

HOUSE FINANCE COMMITTEE
March 17, 2005
1:45 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:45:10 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair
Representative Kevin Meyer, Co-Chair
Representative Bill Stoltze, Vice-Chair
Representative Eric Croft
Representative Richard Foster
Representative Mike Hawker
Representative Jim Holm
Representative Reggie Joule
Representative Mike Kelly
Representative Carl Moses
Representative Bruce Weyhrauch

MEMBERS ABSENT

None

ALSO PRESENT

Representative Lesil McGuire; Suzanne Cunningham, Staff,
Representative Kevin Meyer; Michael Pawlowski, Staff,
Representative Kevin Meyer; Kristin Ryan, Director, Division
of Environmental Health, Department of Environmental
Conservation; Shalon Szymanski, Staff, Representative Lesil
McGuire; Randy Ruaro, Legislation Regulation, Department of
Law; Anthony Newman, Program Officer, Division of Juvenile
Justice, Department of Health and Social Services

PRESENT VIA TELECONFERENCE

Mark Premo, Anchorage Municipality, Anchorage; Larry Meyers,
Deputy Director, Tax Division, Department of Revenue,
Anchorage; Kate Giard, Chair, Regulatory Commission of
Alaska, Anchorage

SUMMARY

HB 19 An Act relating to pesticides and broadcast
 chemicals; and providing for an effective date.

CS HB 19 (FIN) was reported out of Committee with a "no recommendation" and with a new fiscal note by the Department of Environmental Conservation.

HB 61 An Act relating to licensing for a Calcutta pool as a game of chance.

CS HB 61 (FIN) was reported out of Committee with a "no recommendation" and with indeterminate note #1 by the Department of Revenue.

HB 88 An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date.

HB 88 was HEARD and HELD in Committee for further consideration.

HB 108 An Act relating to the regulation of water and sewer utilities of political subdivisions that are not in competition with other water and sewer utilities.

CS HB 108 (FIN) was reported out of Committee with a "no recommendation" and with zero note #1 by the Department of Environmental Conservation, fiscal note #2 by the Department of Commerce, Community & Economic Development and fiscal note #3 by the Department of Law.

1:46:03 PM

#HB108

HOUSE BILL NO. 108

An Act relating to the regulation of water and sewer utilities of political subdivisions that are not in competition with other water and sewer utilities.

Representative Foster MOVED to ADOPT work draft #24-LS0455\F, Craver, 3/17/05, as the version of the bill before the Committee. There being NO OBJECTION, it was so ordered.

SUZANNE CUNNINGHAM, STAFF, REPRESENTATIVE KEVIN MEYER, explained that the committee substitute includes the addition of the two previously adopted amendments creating an "F" version of the bill. She added that in reviewing the draft, it was brought to the Sponsor's attention by a representative of the Municipality of Anchorage that a technical change was needed under Section 3. On Page 2, Line 28, and on Page 3, Line 5, "appointed" should be deleted and replaced with "approved". The Anchorage charter

does not allow for a member to be appointed but they are allowed to be approved.

Vice-Chair Stoltze asked if approved would implicitly mean appointed and approved. Ms. Cunningham said that it would.

Representative Weyhrauch attempted to clarify the statement made by Vice Chair Stoltze. Vice-Chair Stoltze commented that it was a semantics concern.

Representative Holm asked what would happen if the person was not approved. Co-Chair Meyer thought that the mayor would have to make the appointment. Ms. Cunningham agreed that the mayor would have to make appointments to come before the assembly for approval to fill the spots on the board.

Representative Weyhrauch thought that there would be members, some appointed and approved. Those appointed, but not approved, would not have a counting vote. Co-Chair Meyer agreed.

MARK PREMO, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE MUNICIPALITY, ANCHORAGE, clarified that the powers of appointment rests with the mayor; the powers of approval or confirmation rests with the assembly. Until they are approved by the assembly, they are a non-voting member of the board.

Representative Holm commented on the specifics of the board's make-up. He asked what would happen if they could not get the approval of the members on the board.

Representative Kelly inquired if the Anchorage utility opted out, would those people be laid off and the expenses taken from the Regulatory Commission of Alaska (RCA).

