

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

May 1, 2004

4:14 p.m.

TAPE (S) 04-30&31

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator John Cowdery, Vice Chair
Senator Bert Stedman
Senator Gretchen Guess

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 34

Sending a message of goodwill to President Chen Shui-bian, and reaffirming the Alaska State Legislature's 2003 resolution urging the United States Congress to support the granting of official Observer Status to the Republic of China and to support negotiation of a free trade agreement with the Republic of China.

MOVED CSSJR 34(WTR) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 25

Relating to state agency construction and maintenance contracts throughout the state.

REMOVED FROM AGENDA

HOUSE BILL NO. 379

"An Act establishing an office of citizenship assistance in the Department of Labor and Workforce Development."

MOVED HB 379 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 366(FIN)

"An Act relating to animal classic charitable gaming; and providing for an effective date."

MOVED CSHB 366(FIN) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 490(JUD) am

"An Act relating to the release of employment security records, to the binding effect of determinations and decisions regarding

unemployment compensation benefits, and to contributions, interest, penalties, and payments under the Alaska Employment Security Act; providing that property under the Alaska Employment Security Act is not subject to the Uniform Unclaimed Property Act; and providing for an effective date."

MOVED CSHB 490(JUD) am OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 309(JUD) am
"An Act relating to nonindigenous fish."

MOVED CSHB 309(JUD) am OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 405(EDU)
"An Act relating to reports on school and school district performance; and relating to accountability of public schools and school districts; and providing for an effective date."

MOVED CSHB 405(EDU) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 351(JUD)
"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

MOVED CSHB 351(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 373
"An Act requiring warrants drawn by the Department of Administration against the state treasury to be negotiable instruments."

MOVED HB 373 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SJR 34

SHORT TITLE: TAIWAN STATUS AND PRESIDENT

SPONSOR(S): RULES BY REQUEST OF WORLD TRADE & STATE/FED RELATIONS

04/22/04	(S)	READ THE FIRST TIME - REFERRALS	
04/22/04	(S)	WTR, STA	
04/26/04	(S)	WTR AT 4:00 PM BELTZ 211	
04/26/04	(S)	Moved CSSJR 34(WTR) Out of Committee	
04/26/04	(S)	MINUTE(WTR)	
04/27/04	(S)	WTR RPT CS 5DP	NEW TITLE
04/27/04	(S)	DP: COWDERY, GUESS, OLSON,	
04/27/04	(S)	WAGONER, THERRIAULT	
05/01/04	(S)	STA AT 0:00 AM BELTZ 211	

BILL: HB 379

SHORT TITLE: OFFICE OF CITIZENSHIP ASSISTANCE
SPONSOR(s): REPRESENTATIVE(s) WEYHRAUCH

01/20/04 (H) READ THE FIRST TIME - REFERRALS
01/20/04 (H) L&C, FIN
03/05/04 (H) L&C AT 3:15 PM CAPITOL 17
03/05/04 (H) -- Meeting Canceled --
03/19/04 (H) L&C AT 3:15 PM CAPITOL 17
03/19/04 (H) Scheduled But Not Heard
03/22/04 (H) L&C AT 3:15 PM CAPITOL 17
03/22/04 (H) Moved Out of Committee
03/22/04 (H) MINUTE(L&C)
03/24/04 (H) L&C RPT 2DP 5NR
03/24/04 (H) DP: LYNN, ANDERSON; NR: CRAWFORD,
03/24/04 (H) GATTO, ROKEBERG, DAHLSTROM, GUTTENBERG
04/21/04 (H) FIN RPT 9DP 2NR
04/21/04 (H) DP: MEYER, HAWKER, JOULE, CROFT, FATE,
04/21/04 (H) CHENAULT, FOSTER, HARRIS, WILLIAMS;
04/21/04 (H) NR: STOLTZE, MOSES
04/21/04 (H) FIN AT 8:30 AM HOUSE FINANCE 519
04/21/04 (H) Moved Out of Committee
04/21/04 (H) MINUTE(FIN)
04/27/04 (H) TRANSMITTED TO (S)
04/27/04 (H) VERSION: HB 379
04/28/04 (S) READ THE FIRST TIME - REFERRALS
04/28/04 (S) STA, FIN
05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 366

