - microphone interference) kinds of ... policy decisions other than operational acts. And so, my concern and my suggestion to the committee would be to revise it so that the state is having the same degree of protection as our local government, under their statute. It's simply a "wordsmithing" difference between the state's statute and the immunity statute for a local government.

MS. VOIGTLANDER suggested language that would "cover both of those areas and include the same exception that is included in 09.65.070(d)(6)." She offered to send that language by facsimile. It read as follows [original punctuation provided]:

No civil action for damages may be brought against the state or an incorporated unit of local government, or their employees, based on the establishment, funding, use, operation, or maintenance of an enhanced 911 or emergency services dispatch system or any toll-free, default public safety answering point, and all activities associated with these systems, which is not based on an intentional act of misconduct or on an act of gross negligence.

CHAIR WEYHRAUCH told Ms. Voigtlander that the committee would send her a copy of Version Z by facsimile.

REPRESENTATIVE SEATON asked Ms. Voigtlander to look at page 2, line 16, when she receives the copy of Version Z to see if that's the same language to which she is referring. Page 2, [lines 16-20] read as follows:

**(6) is based on the exercise or performance of a duty in connection with an emergency services dispatch system or an enhanced 911 system, including providing, maintaining, or operating any toll-free, statewide default public safety answering point, and is not based on an intentional act or omission amounting to misconduct or on an act or omission amounting to gross negligence.**

Number 0788

REPRESENTATIVE GRUENBERG noted that the main difference between the two sections is that the language on page 2, lines 16-20 of Version Z only immunizes the state.

Number 1093

LINDA FREED, Manager, City of Kodiak, told the committee that she does not have a copy of Version Z; therefore, she hopes her comments are "appropriate and timely." She expressed appreciation toward the proposal that the levy against the city's phone bills be used to help pay for the emergency dispatch system. She said the City of Kodiak currently pays approximately \$5,000 for its dispatch system and receives approximately \$42,000 in revenue annually from telephone bills. She noted the increase in levy from 50 cents to a dollar would be applied to a billing statement, rather than a phone line and,

while on the surface it may be seem like an increase in revenue, the city believes that it will have a greater gap in terms of revenues versus cost. She said, "If, in fact, it is the ... committee's perspective that we need to charge per billing address, we believe - at a minimum to keep us whole - that we need to see a \$1.50 charge per billing address, because on average, Kodiak residences have two lines going into their homes." She encouraged the committee to allow local governments to establish a levy, in consultation with their population, to pay for the systems that the communities want to put in place. Ms. Freed also expressed concern with the section in the bill regarding the routing of 911 calls.

Number 1192

REPRESENTATIVE HOLM informed Ms. Freed that the language has been changed in Version Z so that the municipality can choose what to charge; therefore, those who make those charges will be answerable to those within the municipality. He suggested that Ms. Freed may want to listen to the ensuing testimony, because it may answer her questions.

MS. FREED indicated that that change in the language would be acceptable.

Number 1261

KEVIN RITCHIE, Alaska Municipal League (AML), stated that HB 461, in its simplest form, is democracy in action; it would allow communities the authority to make the decisions that effect their own residence. He stated, "We'd like to thank the sponsor for considering community so strongly and the relationship that the local people have with their local elected officials, and we think we'll do it, if not perfectly, at least very close to exactly right."

Number 1291

REPRESENTATIVE SEATON, in response to the concerns of [Ms. Freed], noted that on page 4, [line 5, of Version Z], the language would be changed from "[ACCESS LINE]" to "**billing address**". He asked Mr. Ritchie if he thinks giving communities the ability to choose whether to charge by access line or billing line would solve the problem.

MR. RITCHIE responded that he is not the best person to answer the question. Notwithstanding that, he said his impression is that "this is workable."

Number 1359

MATTHEW RUDIG, Staff to Representative Holm, Alaska State Legislature, offered a background summary of HB 461, on behalf of Representative Holm, sponsor. He continued as follows:

House Bill 461 gives municipalities local control. ... We are changing statute to give municipalities the flexibility to charge what they need to recover the costs of an ... enhanced emergency dispatch system.

Enhanced 911 is a relatively new innovation in rescue technology .... It can pinpoint the visual location or phone number of a caller so the [emergency medical technician (EMT)] unit can know the exact location of an emergency and be able to act rapidly.

There's little debate to the merits of this service. Municipalities have established this system all over the country and it can save lives. The State of Alaska recognized this a few years ago when it enacted enhanced 911 legislation in ... 2001.

Currently in statute, a municipality may charge up to ... 75 cents per month, per [caller], for the system. But by adopting this legislation, we are giving municipalities the ability to recover the costs of the operations of enhanced 911. We are allowing the municipality to make that decision - for their constituents and for the members - of what they want to charge and what they can recover.

We have a system in place, a building, and the technology of enhanced 911; however, we have no mechanism in statute that will allow municipalities to recover that cost. Therefore, municipalities are forced to shift that burden directly to the property tax payers.

MR. RUDIG emphasized that municipalities would not be able to charge "willy-nilly." He specified that language that would set limits was on page 4, lines 15-19, which read as follows:

The municipality may [ONLY] use the enhanced 911 surcharge for the enhanced 911 system and for the actual labor and equipment used to provide emergency services dispatch, but not for costs of providing the medical, police, fire, rescue, or other emergency service, or for any other purpose.

MR. RUDIG stated that the [municipality] cannot use the funds from the surcharge in any other manner and must review its costs annually. He noted that cities and boroughs currently are using property tax dollars to recover their costs. Essentially, he remarked, "not all the users of the service are paying for their service." He stated that [HB 461] is a way for the legislature to give the municipalities the ability to cover the cost of a working, operational system. There is no language in the bill requiring a municipality to impose the surcharge; the legislature would just be providing the opportunity to do so. Mr. Rudig urged the committee to consider [HB 461], and he offered to answer questions.

[Chair Weyhrauch handed the gavel to Vice-Chair Holm.]

Number 1532

REPRESENTATIVE SEATON reiterated the question he previously asked of Mr. Ritchie, regarding access lines versus billing addresses. He asked what the reason was for the proposed change to only billing address.

MR. RUDIG noted that that change was made by the House Community and Regional Affairs Standing Committee. The reason, he explained, is that some people may have seven different phone lines in one household and would have to pay seven surcharges if the charge was made per access line. He pointed to page 4, line 27, and noted that the language had been changed to "residential", thus, a business could be charged for multiple lines, but a residence would not be. He said that change was a compromise between the sponsor and the municipalities.

