

**ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

March 30, 2004

1:35 p.m.

TAPE 04-28

MEMBERS PRESENT

Senator Con Bunde, Chair
Senator Gary Stevens
Senator Bettye Davis
Senator Hollis French

MEMBERS ABSENT

Senator Ralph Seekins, Vice Chair

COMMITTEE CALENDAR

Confirmation Hearing - Laura Plenert, Alaska State Personnel Board

CONFIRMATION ADVANCED

CS FOR HOUSE BILL NO. 409(FSH)

"An Act relating to the maximum length of salmon seine vessels; and providing for an effective date."

MOVED CSHB 409(FSH) OUT OF COMMITTEE

HOUSE BILL NO. 478

"An Act relating to the issuance of commercial fishing interim-use permits; and providing for an effective date."

MOVED HB 478 OUT OF COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 35(L&C)

Relating to bovine spongiform encephalopathy, commonly known as mad cow disease, and country-of-origin labeling for meat products.

MOVED CSHJR 35(L&C) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 478

SHORT TITLE: COMMERCIAL FISHING INTERIM USE PERMITS
SPONSOR(s): REPRESENTATIVE(s) WILSON

02/16/04 (H) READ THE FIRST TIME - REFERRALS
02/16/04 (H) FSH, RES
02/27/04 (H) FSH AT 8:30 AM CAPITOL 124
02/27/04 (H) Heard & Held
02/27/04 (H) MINUTE(FSH)
03/01/04 (H) FSH AT 9:00 AM CAPITOL 124
03/01/04 (H) Moved CSHB 478(FSH) Out of Committee
03/01/04 (H) MINUTE(FSH)
03/03/04 (H) FSH RPT CS(FSH) 5DP 2NR
03/03/04 (H) DP: OGG, HEINZE, WILSON, SAMUELS,
03/03/04 (H) SEATON; NR: GARA, GUTTENBERG
03/08/04 (H) RES AT 1:00 PM CAPITOL 124
03/08/04 (H) MINUTE (RES)
03/08/04 (H) RES RPT 5DP 2NR
03/08/04 (H) DP: LYNN, GATTO, STEPOVICH, DAHLSTROM,
MASEK; NR: WOLF, GUTTENBERG
03/22/04 (H) Transmitted to (S)
03/22/04 (H) Version: HB 478
03/24/04 (S) READ THE FIRST TIME - REFERALS
03/24/04 (S) L&C
03/30/04 (S) L&C AT 1:30 PM BELTZ 211

BILL: HB 409

SHORT TITLE: SEINE VESSEL LENGTH
SPONSOR(s): REPRESENTATIVE(s) WILLIAMS BY REQUEST OF SALMON
INDUSTRY TASK FORCE

01/28/04 (H) READ THE FIRST TIME - REFERRALS
01/28/04 (H) FSH, RES
02/09/04 (H) FSH AT 9:00 AM CAPITOL 124
02/09/04 (H) Heard & Held
02/09/04 (H) MINUTE(FSH)
02/16/04 (H) FSH AT 9:00 AM CAPITOL 124
02/16/04 (H) Moved CSHB 409(FSH) Out of Committee
02/16/04 (H) MINUTE(FSH)
02/18/04 (H) FSH RPT CS(FSH) 3DP 4NR
02/18/04 (H) DP: WILSON, HEINZE, GUTTENBERG;
02/18/04 (H) NR: GARA, OGG, SAMUELS, SEATON
02/18/04 (H) RES AT 1:00 PM CAPITOL 124
02/18/04 (H) Moved CSHB 409(FSH) Out of Committee
02/18/04 (H) MINUTE(RES)
02/19/04 (H) RES RPT CS(FSH) 5DP 1DNP 2NR
02/19/04 (H) DP: STEPOVICH, HEINZE, KERTTULA,
02/19/04 (H) GUTTENBERG, MASEK; DNP: WOLF;

02/19/04 (H) NR: LYNN, GATTO
02/26/04 (H) TRANSMITTED TO (S)
02/26/04 (H) VERSION: CSHB 409(FSH)
02/27/04 (S) READ THE FIRST TIME - REFERRALS
02/27/04 (S) L&C, RES
03/11/04 (S) L&C AT 1:30 PM BELTZ 211
03/11/04 (S) <Above Bill Hearing Postponed>
03/23/04 (S) L&C AT 1:30 PM BELTZ 211
03/23/04 (S) Heard & Held
03/23/04 (S) MINUTE(L&C)
03/30/04 (S) L&C AT 1:30 PM BELTZ 211