SHORT TITLE: ANIMAL CLASSICS CHARITABLE GAMING
SPONSOR(s): REPRESENTATIVE(s) STOLTZE

01/12/04 (H) PREFILE RELEASED (1/9/04)
01/12/04 (H) READ THE FIRST TIME - REFERRALS
01/12/04 (H) STA, FIN
01/29/04 (H) STA AT 8:00 AM CAPITOL 102
01/29/04 (H) Heard & Held
01/29/04 (H) MINUTE(STA)
02/05/04 (H) STA RPT 3DP 1NR 2AM
02/05/04 (H) DP: GRUENBERG, SEATON, LYNN;
02/05/04 (H) NR: WEYHRAUCH; AM: HOLM, COGHILL
02/05/04 (H) STA AT 8:00 AM CAPITOL 102
02/05/04 (H) Moved Out of Committee
02/05/04 (H) MINUTE(STA)
04/22/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/22/04 (H) Bills Previously Heard/Scheduled
04/23/04 (H) FIN AT 8:30 AM HOUSE FINANCE 519

04/23/04 (H) -- Rescheduled from Thurs 4/22/04 1:30
 --
 04/26/04 (H) FIN RPT CS(FIN) NT 3DP 3NR
 04/26/04 (H) DP: STOLTZE, CHENAULT, MEYER;
 04/26/04 (H) NR: HAWKER, JOULE, FATE
 04/27/04 (H) TRANSMITTED TO (S)
 04/27/04 (H) VERSION: CSHB 366(FIN)
 04/28/04 (S) READ THE FIRST TIME - REFERRALS
 04/28/04 (S) STA, FIN
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 490

SHORT TITLE: EMPLOYMENT SECURITY ACT AMENDMENTS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/16/04 (H) READ THE FIRST TIME - REFERRALS
 02/16/04 (H) L&C, JUD
 03/22/04 (H) L&C AT 3:15 PM CAPITOL 17
 03/22/04 (H) Scheduled But Not Heard
 03/24/04 (H) L&C AT 3:15 PM CAPITOL 17
 03/24/04 (H) Moved Out of Committee
 03/24/04 (H) MINUTE(L&C)
 03/25/04 (H) L&C RPT 4DP 3NR
 03/25/04 (H) DP: LYNN, GATTO, DAHLSTROM, ANDERSON;
 03/25/04 (H) NR: CRAWFORD, ROKEBERG, GUTTENBERG
 04/07/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/04 (H) Moved CSHB 490(JUD) Out of Committee
 04/07/04 (H) MINUTE(JUD)
 04/14/04 (H) JUD RPT CS(JUD) NT 5NR
 04/14/04 (H) NR: SAMUELS, HOLM, GARA, GRUENBERG,
 04/14/04 (H) MCGUIRE
 04/21/04 (H) TRANSMITTED TO (S)
 04/21/04 (H) VERSION: CSHB 490(JUD) AM
 04/22/04 (S) READ THE FIRST TIME - REFERRALS
 04/22/04 (S) STA, L&C
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 309

SHORT TITLE: CRIMES: NONINDIGENOUS FISH ; SENTENCING

SPONSOR(s): REPRESENTATIVE(s) WOLF

05/08/03 (H) READ THE FIRST TIME - REFERRALS
 05/08/03 (H) FSH, RES
 05/16/03 (H) FSH AT 7:30 AM CAPITOL 124
 05/16/03 (H) Heard & Held
 05/16/03 (H) MINUTE(FSH)
 03/22/04 (H) FSH AT 9:00 AM CAPITOL 124