Number 1699

DAVID GIBBS, Emergency Manager, Kenai Peninsula Borough, stated that he administers the 911 program for the borough. Currently, the borough collects \$650,000 in surcharge revenue to try to offset the cost of all the municipalities in the borough of approximately \$2.5 million, and he indicated that there is a need to increase the surcharge. He said he has nothing further

to add, regarding Version Z, because he had only just received it.

Number 1679

JIM ROWE, Executive Director, Alaska Telephone Association (ATA), stated that ATA represents 14 local telephone companies throughout the state serving rural areas of the state. He noted that he also was not aware of Version Z, and he observed that many changes had been made. He said an aspect that people in rural communities are interested in is that there be a public safety answering point (PSAP). He clarified that the people want a real person who answers the phone in response to a 911 call. He informed the committee that that's not the case in the rural communities. He observed that [Version Z] doesn't address this issue.

Number 1751

MR. RUDIG directed attention to [Section 8 of CSHB 461(CRA)], which read as follows:

**\*Sec. 8.** AS 42.05 is amended by adding a new section to read:

**Sec. 42.05.295. Routing 911 calls.**  
Notwithstanding AS 42.05.711, to ensure statewide access by all residents to 911 wireline services, traditional or enhanced, for areas where there is no local or regional public safety answering point, the state shall provide a toll-free, statewide default public safety answering point to which each local exchange telephone company must route all 911 calls originating from within its customer service base.

MR. RUDIG indicated that the Department of Public Safety informed him that it could not support the bill, because [Section 8] would cause an indeterminate fiscal note. It would also require the department to rush into something for which it is not prepared. Mr. Rudig indicated that the department would need to coordinate with local police, EMTs, and volunteer fire departments on a statewide basis, a process that would take time. He explained that that section was removed from Version Z, not because it isn't a good one, but because of the aforementioned concerns.

MR. ROWE suggested that "the public process here is somewhat failed," because the issue is one that needs more discussion.

He noted that most of his companies have not had a chance to look at Version Z. He mentioned HB 499 and SB 335, and he said there are varying caps of amounts that a municipality would be allowed to charge - HB 461 having no cap. He said he thinks that's a situation that would make many of the [telephone] companies nervous. He observed that many local telephone rates currently are rising. He stated his main concern is regarding the failed public process; the public hasn't had a chance to consider how much the phone bills may be raised. He suggested that the committee could be hearing other testimony.

CHAIR WEYHRAUCH responded, "Before we give a grade, the class is incomplete."

Number 1885

SCOTT WALDEN, Fire Chief, City of Kenai, stated that the City of Kenai is "generally in favor of the intent of this bill." He echoed the previous testifiers remarks that he had only recently received Version Z. He indicated that the City of Kenai would like to see the bill moved forward, with additional input addressing what the cap would be on a surcharge. He said the City of Kenai agrees with the City of Kodiak that the surcharge should be a decision made on a local level, because of differences in expenses. He encouraged the committee to continue taking testimony and to move forward on the bill before the end of the session.

Number 1925

ALLEN STOREY, Central Office, Division of Alaska State Troopers, Department of Public Safety (DPS), confirmed that [DPS] did have concerns regarding [Section 8 of CSHB 461(CRA)], but that it has been deleted from Version Z. He indicated that he had planned to address that issue, and would if necessary. He offered to stand by to answer questions.

Number 1971

JIM HARPRING, representing the National Emergency Numbering Association (NENA), told committee members that he has not seen Version Z and his testimony is directly related to CSHB 461(CRA). He stated his concern is with the concept in [Section 8] and the federal mandate effective date of September 2001. He said, "With that portion gone, I'd like to reserve my testimony now."

CHAIR WEYHRAUCH announced that Version Z would be made available, and the bill would not be moved out of committee today. He suggested that those testifying call the sponsor's office to work out any issues they may have with the bill. Notwithstanding that, he encouraged those testifying to offer their conceptual ideas.

Number 2046

ROB HEUN, Deputy Chief, Anchorage Police Department, indicated that local control may address problems associated with surcharges applied to wireless billing statements. He also mentioned surcharges per billing address and said the issue might be addressed once he has had an opportunity to look at Version Z. He reminded the committee that Anchorage was the first in Alaska to implement wireless 911 phase-two service, the full costs for which are still being compiled. He stated, "Our mission was to avoid going to the legislature next year, or each year afterwards, to adjust the surcharge, and I hope the local control will help with that." He expressed a concern as follows:

In jurisdictions across the state, numbers that are hidden behind a PBX [private branch exchange] pose a particular problem to first responders. No doubt, the capitol building itself is a good example. If someone in one of your offices was to call 911, the emergency responders would be compelled to search the building for the specific location of the emergency if no witness was aware [of] or available to provide the exact source of the emergency's location within the building.

MR. HEUN, in conclusion, asked the committee to continue to address "this public safety issue," because it brings to light issues that cannot be ignored. He expressed his hope that the bill be moved forward "in the version that you've compiled."

Number 2115

REPRESENTATIVE HOLM told Mr. Heun that allowing the municipalities to charge commercial or larger buildings based upon what they determine is appropriate will allow for more charges per site. He indicated that would mean better control over "where those 911 inputs are coming from." He surmised that it would have to be worked out on a case-by-case basis, because

it would not be desirable to have every room in every building "be a responder."

MR. HEUN responded, "It would depend on whether it's a PBX or a Centrex." He said he is looking forward to viewing the latest version of the bill and possibly discussing the issue.

REPRESENTATIVE HOLM said, "It really doesn't address that; it just addresses the residential portion that makes it so that there's only one charge for the residence." He stated his concern is more in regard to compensation for providing the service and not so much in the difficulty within providing it.

MR. HEUN said he understands Representative Holm's position. He stated his concern is for public safety.

Number 2183

TIM ROGERS, representing the Alaska Municipal League (AML), stated his belief that Version Z addresses the concerns of Ms. Freed regarding the number of surcharges per line, by virtue of the fact that a surcharge could be determined by the local governing unit. He stated support for providing 911 service statewide. He said he thinks the bill will help, because it would allow for additional revenue source for local government in setting up a PSAP. However, he recognized that every place will still not have 911 service available, and he said [AML] wants to find a resolution to that problem and would work with the ATA and anyone else to come up with a solution.