KATE GIARD, (TESTIFIED VIA TELECONFERENCE), CHAIR, REGULATORY COMMISSION OF ALASKA (RCA), ANCHORAGE, explained that when any utility becomes unregulated, their revenues come out of the pool of the revenues calculated by the RCA. The pool revenues then become smaller. There is not a direct correlation between an employee and any regular utility. All revenues would then get smaller.

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Representative Kelly commented on a conflict within the Fairbanks utilities and the mess, which resulted from that. He asked about the "authority" to deal with such an oversight. Co-Chair Meyer advised that there was concern regarding the checks and balances from the Anchorage Assembly. For some folks, that was not enough insurance and

consequently, the idea of an authority came into play, which would oversee rate increases.

Representative Kelly requested future information regarding the process.

Vice-Chair Stoltze MOVED to ADOPT the proposed changes on Pages 2 & 3, deleting "appointed" and inserting "approved". There being NO OBJECTION, the changes were adopted.

Representative Foster MOVED to report CS HB 108 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CS HB 108 (FIN) was reported out of Committee with a "no recommendation" and with zero note #1 by the Department of Environmental Conservation, fiscal note #2 by the Department of Commerce, Community and Economic Development and fiscal note #3 by the Department of Law.

[1:59:03 PM](#)

#HB19

HOUSE BILL NO. 19

An Act relating to pesticides and broadcast chemicals; and providing for an effective date.

MICHAEL PAWLOWSKI, STAFF, REPRESENTATIVE KEVIN MEYER, explained that Amendment #3 resulted from a conversation during the last hearing on HB 19. (Copy on File). Part of the discussion revolved around a hornet's nest under the edge or eaves of a bread and breakfast. He noted that Amendment #3 address where the health concerns are that give rise to the reason that HB 19 is before the Committee. He requested that the Department of Environmental Conservation discuss the health concerns and definitions currently before the Committee.

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KRISTIN RYAN, DIRECTOR, DIVISION OF ENVIRONMENTAL HEALTH, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, pointed out that where the Department witnesses the most concern with pesticides is in long-term exposure. The areas of most concern are places such as apartments while spraying is occurring or in a park where grass is being sprayed. She stated that public notice makes the most sense in areas of significant exposure.

Mr. Pawlowski followed up that the idea is to remove reference to the business community but still include parks, apartments and public sport fields.

Co-Chair Meyer passed the gavel to Vice-Chair Stoltze and requested that he Chair this portion of the meeting.

Co-Chair Meyer MOVED to ADOPT Amendment #3. Vice-Chair Stoltze OBJECTED for the purpose of discussion.

Mr. Pawlowski clarified that the definitions were taken from the previous sections, B, C & D. He added that they had attempted to "tidy up" the definition.

Vice-Chair Stoltze asked if those impacts were for the customers but not necessarily for the employees. He asked if the employees were assumed to know the risks. Mr. Pawlowski said that was correct and would then move to worker's compensation issues.

Representative Holm noted support for the amendment; however, did not know if he could support the bill.

Representative Kelly interjected that he was not opposed to the bill.

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Representative Kelly discussed that the Department of Environmental Conservation regulates and controls restricted chemicals. He was concerned that the State would not be able to provide the necessary oversight. He knew that it is against the law to hurt neighbors. He questioned whether tying the costs of covering and exposure concerns was wise.

Co-Chair Meyer responded that the intent was to address the public health issue. Alaska is the only State that does not require the large chemical companies to pay a registration fee. He believed that the chemical companies should be asked to pay costs to run the program.

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Ms. Ryan explained the work of the Department. The Department registers chemicals that are available for sale in Alaska. The Department is already inspecting stores. Currently, they inspect the use chemicals, by certified applicators. The bill requests that the public must be notified when some of the restricted use chemicals are being sprayed. The bill is being scaled back by the amendment and only affects areas where long-term or significant exposure can occur.

Ms. Ryan thought that the certified applicator portion was more significant than the notification. It is important that the people that are applying the chemicals know the basics of how to do it right and safely. HB 19 would

accomplish that. It will make manufacturers, who profit from the use of the chemicals, help pay for that use.

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Vice-Chair Stoltze WITHDREW his OBJECTION to Amendment #3. There being NO further OBJECTION, Amendment #3 was adopted.