03/22/04 (H) Moved CSHB 309(FSH) Out of Committee
 03/22/04 (H) MINUTE(FSH)
 03/24/04 (H) FSH RPT CS(FSH) NT 3DP 2NR
 03/24/04 (H) DP: GARA, WILSON, SEATON; NR: OGG,
 03/24/04 (H) GUTTENBERG
 03/31/04 (H) RES AT 1:00 PM CAPITOL 124
 03/31/04 (H) Heard & Held
 03/31/04 (H) MINUTE(RES)
 04/01/04 (H) JUD REFERRAL ADDED AFTER RES
 04/05/04 (H) RES AT 1:00 PM CAPITOL 124
 04/05/04 (H) Heard & Held
 04/05/04 (H) MINUTE(RES)
 04/07/04 (H) RES AT 1:00 PM CAPITOL 124
 04/07/04 (H) Moved CSHB 309(RES) Out of Committee
 04/07/04 (H) MINUTE(RES)
 04/08/04 (H) RES RPT CS(RES) NT 1DP 3NR 5AM
 04/08/04 (H) DP: WOLF; NR: LYNN, GUTTENBERG,
 04/08/04 (H) DAHLSTROM; AM: HEINZE, STEPOVICH,
 04/08/04 (H) GATTO, KERTTULA, MASEK
 04/16/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/16/04 (H) Heard & Held Assigned to Subcmte
 04/16/04 (H) MINUTE(JUD)
 04/21/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/21/04 (H) Moved CSHB 309(JUD) Out of Committee
 04/21/04 (H) MINUTE(JUD)
 04/22/04 (H) JUD RPT CS(JUD) NT 4DP 1NR 1AM
 04/22/04 (H) DP: SAMUELS, GARA, OGG, MCGUIRE;
 04/22/04 (H) NR: GRUENBERG; AM: HOLM
 04/27/04 (H) TRANSMITTED TO (S)
 04/27/04 (H) VERSION: CSHB 309(JUD) AM
 04/28/04 (S) READ THE FIRST TIME - REFERRALS
 04/28/04 (S) STA, RES
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 405

SHORT TITLE: SCHOOL PERFORMANCE DESIGNATION/REPORT

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/28/04 (H) READ THE FIRST TIME - REFERRALS
 01/28/04 (H) EDU, HES
 02/17/04 (H) EDU AT 11:00 AM CAPITOL 124
 02/17/04 (H) <Bill Hearing Postponed>
 03/02/04 (H) EDU AT 11:00 AM CAPITOL 124
 03/02/04 (H) Heard & Held
 03/02/04 (H) MINUTE(EDU)
 03/09/04 (H) EDU AT 11:00 AM CAPITOL 124
 03/09/04 (H) Moved CSHB 405(EDU) Out of Committee

03/09/04 (H) MINUTE(EDU)
 03/18/04 (H) EDU RPT CS(EDU) 5DP 1NR
 03/18/04 (H) DP: SEATON, WILSON, OGG, GARA, GATTO;
 03/18/04 (H) NR: WOLF
 03/23/04 (H) HES AT 3:00 PM CAPITOL 106
 03/23/04 (H) Moved CSHB 405(EDU) Out of Committee
 03/23/04 (H) MINUTE(HES)
 03/24/04 (H) HES RPT CS(EDU) 6DP
 03/24/04 (H) DP: KAPSNER, GATTO, CISSNA, SEATON,
 03/24/04 (H) WOLF, WILSON
 04/07/04 (H) TRANSMITTED TO (S)
 04/07/04 (H) VERSION: CSHB 405(EDU)
 04/08/04 (S) READ THE FIRST TIME - REFERRALS
 04/08/04 (S) STA, HES
 04/27/04 (S) STA AT 3:30 PM BELTZ 211
 04/27/04 (S) Scheduled But Not Heard
 04/29/04 (S) STA AT 3:30 PM BELTZ 211
 04/29/04 (S) Heard & Held
 04/29/04 (S) MINUTE(STA)
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 351