MR. ROGERS reminded the committee that, in the past, a good deal of the revenues to support dispatch centers and acquire new 911 equipment have come from the Safe Communities Revenue program and the '73 Matching Grant program, both of which were phased out last year. He urged the committee to pass [HB 461].

Number 2272

REPRESENTATIVE SEATON asked Mr. Rogers if there generally is a difference in the expense of the system, per line or address, between smaller and larger communities.

MR. ROGERS answered that he thinks there's a huge difference. For example, he noted that the Fairbanks area is currently operating at a revenue shortfall of \$4.2 million, which works out to approximately \$4.63 per line [per month]. The City of Kodiak operates on a revenue shortfall of \$533,000, which works

out to approximately \$5.88 per line. The Anchorage shortfall, he estimated, is somewhere in the \$2.00 [per line] range, currently; however, with the additional cost of the wireless phase two, he said he thinks that amount will increase significantly.

Number 2331

DON SAVAGE, Police Chief, City of Wasilla, stated that he has concerns regarding CSHB 461(CRA) and over the PBX issue raised by Mr. Heun. He stated that one of the original intents of HB 461 appeared to be a mechanism for cost sharing when there is more than one PSAP or dispatch center. He observed that that seemed to have been dropped from the bill, which concerns him.

**TAPE 04-71, SIDE B**

Number 2368

MR. SAVAGE said cost sharing could be an issue in some of the large communities that have more than one municipality within their 911-authority area. He said he looks forward to viewing Version Z.

Number 2351

REPRESENTATIVE BERKOWITZ said he would like a definition of "emergency service dispatch system". He mentioned page 2 and noted that there is no mention of reckless conduct. He remarked that reckless conduct is frequently mentioned, and he asked, "Why are we doing what I feel is more likely to be the RCA's [Regulatory Commission of Alaska] work here?"

STEVEN DeVRIES, Assistant Attorney General, Commercial/Fair Business Section, Civil Division (Anchorage), Department of Law, offered his understanding that the reason the issue is not directed to the RCA is because the legislature had previously exempted 911 or E-911-related activities from the jurisdiction of the commission.

MS. VOIGTLANDER added the following:

The case law in Alaska, which kind of has dumped off the restatement of tort, equates the term ... or the standard of gross negligence with the term or standard of recklessness. So, on previous bills, I believe our testimony is fairly consistent that ... including both [terms] is duplicative.

Number 2234

REPRESENTATIVE BERKOWITZ characterized [the surcharge] as a tax on individuals which exempts larger entities - corporations in particular that pay per billing statement, not per line. He said it seems unfair that the individual is being disproportionately afflicted by this tax.

Number 2220

CHAIR WEYHRAUCH announced that HB 461 was heard and held.

HB 40-REQUIREMENTS FOR DRIVER'S LICENSE

Number 2204

CHAIR WEYHRAUCH announced that the next order of business was HOUSE BILL NO. 40, "An Act relating to issuance of a driver's license."

[Before the committee was CSHB 40(TRA).]

The committee took an at-ease from 8:58 a.m. to 8:59 a.m.

Number 2155

REPRESENTATIVE LYNN, as sponsor of HB 40, noted that the bill was heard a year ago and at the beginning of the current legislative session.

CHAIR WEYHRAUCH offered his understanding that Version H was "before the committee."

REPRESENTATIVE LYNN said that is the version he was using.

CHAIR WEYHRAUCH asked Representative Lynn to move to adopt Version H as a work draft.

REPRESENTATIVE LYNN moved to adopt the committee substitute (CS) for HB 40, Version 23-LS0262\H, as a work draft.

CHAIR WEYHRAUCH objected [for discussion purposes].

REPRESENTATIVE LYNN moved to adopt Conceptual Amendment 1, which read as follows [original punctuation provided]:

A: However (8) shall not apply to a person who is already in possession of a valid driver's license who applies for license renewal, or change of legal names on a currently valid license, or replacement of a currently valid Alaska Driver's License that has been lost.

B. The Division of Motor Vehicles may determine by regulation what primary documents will be acceptable as proof of legal presence in the United States or an alien legally admitted to the United States, to include persons who have filed for an appeal for amnesty for legal presence.

Number 2107

CHAIR WEYHRAUCH objected. He said the language in Conceptual Amendment 1 is limiting. He explained that "persons who have filed for an appeal for amnesty" may exclude those simply attempting to gain citizenship or those who are in the country and appealing an INS determination of whether they can stay in the country.

REPRESENTATIVE LYNN explained that the word "amnesty" was used to address concerns stated by Representative Berkowitz [at a prior hearing].

Number 1962

CHAIR WEYHRAUCH [moved to adopt Amendment 1 to Conceptual Amendment 1], to delete "an appeal for amnesty for". There being no objection, Amendment 1 to Conceptual Amendment 1 was so ordered.

Number 1943

REPRESENTATIVE GRUENBERG [moved to adopt Amendment 2 to Conceptual Amendment 1], to delete "Department" and insert "Division".

CHAIR WEYHRAUCH announced that [Amendment 2 to Conceptual Amendment 1] was so ordered.

Number 1917

CHAIR WEYHRAUCH ask if there was any further objection to Conceptual Amendment 1 [as amended].

Number 1897

REPRESENTATIVE SEATON asked if the Division of Motor Vehicles would make its determination of which documents are acceptable, independently of other states.

REPRESENTATIVE LYNN offered his understanding that [the Division of Motor Vehicles] would make that determination, which would mean that [the legislature] would not have to put that specification in statute.

Number 1829

DUANE BANNOCK, Director, Division of Motor Vehicles, Department of Administration, on behalf of department, told Representative Seaton that the division currently follows 13 AAC 08.330. In regard to the question of other states and "their ability," he said there have been sweeping changes, including the ability to take another state's driver's license when that state has a legal presence law. He noted that the state dealing with that most recently is Arizona. Currently, a law in front of the Arizona State Legislature would preclude a person getting an Arizona driver's license by submitting their Alaska driver's license. He added, "And I would suspect that we would have something to follow suit with that, should HB 40 become the law."

Number 1805

REPRESENTATIVE GRUENBERG asked if Mr. Bannock meant that if a person moved to Arizona, he/she would be able to obtain an Arizona [driver's] license, by submitting an Alaska [driver's] license as proof of citizenship.