BILL: HJR 35

SHORT TITLE: MAD COW DISEASE/COUNTRY OF ORIGIN LABELS
SPONSOR(S): REPRESENTATIVE(S) KERTTULA

02/05/04 (H) READ THE FIRST TIME - REFERRALS
02/05/04 (H) L&C, RES
02/16/04 (H) L&C AT 3:15 PM CAPITOL 17
02/16/04 (H) Moved CSHJR 35(L&C) Out of Committee
02/16/04 (H) MINUTE(L&C)
02/18/04 (H) L&C RPT CS(L&C) NT 5DP 1NR
02/18/04 (H) DP: CRAWFORD, LYNN, GATTO, DAHLSTROM,
02/18/04 (H) GUTTENBERG; NR: ANDERSON
02/25/04 (H) RES AT 1:00 PM CAPITOL 124
02/25/04 (H) Moved CSHJR 35(L&C) Out of Committee
02/25/04 (H) MINUTE(RES)
02/26/04 (H) RES RPT CS(L&C) NT 6DP 1NR 2AM
02/26/04 (H) DP: KERTTULA, GUTTENBERG, LYNN, HEINZE,
02/26/04 (H) DAHLSTROM, MASEK; NR: WOLF; AM: GATTO,
02/26/04 (H) STEPOVICH
03/18/04 (H) TRANSMITTED TO (S)
03/18/04 (H) VERSION: CSHJR 35(L&C)
03/19/04 (S) READ THE FIRST TIME - REFERRALS
03/19/04 (S) L&C, RES
03/30/04 (S) L&C AT 1:30 PM BELTZ 211

WITNESS REGISTER

Ms. Laura Plenert, nominee to the Alaska State Personnel Board

Mr. Tim Barry
Staff to Representative Bill Williams
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 409 for the sponsor.

Mr. Jerry McCune, Executive Director
United Fishermen of Alaska
211 4th Street, Suite 110
Juneau, Alaska 99801-1172
POSITION STATEMENT: Supports HB 409.

Representative Bill Williams
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Supports HB 409.

Representative Peggy Wilson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 478.

Representative Beth Kerttula
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HJR 35.

Ms. Aurora Hauke
Staff to Representative Beth Kerttula
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on HJR 35 for sponsor.

ACTION NARRATIVE

TAPE 04-28, SIDE A

^#HB409

CSHB 409(FSH)-SEINE VESSEL LENGTH

CHAIR CON BUNDE called the Senate Labor and Commerce Standing Committee meeting to order at 1:35 p.m. Present were Senators Gary Stevens, Bettye Davis, Hollis French and Chair Con Bunde. The first order of business to come before the committee was CSHB 409(FSH).

MR. TIM BARRY, staff to Representative Bill Williams, sponsor, noted that a member of the United Fishermen of Alaska had a concern with this bill.

MR. JERRY MCCUNE, Executive Director, United Fishermen of Alaska (UFA), said he talked to that person, Mr. Larson, who disagrees with changing the bill. However, all 34-member groups of the UFA voted in support of it. There are about 2,000 seiners in the

state. Mr. Larson was concerned that he would be disadvantaged because he had IfQs in halibut and has a 60 ft. boat and couldn't get a bigger boat than that.

In response, though, Mr. McCune pointed out if Southeast Alaska decided to change its length to 70 ft. they couldn't fish halibut in his area under class C and didn't see how Mr. Larson would be disadvantaged.

MR. BARRY added that the kinds of arguments Mr. Larson is making will be discussed before the Board of Fisheries in the event that it will ever consider this kind of a change. The intent of this legislation is to make that the appropriate venue for the argument to be made.

SENATOR HOLLIS FRENCH said the original bill required two-thirds of the permit holders to approve a change, but the bill doesn't have that provision now. He asked what the thinking was behind the original idea and how it was changed.

MR. BARRY explained that this legislation came out of the Salmon Industry Task Force and required changes to be approved by a vote of two-thirds plus one of the permit holders in a given fishery. A lot of permit holders feel significant changes need strong safeguards. The House Special Committee on Fisheries amended the legislation to remove that requirement, which would, in effect, leave the issue up to the Board of Fisheries.

MR. MCCUNE added that the idea that the board has to listen to all public members, whether they are fishermen or not, was perceived as putting a restriction on making or changing a regulation. Requiring a two-thirds vote of permit holders might not be legal.

CHAIR BUNDE asked if there was a legal opinion on it.

MR. BARRY answered that the Legislative Council had written a letter and the Commercial Fisheries Entry Commission (CFEC) and the Alaska Department of Fish and Game (ADF&G) expressed concern.

REPRESENTATIVE BILL WILLIAMS commented, but it was indiscernible because of poor telephone reception.

SENATOR GARY STEVENS moved to pass CSHB 409(FSH) from committee with individual recommendations and zero fiscal note. Senator

Gary Stevens, Bettye Davis, Hollis French and Chair Bunde voted yea; and CSHB 409(FSH) moved from committee.

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^CONFIRMATION HEARING

^ALASKA STATE PERSONNEL BOARD

CHAIR BUNDE announced a confirmation hearing for Ms. Laura Plenert, Personnel Board. He asked her if she wanted to make a statement.

MS. PLENERT said she wasn't prepared to make one at this time.

SENATOR HOLLIS FRENCH said he had read her resume', but still wanted to get a feel for who she is and what her interests are. He asked why she was interested in serving on the board.

MS. PLENERT replied that she was asked to serve and felt that it would be something interesting to do.

SENATOR FRENCH asked if anything in her background prepared her to take this job.

MS. PLENERT replied that she worked at McDonald's, but hadn't specifically worked in the personnel department there. However, she followed personnel rules.