SHORT TITLE: CARBON MONOXIDE DETECTION DEVICES
 SPONSOR(S): REPRESENTATIVE(S) GATTO, GRUENBERG

01/12/04 (H) PREFILE RELEASED (1/2/04)
 01/12/04 (H) READ THE FIRST TIME - REFERRALS
 01/12/04 (H) L&C, STA
 01/21/04 (H) L&C AT 3:15 PM CAPITOL 17
 01/21/04 (H) Heard & Held
 01/21/04 (H) MINUTE(L&C)
 01/23/04 (H) L&C AT 3:15 PM CAPITOL 17
 01/23/04 (H) Moved CSHB 351(L&C) Out of Committee
 01/23/04 (H) MINUTE(L&C)
 01/26/04 (H) L&C RPT CS(L&C) 5DP
 01/26/04 (H) DP: CRAWFORD, LYNN, GATTO, GUTTENBERG,
 01/26/04 (H) ANDERSON
 02/19/04 (H) STA AT 8:00 AM CAPITOL 102
 02/19/04 (H) Scheduled But Not Heard
 02/26/04 (H) STA AT 8:00 AM CAPITOL 102
 02/26/04 (H) Moved CSHB 351(STA) Out of Committee
 02/26/04 (H) MINUTE(STA)
 03/01/04 (H) STA RPT CS(STA) 3DP 1DNP 3NR
 03/01/04 (H) DP: GRUENBERG, SEATON, LYNN;
 03/01/04 (H) DNP: COGHILL; NR: HOLM, BERKOWITZ,
 03/01/04 (H) WEYHRAUCH
 03/01/04 (H) JUD REFERRAL ADDED AFTER STA

03/19/04 (H) JUD AT 1:00 PM CAPITOL 120
 03/19/04 (H) Moved CSHB 351(JUD) Out of Committee
 03/19/04 (H) MINUTE(JUD)
 03/22/04 (H) JUD RPT CS(JUD) 4DP
 03/22/04 (H) DP: GARA, SAMUELS, GRUENBERG, MCGUIRE
 03/31/04 (H) TRANSMITTED TO (S)
 03/31/04 (H) VERSION: CSHB 351(JUD)
 04/01/04 (S) READ THE FIRST TIME - REFERRALS
 04/01/04 (S) L&C, STA
 04/22/04 (S) L&C AT 1:30 PM BELTZ 211
 04/22/04 (S) TRADE PRACTICES: FREE TRIAL/OPT-OUT
 PLANS
 04/27/04 (S) L&C AT 1:30 PM BELTZ 211
 04/27/04 (S) Moved CSHB 351(JUD) Out of Committee
 04/27/04 (S) MINUTE(L&C)
 04/28/04 (S) L&C RPT 2DP 1NR
 04/28/04 (S) DP: BUNDE, STEVENS G; NR: FRENCH
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

BILL: HB 373

SHORT TITLE: STATE TREASURY WARRANTS

SPONSOR(S): STATE AFFAIRS

01/12/04 (H) READ THE FIRST TIME - REFERRALS
 01/12/04 (H) STA
 01/20/04 (H) STA AT 8:00 AM CAPITOL 102
 01/20/04 (H) Moved Out of Committee
 01/20/04 (H) MINUTE(STA)
 01/21/04 (H) STA RPT 2DP 3NR
 01/21/04 (H) DP: GRUENBERG, WEYHRAUCH; NR: SEATON,
 01/21/04 (H) HOLM, LYNN
 02/09/04 (H) TRANSMITTED TO (S)
 02/09/04 (H) VERSION: HB 373
 02/11/04 (S) READ THE FIRST TIME - REFERRALS
 02/11/04 (S) STA
 04/22/04 (S) STA AT 3:30 PM BELTZ 211
 04/22/04 (S) -- Meeting Canceled --
 04/29/04 (S) STA AT 3:30 PM BELTZ 211
 04/29/04 (S) Scheduled But Not Heard
 05/01/04 (S) STA AT 0:00 AM BELTZ 211

WITNESS REGISTER

Richard Schmitz
 Staff to Senator John Cowdery
 Alaska State Capitol
 Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSSJR 34(WTR) on behalf of the Senate Rules Committee

Terry Harvey
Staff to Representative Bruce Weyhrauch
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 379 for the sponsor

Guy Bell, Director
Division of Administrative Services
Department of Labor & Workforce
Development
PO Box 21149
Juneau, AK 99802-1149