MR. BANNOCK answered that that would be true only if a bill like HB 40 were to pass. Currently, if the bill in Arizona passes, an Alaska driver's license in Arizona would not satisfy Arizona's requirements.

REPRESENTATIVE GRUENBERG asked if Mr. Bannock was suggesting another amendment to HB 40 to allow "that reform you're suggesting to be implemented."

MR. BANNOCK indicated that he would not suggest that, because it is his opinion that [the second part of the adopted Conceptual

Amendment 1] would "allow us, by regulation, to do that very thing."

REPRESENTATIVE SEATON asked if that would mean that if the regulations go forward, Alaska would not accept a driver's license from another state that didn't have proof of citizenship.

MR. BANNOCK answered that's correct.

MR. BANNOCK, in response to a question from Representative Seaton, offered his belief that, at last count, 36 states have a law in content similar to HB 40, or what is referred to as "a legal presence law." In response to a follow-up question, he offered the following example:

Arizona has a legal presence law; so, if the Arizona person were to come to Alaska, we would honor the Arizona driver's license, at its face value, for proving legal residency, because the DMV in Arizona had already asked [for] those documents to be shown.

MR. BANNOCK, in response to a question from Representative Gruenberg, said he doesn't know if "legal presence" is a legal term of art; however, he said it's a phrase that he has learned through his involvement with DMVs throughout the country. He suggested that it may be industrial jargon.

REPRESENTATIVE GRUENBERG asked if the term "legal presence" should be defined.

MR. BANNOCK replied that he would have no problem with that. Notwithstanding that, he noted that Section 8 is "the main context of HB 40" and "kind of draws out what we're looking for."

Number 1622

MR. BANNOCK, in response to a question from Representative Seaton, explained as follows:

Our statute charges us to make sure we know who it is that we are issuing a driver's license to, in essence. The question of whether or not you should be required to be a United States citizen or ... a person who is here legally, is largely on your shoulders. We are here to implement whatever the law requires us to do.

Now, what I can share with you is, through our association of motor vehicle administrators - and Alaska is not real cutting edge on this deal - this is the trend that is going across America. ... Having a legal presence law will bring us into substantial compliance with ... the majority of the other states in America. It will make it easier for us when taking a new person's driver's license. It will make it easier for you, if you were to move to another state.

MR. BANNOCK reiterated that the issue of whether a person must be a United States citizen falls on the shoulders [of the legislature]. Notwithstanding that, he revealed that as the director of DMV, he is "in full support of it."

Number 1500

CHAIR WEYHRAUCH redirected the committee's attention to Conceptual Amendment 1, as amended. He asked again if there were further objections to Conceptual Amendment 1, as amended. There being none, it was so ordered.

Number 1486

REPRESENTATIVE SEATON said he just wants to ensure that the Alaska DMV has an adequate public purpose for "putting in this thing that could be quite complicated and could have far-reaching effects."

MR. BANNOCK suggested that Representative Lynn had made good points in previous testimony. He said he has attempted to keep [his testimony] within the division's point of view, but he said he could deluge the committee with reams of paperwork citing reasons why it's compelling for the state to have a legal presence law. He mentioned "the terrorism aspect" and "illegal aliens establishing themselves as a presence."

Number 1395

CHAIR WEYHRAUCH directed the committee's attention to an article published in the Anchorage Daily News, [Thursday, April 22, 2004, included in the committee packet]. He offered [Conceptual Amendment 2] to ensure that the division provides appropriate training to its staff to implement the provisions of [HB 40].

MR. BANNOCK responded that training is ongoing at the DMV. He said the news article included some accurate information, but left out a lot of accurate information, as well. For example, no less than once a month, his office seizes fraudulent documents.

CHAIR WEYHRAUCH clarified that he wants language that will show that the legislature wants the DMV to provide training. He suggested that [the DMV] could then counter [articles like the aforementioned one] by saying, "We have been asked by the legislature to provide this training; it simply affirms what we've been doing and we're following legislative directive to have this in Alaska to meet the requirements of law in a larger context."

MR. BANNOCK responded, "We would cheerfully support that, sir."

Number 1266

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

REPRESENTATIVE LYNN said he had no objection.

CHAIR WEYHRAUCH announced that Conceptual Amendment 2 [was adopted].

CHAIR WEYHRAUCH closed public testimony on HB 40.

Number 1235

REPRESENTATIVE LYNN moved to report [CSHB 40(TRA), as amended] out of committee with individual recommendations [and the attached zero fiscal note]. There being no objection, CSHB 40(STA) was reported out of the House State Affairs Standing Committee.

Number 1148

REPRESENTATIVE GRUENBERG asked Chair Weyhrauch if he would rescind the committee's action, because he had been out of the room at the time and would like to sign the committee report.

Number 1137

CHAIR WEYHRAUCH announced that the action was rescinded. He asked Representative Lynn to renew his motion.

Number 1130

REPRESENTATIVE LYNN moved to report [CSHB 40(TRA)], as amended, with individual recommendations and the attached zero fiscal note. There being no objection, CSHB 40(STA) was reported out of the House State Affairs Standing Committee.

HB 327-POWERS/DUTIES DOTPF

Number 1127

CHAIR WEYHRAUCH announced that the next 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."

REPRESENTATIVE HOLM clarified that HB 327 is not a Department of Transportation & Public Facilities (DOT&PF) bill, but was brought forth because citizens came to him wondering why a road was being built without a bridge to connect it. He noted that there is a companion bill in the Senate.

CHAIR WEYHRAUCH reminded committee members that, at the last hearing on HB 327, he had requested a copy of 23 U.S.C. 135, which is referenced in the bill. He said it is an extremely large document that is available to anyone who would like read it.

The committee took a brief at-ease.

Number 0973

CHAIR WEYHRAUCH moved to adopt the committee substitute (CS) for HB 327, Version 23-LS1135\U, Utermohle, 4/24/04, as a work draft.

REPRESENTATIVE LYNN objected for discussion purposes.

Number 0950

TODD LARKIN, Staff to Representative Jim Holm, Alaska State Legislature, testifying on behalf of Representative Holm, sponsor, offered a brief review. He stated that the bill originally would have eliminated the requirement for study of

costs and benefits, but Version U reconfigures when that study would be required and under what circumstances. The intent is to stop frivolous lawsuits that halt projects that are in the middle of or nearly ready to go to construction. He noted that a list had been compiled of projects that could be stopped.