Representative Holm asked the definition of pesticide. He read the definition that it was anything that could alter the state of a living being whether it is plant, fungus, animal or insect.

Representative Holm warned the Department of the "largeness" of the proposed action. Ms. Ryan responded that the bill only impacts chemicals that the State already registers. The Federal Insecticide Act is the legislation that dictates what pesticides hinder growth. The products are labeled regarding their safe use. If it is not used according to the label, federal and state law is violated. She admitted that language is broad. The chemicals in Alaska amount to over 5700 products. The Department will exempt certain items from that fee.

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She acknowledged that the broadcast chemical term is also broad. It is defined in Statute, as chemical substances, which are released into air for purposes of preventing, retarding, destroying or stimulating plant or animal life. He thought that HB 19 is restricted to the chemicals registered through the registration process already.

Representative Holm referenced "stimulating" growth and asked if fertilizer would be included. He questioned how that could be monitored in public areas. He worried about the "camel's nose under the tent". He emphasized that there is a "huge" oversight of already federally mandated programs. Representative Holm thought that there was a lot of money being spent by the chemical companies to properly register and label their products. The Department of Environmental Conservation does not have the personnel to go through the process to properly educate people how to duplicate the federal process. He questioned the need for the legislation.

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Representative Holm questioned if the public would be well served by undertaking the proposed work. He found the bill to be potentially onerous.

Co-Chair Meyer pointed out that Representative Holm's insights were expressed in regards to the program that is

already in statute. HB 19 only clarifies that the program already in existence will now be paid by the chemical companies instead of the general fund. Getting rid of the program could be addressed through the budgetary process.

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Mr. Pawlowski addressed the changes to the revised fiscal note. He noted that the Department of Environmental Conservation thought that the three positions could be dealt with in the normal budgetary process. The note was reduced in the travel line, reduced the contractual line by \$10 thousand dollars, reduced supplies by \$1 thousand dollars, reduced equipment and brought the realized revenue to the general fund. In year one, there would be a \$96.4 thousand general fund dollar increase which would improve by \$20 thousand dollars.

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Co-Chair Meyer noted that it would save approximately \$100 thousand dollars in year one. Mr. Pawlowski added that in year two, the State would realize approximately \$18 thousand dollars in subsequent advantage. The costs of setting up the program billing system would be absorbed in year one. That would allow the addition of the second position to allow for the regulation and enforcement of the program. The real advantage is that the fees could subsequently be reduced.

Vice-Chair Stoltze mentioned correspondence his office has received on the issue. He asked if the Department's larger concern was collecting the fees or the public health. Ms. Ryan emphasized that the primary focus is public health. Additionally, a company that is benefiting from the use of a product should be paying their share. Knowing that Alaska is the only State that does not do that, it is a legitimate request to have the fees supports the program.

Vice-Chair Stoltze asked if the Department would be willing to make due with less for the public's health. Ms. Ryan advised that the Department made a compromise knowing that the amendment would deal directly with a decrease in the workload.

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Representative Holm referenced that the current pesticide definition includes biological agents such as ladybugs. He distributed a list of biological agents. (Copy on File). He reiterated that the legislation would be a huge step.

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Representative Kelly understood that the Department is currently doing the work and asked what would be changed. Ms. Ryan responded that there would need to be regulations written to address general fund money going away, July 1st. There will need to be fees to replace that to sustain the work. Writing regulations is a significant amount of work.

Co-Chair Meyer interjected that the bill will require that a notice be distributed regarding what pesticide will be sprayed in certain public areas. It is a right to know bill. Ms. Ryan added that there would be two new requirements:

- They will have to use a certified applicator to apply pesticides in a park or apartment building; and
- Those certified applicators would have to post a sign so that people are aware that spraying has occurred in the area.

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Representative Foster MOVED to report CS HB 19 (FIN) out of Committee with individual recommendations and with the accompanying new fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 19 (FIN) was reported out of Committee with a "no recommendation" and with a new fiscal note by the Department of Environmental Conservation.

AT EASE: [2:28:38 PM](#)

RECONVENE: [2:30:33 PM](#)

#HB61

HOUSE BILL NO. 61

An Act relating to licensing for a Calcutta pool as a game of chance.