POSITION STATEMENT: Responded to questions regarding HB 379

Andree McLeod
No address provided

POSITION STATEMENT: Immigrant opposing HB 379

Ben Mulligan
Staff to Representative Bill Stoltze
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSHB 366(FIN) for the sponsor

Larry Meyers
Department of Revenue
PO Box 110400
Juneau, AK 99811-0400

POSITION STATEMENT: Announced that the Department of Revenue had no concerns with CSHB 366(FIN)

David Lambert
Fairbanks, AK 99701

POSITION STATEMENT: Stated support for CSHB366(FIN)

Tom Nelson, Director
Division of Employment Security
Department of Labor & Workforce
Development
PO Box 21149
Juneau, AK 99802-1149

POSITION STATEMENT: Explained aspects of CSHB 490(JUD)

Toby Steinberger

Assistant Attorney General
Civil Division
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Answered questions on CSHB 490(JUD)

Neal DuPerron
Staff to Representative Kelly Wolf
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSHB 309(JUD) for sponsor

Representative Kelly Wolf
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor HB 309

Cody Rice
Staff to Representative Carl Gatto
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced CSHB 351(JUD) for sponsor

Representative Max Gruenberg
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 373 as a member of the House State Affairs Committee

ACTION NARRATIVE

TAPE 04-30, SIDE A

(No recording on tape 04-30, side B)

CHAIR GARY STEVENS called the Senate State Affairs Standing Committee meeting to order at 4:14 p.m. Present were Senators Cowdery, Stedman and Chair Gary Stevens. Senator Guess arrived shortly after the meeting was convened.

CSSJR 34(WTR)-TAIWAN STATUS AND PRESIDENT

CHAIR GARY STEVENS announced CSSJR 34(WTR) to be up for consideration.

RICHARD SCHMITZ, staff to Senator Cowdery, explained that the resolution sends a message of goodwill to Republic of China (Taiwan) President Chen Shui-bian for his reelection.

Because the Republic of China (Taiwan) is an important trading partner to Alaska, the resolution encourages the United States Congress to endorse their request to be granted Observer Status at the World Health Organization.

There were no questions.

SENATOR COWDERY motioned to report CSSJR 34(WTR) from committee with individual recommendations and attached zero fiscal notes. He asked for unanimous consent. There being no objection, it was so ordered.

HB 379-OFFICE OF CITIZENSHIP ASSISTANCE

CHAIR GARY STEVENS announced HB 379 to be up for consideration and noted that the committee heard similar legislation during the previous session.

TERRY HARVEY, staff to Representative Bruce Weyhrauch, acknowledged that the Chair was correct. The legislation to establish the Office of Citizenship Assistance in the Department of Labor and Workforce Development was originally introduced during the 22nd Legislature. The difference between the two bills is that the fiscal note for the current legislation is reduced to \$86,000 annually.

Naturalized citizens and those pursuing citizenship could receive assistance in immigration and employment services. The office would be available to help individuals find affordable legal services, medical services, and educational opportunities. Information would also be available on discrimination, sexual harassment, and unsafe working conditions.

Generally they've received broad statewide support for this office, he said. The only negative debate has centered on the argument that this is a duplication of services, but they disagree.

SENATOR BERT STEDMAN asked why the bill didn't pass the previous session.

MR. HARVEY said that in recent years it's been a challenge to create new positions in the state. Also, he said, it's likely

that it would have passed last session if a bit more time and effort had been expended.

SENATOR STEDMAN asked for a rough estimate of the number of immigrants that arrive in Alaska each year and where they come from.

MR. HARVEY said he didn't have that number, but he could find out. They do feel that the office would assist several thousand people every year. People immigrate to Alaska from Mexico, Central and South America, Africa, Europe, the Philippines, and parts of Asia.

SENATOR JOHN COWDERY asked where the office would be located.

MR. HARVEY replied it would be located in Juneau, but they wouldn't be opposed to locating it in another central part of the state.

SENATOR COWDERY opined it might be more properly located in Anchorage then asked whether there are similar federal offices.