Number 0851

REPRESENTATIVE SEATON asked why [paragraphs (14) and (15) in Section 2] were going to be deleted.

MR. LARKIN explained that the energy performance standards were created in 1980, after a period of great concern over an energy crisis. Deleting them is a matter of house cleaning, because the authority for implementing these [standards] is no longer DOT&PF's. In response to a follow-up question from Representative Seaton, he clarified, "It's just redundant statute at this point; the concerns are being addressed."

REPRESENTATIVE GRUENBERG asked why the part of paragraph (15) that addresses providing planning assistance should not remain.

MR. LARKIN indicated that school districts, through the use of state and federal monies, often through bonds, takes care of "this."

REPRESENTATIVE GRUENBERG said he doesn't want "somebody coming back and saying, 'Gee, we wish you still did this.'"

MR. LARKIN indicated that, based upon the research that's been done regarding the bill, that would not happen.

Number 0623

REPRESENTATIVE SEATON told Mr. Larkin that he would like to know "who is doing that in rural educational facilities, ... for those energy audits."

Number 0593

REPRESENTATIVE LYNN directed attention to an e-mail from [Ann Flister, included in the committee packet], which expresses concern regarding a construction project that would affect [her home]. He asked Mr. Larkin to address her concerns.

MR. LARKIN said the concerns of Ann Flister and her husband were in regard to the original bill version and, after a lengthy

conversation with Mr. Larkin, they maintain their reservations to Version U. He noted that the cost benefit study had been done twice on the project and the project failed to rise to cost benefit status twice. He said, "In my mind, it is a perfect example of the less than usual nature of the cost benefit study. It is a totally separate document that stands on its own."

MR. LARKIN stated that the bill would have no effect on [the Flister's situation], as unfortunate as that situation is. He indicated that [the Flisters] maintain their objection, based upon principle. He also indicated that people have a misunderstanding of cost benefits, because the word "cost" is used. He clarified that costs are considered in many ways during the process of getting a road project together; cost benefit studies just compare benefits with cost, dollar per dollar.

MR. LARKIN emphasized, "We are not eliminating costs, we are only eliminating this specific comparison study and, in fact, we're not eliminating it, we're modifying it by this bill."

REPRESENTATIVE LYNN thanked Mr. Larkin for his clarification. He noted that he is a real estate agent and if he were to list [the Flister's property], he would have to have a disclosure "about that thick," and he said he doesn't think anybody would want to make an offer on the property, because it is in limbo. He stated for the record that he is very concerned about "that one."

Number 0248

CHAIR WEYHRAUCH [moved to adopt Conceptual Amendment 1], as follows:

On page 4, lines 8, 10, and 13:

Before "report"  
Insert "summary"

CHAIR WEYHRAUCH asked if there was any objection to [Conceptual Amendment 1]. There being none, it was so ordered.

Number 0130

CHAIR WEYHRAUCH moved Amendment 2, [labeled 23-LS1135\U.2, Utermohle, 4/24/04], which read as follows:

Page 4, line 20:

Delete "if the commissioner determines appropriate"

Insert "except as provided in (e) of this section"

Page 5, line 20:

Delete "uniform"

Page 5, line 23, through page 6, line 1:

Delete all material.

Insert "The regulations may provide for an exemption from the requirement to prepare an estimate of benefits for a specific transportation project if

(1) the project is required for compliance with a federal or state statute or regulation;

(2) the small scale of the project makes the preparation of an estimate of benefits for the project impractical; or

(3) the cost of preparing an estimate of benefits for the project is excessive relative to the estimated cost of the project."

CHAIR WEYHRAUCH moved to adopt an amendment to Amendment 2, such that lines 8-17 [as numbered on the amendment] would read as follows:

Page 5, line 23:

Delete all material.

Insert "The regulations may provide for an exemption from the requirement to prepare an estimate of benefits for a specific transportation project if

(1) the project is required for compliance with a federal or state statute or regulation;

(2) the small scale of the project makes the preparation of an estimate of benefits for the project impractical.

renumber accordingly

**TAPE 04-72, SIDE A**

Number 0001

CHAIR WEYHRAUCH reiterated the amendment to Amendment 2. In response to Mr. Larkin, he said "the factors" would be the same,

but the amendment to Amendment 2 "just makes it better in terms of this cost benefit issue."

Number 0137

CHAIR WEYHRAUCH asked if there was any objection [to the amendment to Amendment 2]. There being none, it was so ordered.

Number 0148

CHAIR WEYHRAUCH asked if there was any objection to Amendment 2, [as amended]. There being no objection, Amendment 2, [as amended] was adopted.

Number 0173

REPRESENTATIVE SEATON directed attention to page 5, line 14, regarding changing the requirement for a [construction] program from two years to one year. He asked if that would have an influence on the [Statewide Transportation Improvement Program (STIP)]. He expressed concern that projects already scheduled would get repeatedly "pushed off."

Number 0332

MR. LARKIN clarified that the programs would be forwarded to the governor and legislature for review only, not as an option for the legislature to "rearrange them each year."

REPRESENTATIVE HOLM said, "This isn't really a STIP reorganization."

REPRESENTATIVE SEATON requested a report from the sponsor defining "the role of this in its relationship to the STIP." He said if it turns out that it would mean an annual review and reorganization of the STIP, he will object to that.

Number 0486

REPRESENTATIVE SEATON turned to page 3, [paragraph] (15). He noted that many rural schools are having problems because they have not been constructed to standards, and he doesn't think that the individual school districts are taking over "this function." He said he would like to leave [paragraph] (15) in the bill, until it is discovered that "there is someone ... else doing that."

Number 0561

REPRESENTATIVE HOLM returned to the previously referred to [23 U.S.C. 135] and said, "That has all the appropriate oversights for those projects, because they're federal projects." Furthermore, he noted that the planning assistance no longer comes from DOT&PF. Notwithstanding that, he said it would be okay with him if Representative Seaton wanted to take out [paragraph (15)].