Vice-Chair Stoltze MOVED to ADOPT Amendment #2, #24-LS0281\F.1, Luckhaupt, 3/17/05. Co-Chair Meyer OBJECTED for the purpose of discussion.

Vice-Chair Stoltze explained that the amendment would narrow the scope of the bill.

SHALON SZYMANSKI, STAFF, REPRESENTATIVE LESIL MCGUIRE, agreed that was a fair calculation of the amendment.

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Vice-Chair Stoltze asked if there was a prohibition on participants engaging in wagering. Ms. Szymanski pointed out that Section 8, Page 3, mentions that the competitors must be 18 years or older. She thought language could be added to address that the person placing the wagers also be 18 years of age or older.

Vice-Chair Stoltze reiterated his question regarding whether the participants should be prohibited from wagering. Ms. Szymanski replied that in many Calcutta pools, the competitors also have the ability to place wagers. Vice-Chair Stoltze suggested that should be a regulatory issue.

REPRESENTATIVE LESIL MCGUIRE, SPONSOR, explained that there must be written regulations in that area. She provided a brief history of the bill, advising that the overall intent is to make law-abiding citizens of those people that have been putting together these type activities for the charities. Over the years, there has been a sort of "chilling effect" on them.

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Co-Chair Meyer asked if a title change could be made. Representative McGuire replied it could.

Representative Foster OBJECTED to Amendment #2. He did not know of any golf course in Southwest Alaska. He asked why only urban Alaska would benefit from the bill.

Representative McGuire intended that today's meeting be a "work session". Originally, the language was broader to reflect the reality existing in Alaska. Things like this exist on in rural and urban areas. The problem is that the Department of Revenue has testified that the bill would be the largest change in gaming regulations since pull-tabs. She indicated her frustration. She pointed out that an Alaskan Native Corporation that provides pools to benefit scholarships brought the original bill forward.

Representative McGuire stated that she did not want to get into a situation in which she was at odds with the Department of Revenue.

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Co-Chair Meyer pointed out that that the Legislature does not want to visit the gaming statute each time a new game of chance comes forward.

Representative Hawker shared Representative Foster's concerns. He thought that the bill could legitimize activities in the State. He thought that the legislation could legitimize various contests of chance statewide. He

did not arrive at the same implications as the Department of Revenue. Representative Hawker questioned likening the legislation to pull-tabs. He reiterated that he did not see the Calcutta pools in the same light as pull-tabs. He endorsed the sentiment of Representative Foster and asked to continue dialogue.

Representative McGuire asked to get testimony on the record to that effect. She added that there is an incredible amount of latitude that the Department of Revenue could have establishing regulations regarding charitable bowls.

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Representative Hawker noted that in the context of the law as a whole, the legislation would not allow just anyone to execute a Calcutta pool. Representative McGuire agreed and said that any type of gaming done for charity would continue that spirit. Regarding who would put together a Calcutta pool, a list of those people would be made. She stressed that for the regulations, it would not be a commercial enterprise but would instead be for charitable reasons. Page 2, Line 9, notes that the Department "may" issue a permit to the municipality, etc. That portion of Statute defines the only boundaries and the Department of Revenue has established some "wild scenarios".

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Representative Croft asked if a qualified organization would have to be a non-profit. He referenced the definition in Section 9; currently, it would be a sporting event in the State. Representative McGuire replied that it would have to be in the State and the idea considered was that the person organizing it would have to be a participant. On Page 3, Section 8, elementary, secondary, or post secondary school sporting events would be excluded.

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Representative Croft wanted it to be clear each time what was authorized, making sure that there was a cost benefit. Representative McGuire replied that the original request was from the Seri Native Corporation golf classic and they offer for scholarships.

Representative McGuire pointed out that Page 2, Line 14, does reference dog-mushing contests. As long as the goals are charitable and the activities are in State, it would be okay. She pointed out Section 8 exclusion of the elementary, secondary and postsecondary events.

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Representative Croft questioned why it was considered a game of chance rather than a game of skill.