MR. HARVEY said there are individual offices that deal with the individual paperwork and documentation, but not a central position that serves as a navigational aid.

SENATOR COWDERY asked whether anyone in Alaska helps people become citizens.

MR. HARVEY informed him that the Catholic Community Services in Juneau and one main organization in Anchorage both do what they can in this area.

SENATOR COWDERY remarked that both the Senate and the House have World Trade Committees and his office has fielded calls from immigrants that have experienced trouble with visa applications since 911.

MR. HARVEY said that's why this proposed service is most important. The challenges are enormous for those trying to navigate through the system.

SENATOR COWDERY suggested that a lot of the issues are federal rather than state and perhaps the Alaska delegation could be encouraged to act.

CHAIR GARY STEVENS remarked that the fishing and processing industry in particular is heavily dependent on legal alien workers. Since 1970 he's found it rewarding to watch as immigrants move from introductory positions in the fishing industry to owning their own businesses.

SENATOR GRETCHEN GUESS stated for the record that Anchorage has 92 languages represented in the school district, which gave her reason to echo Senator Cowdery's suggestion that Anchorage might be a better location for the office. There's a tremendous need for such assistance, she said, but her constituents wouldn't have access to such an office if it were located in Juneau.

She asked whether they had discussed addressing safety issues as well because domestic violence and sexual assault is a big issue in the immigrant community. Women need to understand their rights and the state laws and to know that there is a place they can go if there is a need.

MR. HARVEY said those safety issues are an important aspect of the assistance available.

SENATOR GUESS said it would be stronger if domestic violence and sexual assault were specifically addressed because our laws are different than a number of other countries.

SENATOR COWDERY asked what the qualifications and pay range would be for the job.

MR. HARVEY replied Mr. Bell could answer those questions.

GUY BELL, Director of the Division of Administrative Services with the Department of Labor and Workforce Development (DOLWD), explained that the envisioned position is a range 17, employment security analyst. That's a general classification within the employment security division and these employees are generally assigned to job centers. The position would require basic understanding of the job market, wage and hour laws, occupational safety and health issues, citizenship issues, strong communication skills, and probably some bilingual capability. What is a bit unusual is that the position will be assigned to the commissioner's office.

SENATOR COWDERY asked if the office would be dealing with citizens or those trying to become citizens.

MR. BELL replied it's the people that are working toward citizenship.

CHAIR GARY STEVENS noted that an employment security analyst is a range 17 and earns \$64,000 a year. He asked whether that includes retirement and health benefits.

MR. BELL said it does.

ANDREE McLEOD testified via teleconference saying she is an immigrant from Lebanon and she didn't support the bill because it's discriminatory based on national origin.

There was no further testimony or questions.

SENATOR STEDMAN motioned to report HB 379 from committee with individual recommendations and attached fiscal notes. There being no objection, it was so ordered.

CSHB 366(FIN)-ANIMAL CLASSICS CHARITABLE GAMING

CHAIR GARY STEVENS announced CSHB 366(FIN) to be up for consideration.

BEN MULLIGAN, staff to Representative Bill Stoltze, advised members that the bill is a result of a legal opinion issued by the Department of Law stating that certain traditional games of chance are no longer legal. The legislation is narrow and would not expand charitable gaming in Alaska. Rather, it is designed to allow traditional games of chance including the Alaska State Fair Elks Rat Races and the Soldotna Progress Days VFW Chicken Shot Contest. Such games are traditional and important to the associated communities and support a number of non-profit organizations.

SENATOR COWDERY remarked that these games have a long tradition in Alaska and he supports their continuation.

CHAIR GARY STEVENS read lines 12 and 13 from page 2 and noted that games that weren't in existence before November 1, 2002 would be excluded.

MR. MULLIGAN agreed.

LARRY MEYERS stated, via teleconference, that the Department of Revenue had no concerns related to the bill.

DAVID LAMBERT testified via teleconference from Fairbanks in support of the bill.

CHAIR GARY STEVENS asked the pleasure of the committee.