SENATOR FRENCH asked if she had any experience in working with state classification systems.

MS. PLENERT replied no.

SENATOR FRENCH asked if she had any experience working with unions.

MS. PLENERT replied no.

SENATOR FRENCH asked how familiar she was with the state personnel system.

MS. PLENERT replied, "Not very. I'm hoping to learn as I go."

SENATOR FRENCH asked if she had ever had to render a decision between two competing points of view.

MS. PLENERT replied, "No."

SENATOR FRENCH asked her to tell him about her hobbies.

MS. PLENERT replied that she loves to work on her house and likes to garden. She also has several dogs that she spends time with.

SENATOR FRENCH asked how many people she supervises at McDonald's.

MS. PLENERT replied that she generally supervises about 50 employees.

SENATOR FRENCH asked if she is married and if she has a family.

MS. PLENERT replied, "No and no."

SENATOR FRENCH thanked her and said that was all of his questions.

CHAIR BUNDE asked if, as a part of her job with McDonald's, she is encouraged to be involved in public service.

MS. PLENERT replied, "Yes."

CHAIR BUNDE asked her to share her volunteer experience.

MS. PLENERT replied that she had served on the Chamber of Commerce and participated in Junior Achievement. She has served on the board of the mall her store is located in and she has served with the local Republican party.

CHAIR BUNDE asked if her service on the Personnel Board falls in line with what she considers community service.

MS. PLENERT replied, "Yes."

CHAIR BUNDE noted there were no further questions and thanked her for being with them this afternoon. He said the committee would forward her name to the full body, but that did not reflect any intent by members to vote for or against any nominee.

^#HB478

HB 478-COMMERCIAL FISHING INTERIM USE PERMITS

CHAIR BUNDE announced HB 478 to be up for consideration.

REPRESENTATIVE PEGGY WILSON, sponsor, said:

In a recent decision of the Alaska Court of Appeals, they held that the Commercial Fisheries Entry Commission (CFEC) lacked the authority to issue interim use permits in fisheries that they do not have the authority to limit. So, this bill is just a housekeeping measure that clarifies that the CFEC does have the authority to issue interim use permits in these fisheries and this clarification is consistent with the original intent and purpose of the current statute and is consistent with the permitting actions of the CFEC for the last 31 years....

CHAIR BUNDE asked if interim use permits are issued in areas without limited entry, but where permits are involved.

REPRESENTATIVE WILSON replied that is correct. In this instance, fishermen needed an interim use permit if they were fishing outside the three-mile limit, but came into state waters to process and sell their fish.

SENATOR GARY STEVENS said he assumed this was an extension of CFEC's responsibilities that might require a fiscal note, but noted the fiscal note is zero because nothing is being done differently.

REPRESENTATIVE WILSON agreed.

CHAIR BUNDE noted a letter of support from the United Fishermen of Alaska.

SENATOR GARY STEVENS moved to pass HB 478 from committee with individual recommendations and attached zero fiscal note. Senators Hollis French, Gary Stevens, Bettye Davis and Chair Bunde voted yea; and HB 478 moved from committee.

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^#HJR35

CSHJR 35(L&C)-MAD COW DISEASE/COUNTRY OF ORIGIN LABELS

CHAIR CON BUNDE announced HJR 35 to be up for consideration.

REPRESENTATIVE BETH KERTTULA, sponsor, said this resolution supports country of original labeling and what the Food and Drug Administration (FDA) is doing to protect citizens from BSE, otherwise known as mad cow disease.

CHAIR BUNDE noted that the last case of mad cow disease occurred in this country and asked how labeling country of origin would help us.

REPRESENTATIVE KERTTULA replied that she thought the U.S. should label its own beef products within the country as well. Some states are turning in that direction for all products.

So, if we have problems within the U.S., I think that we should take care of them and better labeling will help us do that. As for other countries, it helps also in terms of tracking.

She noted that recently some tainted beef came in from Canada and tracking that was in place helped that instance. A lot of vegetables are being labeled and she thought that NAFTA had caused that. This would be similar to that.

CHAIR BUNDE asked if she had feedback from the retail industry as to the fiscal impact this might create for them.

REPRESENTATIVE KERTTULA said that is a federal act and she hadn't had any direct contact with it. Her experience was mostly with the FDA. She said there is a two-year delay now and that is why she is asking to speed it up.

MS. AURORA HAUKE, staff to Representative Kerttula, added that the National Farmers Union (167 agricultural and consumer groups) strongly supported country of origin labeling although a little resistance is coming from the retailers.

CHAIR BUNDE asked if the Hangar On The Wharf restaurant was going to have to use country of origin labeling for its ground meat.

REPRESENTATIVE KERTTULA replied this bill doesn't go that far and that the FDA requires the person selling the product to have the labeling already on it.

SENATOR GARY STEVENS moved to pass CSHJR 35(L&C) from committee with individual recommendations and attached fiscal notes. Senators Bettye Davis, Gary Stevens, Hollis French and Chair Bunde voted yea; and CSHJR 35(L&C) moved from committee.

There being no further business to come before the committee, Chair Bunde adjourned the meeting at 2:00 p.m.

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