Number 0662

CHAIR WEYHRAUCH clarified that Amendment 3 would maintain the language in [paragraph (15), beginning on page 3, line 28], which read as follows:

(15) PROVIDE PLANNING ASSISTANCE, INCLUDING BUT NOT LIMITED TO ENERGY AUDITS AND RELATED TECHNICAL SERVICES, TO SCHOOL DISTRICTS AND REGIONAL EDUCATIONAL ATTENDANCE AREAS TO DEVELOP AND IMPLEMENT

(A) STANDARDS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF RURAL EDUCATIONAL FACILITIES; AND

(B) ENERGY CONSERVATION MEASURES FOR RURAL EDUCATIONAL FACILITIES;

CHAIR WEYHRAUCH asked if there was any objection to Amendment 3. There being none, it was so ordered.

Number 0684

CHAIR WEYHRAUCH offered his understanding that he had made a motion to report [the proposed committee substitute (CS) for HB 327, Version 23-LS1135\U, Utermohle, 4/24/04, as amended, with individual recommendations and the attached fiscal notes]; and that Representative Lynn had objected.

REPRESENTATIVE LYNN removed his objection.

CHAIR WEYHRAUCH stated that there were no objections. Therefore, CSHB 327(STA) was reported out of the House State Affairs Standing Committee.

HB 523-VOTERS/VOTING/POLITICAL PARTIES/ELECTIONS

Number 0700

CHAIR WEYHRAUCH announced that the last 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."

[In the following testimony by Mr. Thompson, he refers to the committee substitute (CS) for HB 523, Version 23-GH2021\X, Kurtz, 4/26/04, which is not yet adopted by the committee as a work draft.]

Number 0724

MYRL THOMPSON, Chairman, Ogan is So Gone recall, directed the committee's attention to page 17, line 25. He asked why the words "[UPON CERTIFYING]" are being replaced by the word "If". He mentioned reading the 28-page report by John Sedor - the independent counsel hired by the State of Alaska to look in to the Ogan is So Gone recall. One of the tenets in that report was that no hurdles or encumbrances should be put upon the process. He indicated that [the proposed language change] seems to be a weakening of the original intent of the recall.

MR. THOMPSON revealed that a few hundred people who were registered voters and met all the qualifications of voters according to state statute seemed to have been not qualified for the petition [for the Ogan is So Gone recall]. He surmised the reason is because some registered voters have moved and have not submitted a change of address to the Division of Elections. He stated his belief that by signing a petition and providing their address on that petition, these folks are actually showing participation in the electoral process. He suggested an amendment should be introduced to remedy that situation. He offered his understanding that if he were in Juneau during election time and wanted to vote, he could fill out a question ballot. He noted that that type of option was not available to registered voters who wanted to sign the recall petition but were outside the area in which they were registered.

Number 0972

REPRESENTATIVE HOLM asked, "They were disqualified for what reason?"

MR. THOMPSON answered that "they aren't currently registered in District H, even though they ... are living in District H and they are qualified voters. He suggested that the director of the Division of Elections might be able to further explain.

REPRESENTATIVE HOLM stated, "If you have a residency requirement to live within a district so you vote within a district, it doesn't seem reasonable that you would come from another district and go into another district ... and want to change the makeup of that district without being a resident."

MR. THOMPSON clarified that those people are not residents of the previous district; they have moved.

REPRESENTATIVE HOLM responded that they wouldn't be disqualified as residents then.

MR. THOMPSON said they seemed to have been [disqualified]. He said he talked to a number of those people who said they are qualified voters. In response to a comment from Representative Holm, he emphasized that he is not referring to someone who would come from District H to District J, for example, disrupt the management of that district, and then move back into District H again.

REPRESENTATIVE HOLM offered his understanding that state law requires that a person has to change his/her registration when he/she moves. He concluded, "Therefore, it's inherent upon you to change your registration so that you can exercise your right to vote. It's not inherent upon the state to back up on the other side of that and say, 'Oh, yeah, you meant to do it, but you didn't do it.'"

MR. THOMPSON stated that, considering the current low voter participation rate, anything that enhances voter participation in elections is "probably where we should be going," as opposed to doing anything that excludes qualified voters from voting.

REPRESENTATIVE HOLM emphasized that the voter is nonqualified if he/she is not registered. In response to Mr. Thompson, he specified that the voters in question [who were not allowed to sign the petition] may be registered in one district, but are not qualified if they are not registered in the district in which they want to vote.

MR. THOMPSON reiterated that he doesn't like to see hundreds of people who want to be involved in the process be disenfranchised.

Number 1166

REPRESENTATIVE LYNN said, "They're disenfranchised by their own inaction."

Number 1174

JIM SYKES, Election Specialist, Green Party of Alaska, brought attention to his written testimony [included in the committee packet]. He noted that [at a previous hearing on HB 523] the issue of reducing the percentage required for a registration test produced some questions, which he said he would address now. He noted that the handout shows that only a handful of states have both a vote test and a registration test, and "in every other case, the registration test is far, far below what the vote test is."

MR. SYKES said Representative Coghill had asked how hard it is to get a signature for a nominating petition. He reported that Richard Winger, Publisher, Ballot Access News, said that, by far, the easiest requirement to get is a vote test; getting a vote is easier than getting a signature for a nominating petition, but getting a signature on a petition is "about seven times easier than getting somebody to register to a political party." He said he has only been able to find three political parties anywhere in the United States that have an excess of one percent of the registered voters in that state. He said he is trying to emphasize that a 1-percent registration test is high in itself and a 3-percent [registration test] is unreasonably high.

MR. SYKES mentioned a poll that revealed the number of people "registering away from political parties" is currently 39 percent, whereas it was 37 percent in 1979. He stated, "If this is a trend going on today, it makes the requirement of registering anybody to a particular political party much more difficult." In Alaska, he said, there has been a majority of people not registered to any political party for a long time - a fact that hasn't changed. He concluded, "If we're going to have a registration requirement, it should be reasonable. It's good public policy, and I urge your support for this amendment, and I think we'll all be better off for it."

Number 1325

REPRESENTATIVE GRUENBERG, regarding Mr. Thompson's previously stated concerns regarding the language change on page 17, line 25, offered his understanding that the change "just updates it to current style."

Number 1373

CHAIR WEYHRAUCH announced he was closing public testimony.

REPRESENTATIVE LYNN asked Mr. Sykes where Richard Winger is from.

MR. SYKES offered his belief that Mr. Winger publishes his newsletter from San Francisco.