SENATOR COWDERY motioned to report CSHB 366(FIN) from committee with individual recommendations and attached zero fiscal notes. There being no objection, it was so ordered.

CSHB 490(JUD) am-EMPLOYMENT SECURITY ACT AMENDMENTS

CHAIR GARY STEVENS announced CSHB 490(JUD) am to be up for consideration.

TOM NELSON, Director Division of Employment Security, Department of Labor & Workforce Development, explained that the bill is largely housekeeping and clarifies existing statute. The changes provide Alaska language alignment with federal law and will bring the state into compliance with the unemployment insurance overpayment arrangements Alaska has with other states.

SENATOR GRETCHEN GUESS asked for an explanation of Sections 10 and 11.

MR. NELSON said:

Section 10 aligns Alaska language with federal law by clarifying which health care professionals are excluded from the definition of employment. Only student nurses and medical interns are excluded and this clears up existing language. The intent is just to provide a little clarification to employers that may misinterpret current statute.

Section 11 clarifies language that provides an exclusion from the definition of wages or payments or benefits provided by an employer for purposes of educational assistance to their employees. Federal law already provides this exclusion from their definition of wages.

TOBY STEINBERGER from the Attorney General's Office testified via teleconference. Commenting on Sections 1-3 and Section 8 she said:

Sections 1-3 of the bill will help federal, state and municipal prosecutors to investigate and prosecute

criminal cases because it will help them locate where suspects or witnesses or victims or persons on parole or probation - where they work. As a matter of background, employers provide information for each employee quarterly to the Employment Security Division when they pay their employment security taxes. So the location of the employee is very current. Also the Employment Security Division also provides unemployment benefits and people provide their addresses then.

Another thing it's important to know is the Employment Security Division is heavily federally funded. The U.S. Department of Labor has required that employment security records be kept confidential, but it allows for a number of exceptions. And accordingly, our Alaska Statute 23.20.110 has allowed for exceptions, but none of these exceptions allow for the releasing of information of criminal prosecutions other than in prosecuting cases against claimants who have fraudulently received payments or unemployment compensation benefits.

This amendment would allow the Criminal Division as well as the U.S. Attorney's Office and the federal prosecutors to find suspects and witnesses and victims since this information is so up to date. The U.S. Department of Labor has approved this provision and ... allowed the release of employment security information for the purposes of criminal investigations and prosecutions. These other states include: Washington, Iowa, Arkansas, Georgia, Utah and Oklahoma.

CHAIR GARY STEVENS asked what is included in employment security records.

MS STEINBERGER said that would include the employee's name, Social Security record and payroll information.

She continued:

Section 8 would amend an existing statute, AS 23.120.497. The Employment Security Division provides unemployment benefits to persons and if they get denied, they can have a hearing. Currently the statute, AS 23.120.497, provides that unemployment

compensation decisions are not admissible and the subsequent action or proceedings are not admissible in another form. For example, in a court case or in an administrative proceeding, if for example, an employee has brought a lawsuit against their employer for wrongful termination. The current statute says that they're not admissible in a subsequent action or proceeding or in another form. What this amendment will do is clarify that this also includes arbitration proceedings.

There were no further questions or comments.

CHAIR GARY STEVENS asked for the pleasure of the committee.

SENATOR COWDERY motioned to report CSHB 490(JUD) am from committee with individual recommendations and accompanying zero fiscal notes. He asked for unanimous consent. There being no objection, it was so ordered.

CSHB 309(JUD) am-CRIMES: NONINDIGENOUS FISH ; SENTENCING

CHAIR GARY STEVENS announced CSHB 309(JUD) am to be up for consideration.

NEIL DuPERRON, staff to Representative Kelly Wolf, announced:

"A person may not knowingly release, or transport, possess, import or export for the purpose of release into the waters of the state, live nonindigenous fish or live fertilized eggs of nonindigenous fish, unless permitted by AS 16.05 - 16.40."

CHAIR GARY STEVENS asked him to explain the problem.