LARRY MEYERS, (TESTIFIED VIA TELECONFERENCE), DEPUTY DIRECTOR, TAX DIVISION, DEPARTMENT OF REVENUE, ANCHORAGE, explained that the term "game of chance" is a term of art that is used to describe almost every event. The term "game of skill" is defined in Statute.

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Vice-Chair Stoltze commented that in the 1980's, the pull-tab issue was a very small enterprise in the State. It has become over a \$300 million dollar industry. He thought it would be important to keep a handle on the activities; there are scopes of gaming that people are comfortable with. As public policy, he did not know what Calcutta pools would encompass and thought that the legislation would be a "policy" start to begin the discussion.

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Vice-Chair Stoltze pointed out the Attorney General's report, which disallows these activities. Representative McGuire offered follow up on that information.

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Representative Hawker added that if the law was passed and there were abuses found, and then the State could pass another law to address the concerns. He recommended erring on the side of supporting the non-profit organizations.

Representative McGuire stated that a wager or bid would have to occur in an auction. Co-Chair Meyer requested that discussion be addressed toward Amendment #2.

Co-Chair Meyer MAINTAINED his OBJECTION to the amendment. Representative McGuire recommended that the discretion of the Committee play out and added that it was okay either way. It must remain in State, while being a contest of skill and additionally, it must be a non-profit organization doing it.

Representative Kelly noted that he favored a title change and did not think it should be limited.

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Vice-Chair Stoltze WITHDREW Amendment #2. Representative McGuire recommended a conceptual amendment to tighten the title, being more reflective of the charitable goals.

[3:01:13 PM](#)

Representative Kelly MOVED a conceptual amendment to tighten the title, stating to "authorize golf events as the Calcutta pools as a charitable game of chance". Co-Chair Meyer OBJECTED for discussion purposes. Representative Hawker asked if Representative Kelly intended to include golfing.

Representative Kelly replied that he did not. He restated the intended conceptual amendment: "Authorizing Calcutta pools as a charitable game of chance". Co-Chair Meyer OBJECTED.

Representative Croft pointed out that the title would be changed. Co-Chair Meyer WITHDREW his OBJECTION. There being NO further OBJECTION, the conceptual amendment was adopted.

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Co-Chair Chenault voiced support for the legislation. He pointed out that most of the situations are for a good cause and that the intent is to help children.

Vice-Chair Stoltze commented that he wanted a product that serves the State while helping the charitable events.

Representative McGuire advised that she would not be "hostile" to anything that would help to tighten HB 61.

Vice-Chair Stoltze MOVED to ADOPT Amendment #1, #24-LS0281\G.1, Luckhaupt, 3/16/05. Co-Chair Meyer OBJECTED for discussion purposes.

Vice-Chair Stoltze stated that the amendment would change the title of the bill and that it would benefit a public radio station in Talkeetna.

Co-Chair Chenault asked if the animal classics would cover concerns in Amendment #1 and if it should be a Department decision.

Mr. Meyer responded that the history of each classic has been added by specific name and would need to be added in that format.

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Representative Croft pointed out that the only definition of animal classics was defined in AS 05.15.692.

Representative McGuire suggested on Page 2, Line 13, deleting "bird classics" and inserting "goose classics", broadening the category. Vice-Chair Stoltze cautioned the

way in which that language is being handled. He thought that cock fighting could result.

Co-Chair Meyer noted that he did not want to spend a lot more time on the amendment.

SUZANNE CUNNINGHAM, STAFF, REPRESENTATIVE KEVIN MEYER, addressed AS 05.15.180, limitations on authorized activity. With the exception of raffles, lotteries, pull tabs and numerous other items, activities may not be licensed under that chapter unless it was licensed before January 1st, 1959. She referenced a bill presented by Vice Chair Stoltze, which passed the 23rd Legislature, and added a sentence replacing the timeline to November 1st, 2002.

Ms. Cunningham advised that she had spoken with Legal Services about incorporating all the bird classics under animal classics but because of the time perimeters, it cannot be done. The Kenai Goose Classic is already listed.

Representative Kelly referenced Page 2, Section 4©, and asked about the Calcutta pool. Co-Chair Meyer recommended that questions now only be directed to the amendment.

Representative Holm recommended language of migratory bird classics.

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Co-Chair Meyer indicated concern with the way the bill was moving.