Number 1429

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, responding to Representative Gruenberg's comment, confirmed that the language in question was a drafting change to "clean and conform as we proceeded in our promise to make the petition process clear in initiatives, referendum, and recall."

REPRESENTATIVE GRUENBERG said he would be willing to work on Mr. Thompson's concern regarding those registered voters who cannot sign a petition outside of the district in which they are registered.

Number 1458

REPRESENTATIVE WEYHRAUCH moved to adopt the committee substitute (CS) for HB 523, Version 23-GH2021\X, Kurtz, 4/26/04, as a work draft.

REPRESENTATIVE HOLM objected.

Number 1537

CHAIR WEYHRAUCH moved to adopt Amendment 1, labeled 23-GH2021\X.5, Kurtz, 4/27/04, which read as follows:

Page 3, following line 30:

Insert a new bill section to read:

"\* **Sec. 3.** AS 15.07.127 is amended to read:

**Sec. 15.07.127. Preparation of master register.**

The director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons whose names appear on the master register and their political party affiliation. Subject to the limitations of 15.07.195(b), any [ANY] person may obtain a copy of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director."

Page 23, line 15:

Delete "23 - 46"

Insert "24 - 47"

Page 23, line 18:

Delete "sec. 9"

Insert "sec. 10"

There being no objection, Amendment 1 was adopted.

Number 1566

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, labeled 23-GH2021\X.3, Kurtz, 4/27/04, which read as follows:

Page 11, line 26, through page 12, line 11:

Delete all material and insert:

"\* **Sec. 25.** AS 15.45.090 is repealed and reenacted to read:

**Sec. 15.45.090. Preparation of petition.** Within seven days after an application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition shall contain

(1) a copy of the proposed bill if the number of words included in both the formal and substantive provisions of the bill is 500 or less;

(2) an impartial summary of the subject matter of the bill;

(3) the warning prescribed in AS 15.45.100;

(4) sufficient space for printed name, date of birth, signature, and address of each person signing the petition;

(5) sufficient space at the bottom of each signature page for the information required by AS 15.45.130(8); and

(6) other specifications prescribed by the lieutenant governor to ensure proper handling and control."

Page 14, lines 11 - 30:

Delete all material and insert:

"\* **Sec. 32.** AS 15.45.320 is repealed and reenacted to read:

**Sec. 15.45.320. Preparation of petition.** Within seven days after an application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition shall contain

(1) a copy of the act to be referred, if the number of words included in both the formal and substantive provisions of the bill is 500 or less;

(2) the statement of approval or rejection;

(3) an impartial summary of the subject matter of the act;

(4) the warning prescribed in AS 15.45.330;

(5) sufficient space for the printed name, date of birth, signature, and address of each person signing the petition;

(6) sufficient space at the bottom of each page for the information required by AS 15.45.360(8); and

(7) other specifications prescribed by the lieutenant governor to ensure proper handling and control."

Page 17, line 24, through page 18, line 10:

Delete all material and insert:

"\* **Sec. 40.** AS 15.45.560 is repealed and reenacted to read:

**Sec. 15.45.560. Preparation of petition.** Within seven days after an application is certified, the director shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition shall contain

(1) the name and office of the person to be recalled;

(2) the statement of the grounds for recall included in the application;

(3) the statement of warning required in AS 15.45.570;

(4) sufficient space for the printed name, date of birth, signature, and address of each person signing the petition;

(5) sufficient space at the bottom of each page for the information required by AS 15.45.600(8); and

(6) other specifications prescribed by the director to ensure proper handling and control."

Number 1582

CHAIR WEYHRAUCH objected.

The committee took an at-ease from 10:11 a.m. to 10:13 a.m.

Number 1595

REPRESENTATIVE GRUENBERG indicated that Amendment 2 is a conforming amendment that he tried to make consistent with other language.

CHAIR WEYHRAUCH expressed uncertainty towards Amendment 2.

REPRESENTATIVE GRUENBERG said that if "Within seven days" is a problem, it can be deleted.

MS. GLAISER responded as follows:

To be clear, the seven days is only on the referendum currently in state law. It's okay with us. We got the recall out in three or four days. We normally turn around a petition -- as you can guess, the people that carry petitions are very anxious. You know, we don't delay at that section; if there's ever a delay, it's in a legal interpretation ... when an application is filed, which we don't have control over.

MS. GLAISER indicated that it is up to the committee to decide if [seven days] is a reasonable amount of time to prepare a petition.

CHAIR WEYHRAUCH interjected, "If we believe it's a reasonable amount of time is irrelevant."

MS. GLAISER explained, "Well, this onus is now on [the] lieutenant governor, so I can't speak ... for the lieutenant governor's office." She told Chair Weyhrauch that "the seven days" is on the referendum section. She stated, "It is a policy call .... If you want to conform them all and do the seven days ..., that's correct; it would be conforming language to the other sections where a group petitions their government."

Number 1822

REPRESENTATIVE SEATON indicated that conformity would be beneficial.

Number 1841

CHAIR WEYHRAUCH [moved to adopt] Amendment 1 to Amendment 2, as follows:

On page 1, beginning on line 4 [as numbered on the Amendment 2]:

Delete "Within seven days after an application is certified,"

Change the "t" to "T" at the beginning of the next sentence.

CHAIR WEYHRAUCH asked if there was any objection to Amendment 1 to Amendment 2. There being none, it was so ordered.

Number 1885

CHAIR WEYHRAUCH moved to adopt Amendment 2 to Amendment 2, as follows:

On page 2, beginning on line 18 [as numbered on Amendment 2]:

Delete "Within seven days after an application is certified;"

Change the "t" to "T" at the beginning of the next sentence.

REPRESENTATIVE GRUENBERG objected.

CHAIR WEYHRAUCH asked Ms. Glaiser to confirm that "you could do that, but you're not doing that."

MS. GLAISER answered that's correct. She added, "You would be adding to law a date certain."

Number 1921

A roll call vote was taken. Representatives Coghill, Lynn, Holm, Seaton, and Weyhrauch voted in favor of Amendment 2 to Amendment 2. Representative Gruenberg voted against it. Therefore, Amendment 2 to Amendment 2 was adopted by a vote of 5-1.

Number 1940

CHAIR WEYHRAUCH removed his objection to Amendment 2 [as amended]. He asked if there was any further objection to Amendment 2 [as amended]. There being none, Amendment 2, as amended, was adopted.