REPRESENTATIVE KELLY WOLF joined the meeting and informed members that throughout south-central Alaska there's a problem with nonindigenous fish that have been introduced into streams and lakes through a process he called bucket biology. The introduced species tend to be predatory and endanger the indigenous game fish populations. Specifically, he said, Northern Pike are prolific and are capable of eating between 40 and 50 juvenile salmon a day.

The Alaska Department of Fish and Game (ADF&G) has made an effort to exterminate the nonindigenous game fish, but it's

expensive and the procedures are detrimental to indigenous species as well.

SENATOR BERT STEDMAN asked if it was correct that if this bill were to pass then the only way to restock a lake with trout would be to obtain permission from ADF&G and they could issue a permit for whatever type of fish they thought was reasonable.

MR. DuPERRON said that's correct as far as he knows.

SENATOR JOHN COWDERY asked what fish typically feed on.

MR. DuPERRON replied, "Other little fish."

SENATOR COWDERY said that's what he thought.

SENATOR GRETCHEN GUESS motioned to report CSHB 309(JUD) am from committee with individual recommendations and the attached fiscal notes. There being no objection, it was so ordered.

CSHB 405(EDU)-SCHOOL PERFORMANCE DESIGNATION/REPORT

CHAIR GARY STEVENS announced CSHB 405(EDU) to be the next order of business. He noted that at the previous meeting he asked Senator Guess to meet with the sponsor to address her concerns with the bill.

SENATOR GRETCHEN GUESS said that's correct, but that the Department of Education representative wasn't available until Monday. However, because she was a member of the next committee of referral she was willing for the bill to move. That would give her time to meet and work with the sponsor and the department and then address any issues in the Health Education and Social Services Committee.

CHAIR GARY STEVENS asked for a motion.

SENATOR COWDERY motioned to report CSHB 405(EDU) and attached fiscal notes from committee with individual recommendations. There being no objection, it was so ordered.

CSHB 351(JUD)-CARBON MONOXIDE DETECTION DEVICES

CHAIR GARY STEVENS announced CSHB 351(JUD) to be the next order of business.

CODY RICE, staff to Representative Carl Gatto, described the bill as the joint effort of Representatives Max Gruenberg and Carl Gatto to address the issue of carbon monoxide (CO) poisoning in Alaska. HB 351 adds CO detection devices to the smoke detector installation and maintenance requirement in state law.

SENATOR COWDERY questioned, whether the devices would be hard wired or battery powered and if battery replacement would be monitored.

MR. RICE understood that the devices could be either battery or hard wired and the bill states that they will be installed and maintained according to the manufacturer's recommendations, which includes battery replacement.

SENATOR GUESS motioned to report CSHB 351(JUD) and attached fiscal notes from committee with individual recommendations. There being no objection, it was so ordered.

HB 373-STATE TREASURY WARRANTS

CHAIR GARY STEVENS announced HB 373 to be the final order of business. He then called a brief at ease from 5:00 to 5:05 p.m.

TAPE 04-31, SIDE A
5:05 p.m.

REPRESENTATIVE MAX GRUENBERG, as a member of the House State Affairs Committee, explained that HB 373 cures a long-standing problem between commercial banks and the State of Alaska relating to a policy the State had of dishonoring their own warrants without any notification. The issue was litigated and the Alaska Supreme Court held that state treasure warrants were negotiable instruments under the Uniform Commercial Code and were therefore subject to the "holder in due course" defense. Although the State amended its business practices to comply with the ruling, the statutes have never been amended.

CHAIR GARY STEVENS asked him to define the term negotiable instrument.

REPRESENTATIVE GRUENBERG said negotiable instrument means that it's a piece of paper that says, "Pay somebody some thing." According to the Uniform Commercial Code, the instrument must be honored unless the drawer has gone through the specific and formal process indicating that the instrument should be

dishonored. This protects the banking community and it protects commerce, he said.

There were no questions.

SENATOR GRETCHEN GUESS motioned to report HB 373 and attached fiscal notes from committee with individual recommendations. There being no objection, it was so ordered.

CHAIR GARY STEVENS adjourned the meeting at 5:10 p.m.