Number 1984

REPRESENTATIVE GRUENBERG moved to adopt Amendment 3, labeled 23-GH2021\X.1, Kurtz, 4/26/04, which read as follows:

Page 22, line 8:  
Delete "three"  
Insert "one [THREE]"

CHAIR WEYHRAUCH objected.

REPRESENTATIVE GRUENBERG stated that there is no reason that parties should have to "run candidates for major offices" simply to remain on the ballot. He said it's an imposition on a party's voters, on the party itself, and on the party candidate.

Number 2004

A roll call vote was taken. Representatives Lynn and Gruenberg voted in favor of Amendment 3. Representatives Holm, Seaton, Coghill, and Weyhrauch voted against it. Therefore, Amendment 3 failed by a vote of 2-4.

Number 2030

REPRESENTATIVE LYNN moved to adopt Amendment 4, labeled 23-GH2021\X.6, Kurtz, 4/27/04, which read as follows:

Page 3, following line 30:

Insert a new bill section to read:

"\* **Sec. 3.** AS 15.07.127 is amended to read:

**Sec. 15.07.127. Preparation of master register.**

The director shall prepare both a statewide list and a list by precinct of the names, [AND] addresses, and, when available, telephone numbers of all persons whose names appear on the master register and their political party affiliation. Subject to the limitations in 15.07.195(b), any [ANY] person may obtain a copy of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters by applying to the director and paying to the state treasury a fee as determined by the director. A candidate who has filed for office under AS 15.25 may obtain a copy of the list, or a part of the list, containing telephone numbers, when available, as well as names and addresses."

Renumber the following bill sections accordingly.

Page 4, line 7:

Delete all material.

Renumber the following paragraphs accordingly.

Page 4, line 11:

Delete "and"

Insert ", "

Following "address":

Insert ", and telephone number"

Page 4, lines 13 - 14:

Delete "the voter's name and address"

Insert "this information"

Page 23, line 15:

Delete "23 - 46"

Insert "24 - 47"

Page 23, line 18:

Delete "sec. 9"

Insert "sec. 10"

CHAIR WEYHRAUCH objected.

REPRESENTATIVE LYNN explained that Amendment 4 would facilitate the process of political candidates being able to contact the electorate, which would enhance communication between the two.

Number 2070

REPRESENTATIVE SEATON objected to Amendment 4. He said he thinks that "putting phone numbers out is just asking for all the voters to become a call list for telemarketers." He indicated that the information could be obtained from phone books and voter lists.

The committee took an at-ease from 10:25 a.m. to 10:28 a.m.

Number 2120

A roll call vote was taken. Representatives Gruenberg and Lynn voted in favor of Amendment 4. Representatives Holm, Seaton, and Weyhrauch voted against it. Therefore, Amendment 4 failed by a vote of 2-3.

Number 2157

MS. GLAISER indicated there were some inconsistencies in conforming language, regarding changes offered by Representative Gruenberg: Page 12, line 30, read "the circulator signing the affidavit"; and page 16, beginning on line 1, and page 19, beginning on line 18, read "the person signing the affidavit". Ms. Glaiser recommended that the language should read either "the circulator" in all three places or "the person".

Number 2190

REPRESENTATIVE GRUENBERG moved to adopt Amendment 5, as follows:

On page 12, line 30  
Between "the" and "signing"  
Delete "circulator"  
Insert "person"

REPRESENTATIVE GRUENBERG explained that "circulator" was a typographical error.

CHAIR WEYHRAUCH announced that, there being no objection, Amendment 5 was adopted.

Number 2224

MS. GLAISER drew focus to page 13, lines 11-15 and asked the committee to compare the language between those lines and the lines on page 16, lines 13-17. She said the language is different and should be conforming.

MS. GLAISER also noted that Representative Gruenberg had asked whether ballot rotation would affect municipalities and boroughs. She stated that there are municipalities and boroughs whose code references state law; therefore, they would be required to do ballot rotation if the state law was changed. She continued as follows:

In addition, the way this language is written, we would do ballot rotation on REA and CSRA elections, as well, because it just says "in any contested race".

Number 2267

REPRESENTATIVE GRUENBERG responded, "It was not my intent to do that, and we'll see if we can come up with something to eliminate local people on [this]."

The meeting was recessed at 10:05 a.m. to a call of the chair.

**TAPE 04-73, SIDE A**

Number 0001

CHAIR WEYHRAUCH called the meeting back to order at 4:24 p.m. Present at the call back were Representatives Holm, Seaton, Lynn, Gruenberg, and Weyhrauch.

CHAIR WEYHRAUCH announced that the committee would return to HB 523.

Number 0060

CHAIR WEYHRAUCH moved to adopt Amendment 6, which read as follows [original punctuation provided]:

Page 5, line 16: Insert "in a state primary or general election" following the word "office"

CHAIR WEYHRAUCH asked if there was any objection to Amendment 6. There being no objection, Amendment 6 was adopted.

Number 0070

CHAIR WEYHRAUCH moved to adopt Amendment 7, which read as follows [original punctuation provided]:

Page 16, lines 13-17: Delete all material and insert the following:

(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 place, in the space provided under AS 15.45.320(6), the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Page 19, line 30 to Page 20, line 3: Delete all material and insert the following:

(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 15.45.560(5), the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

Number 0084

MS. GLAISER indicated that if [Amendment 7] is adopted, it would put referendum and recall "at the same place."

Number 0164

CHAIR WEYHRAUCH asked if there was any objection to Amendment 7. There being none, Amendment 7 was adopted.

Number 0175

CHAIR WEYHRAUCH moved to adopt Amendment 8, which read as follows [original punctuation provided]:

Page 22, lines 22-23: Delete all material.

Number 0185

MS. GLAISER explained that Amendment 8 would remove the reference to statewide office, because the term is no longer [in the proposed legislation due to foregoing amendments made by the committee].

REPRESENTATIVE GRUENBERG stated he had no objection [to Amendment 8].

CHAIR WEYHRAUCH announced that, there being no objection to Amendment 8, it was so ordered.

Number 0286

REPRESENTATIVE GRUENBERG moved to report HB 523, Version 23-GH2021\X, Kurtz, 4/26/04, [as amended], out of committee [with individual recommendations and any accompanying fiscal notes]. There being no objection, CSHB 523(STA) was moved out of the House State Affairs Standing Committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:30 p.m.