Co-Chair Meyer MAINTAINED his OBJECTION to Amendment #1.

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A roll call vote was taken on the motion.

IN FAVOR: Croft, Foster, Kelly, Moses, Stoltze
OPPOSED: Hawker, Holm, Meyer

Representative Weyrauch, Representative Joule and Co-Chair Chenault were not present for the vote.

The MOTION PASSED (5-3).

RECESS: [3:16:49 PM](#)

RECONVENE: [3:17:46 PM](#)

[3:17:51 PM](#)

Co-Chair Meyer pointed out that passage of Amendment #1 would change the title. He gave his permission to the legal

drafters to make the necessary changes. Representative Croft advised that the intent was to make the title as tight as possible.

Representative Foster MOVED to report CS HB 61 (FIN) out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 61 (FIN) was reported out of Committee with a "no recommendation" and with indeterminate note #1 by the Department of Revenue.

[3:19:00 PM](#)

#HB88

HOUSE BILL NO. 88

An Act relating to certain weapons offenses involving minors; to aggravating factors in sentencing for certain offenses committed against a school employee; and providing for an effective date.

Representative Foster MOVED to ADOPT work draft #24-GH1096\Y, Luckhaupt, 3/17/05, as the version of the bill before the Committee. There being NO OBJECTION, it was adopted.

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RANDY RUARO, ASSISTANT ATTORNEY GENERAL, LEGISLATION REGULATION, DEPARTMENT OF LAW, explained the committee substitute.

- It provides for an aggravator in Section 3 in cases where assaults have occurred on school grounds, school buses or school sponsored events.
- Section 4, a new section, closes a loophole in response to a judicial opinion that found that a defendant could claim credit on repeated sentencing.
- Section 5 provides for an automatic waiver for 16 & 17 year-olds who are charged or convicted in certain Class A & B felonies misconduct weapon offenses. The House Judiciary Committee did much work on Sections 3 & 5, and made those changes.

Representative Croft asked about Section 5. Mr. Ruaro thought that Representative Croft was referring back to Section 1 of the original bill, which does not relate to the mitigating section.

Representative Croft noted the categories that automatically waive juveniles back to adult court. He wondered the types of weapon infractions that would automatically be waived to adult court. Mr. Ruaro explained the weapon offenses automatically waived would be listed under AS 11.61.190. He noted the change made by the House Judiciary Committee, the risk of physical injury to a person. The other class indicates if a gun is possessed during a drug deal and/or possessing a gun on school grounds or near a day care after being convicted of a felony or being adjudicated a delinquent minor.

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Representative Croft noted concern about constituents who "carry" weapons for defensive purposes and then pick up their children from schools.

Co-Chair Meyer asked if all fiscal notes were zero. Mr. Ruaro replied they were.

Vice-Chair Stoltze referred to Section 2 and asked how important the survey is to the Department of Health & Social Services to the bill. Mr. Ruaro responded it is not critical. The Senate Judiciary Committee did amend that portion out of the bill.

Co-Chair Meyer asked if the same bill had been introduced on the Senate side. Mr. Ruaro replied that it had. Vice Chair Stoltze noted that at the time amendments are taken, he would propose one to delete Section 2.

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Representative Croft asked about Section 5, minors being waived to adult court. He asked if delinquency rules would apply.

ANTHONY NEWMAN, PROGRAM OFFICER, DIVISION OF JUVENILE JUSTICE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, replied that they would apply. Representative Croft continued his line of questioning regarding misconduct of weapons in the second degree, indicating that it is problematic. He gave an example of a child tried as an adult. He asked about AS 11.61.195, the lower degree of weapon defense.

Mr. Ruaro explained that Section 195 offenses involve possessing a gun during a drug offense. He stated that is a serious enough crime to be subject to an automatic waiver. When possessing a weapon near a school or daycare, everyone knows that guns and schools do not mix well. The 3rd example mainly addresses the drive-by shooting offenses. The judge would again have the discretion.

Vice-Chair Stoltze MOVED to adopt Amendment #1, deleting Section 2. There being NO OBJECTION, it was adopted.

Representative Weyhrauch asked about the fiscal note and the additional work required for the Public Defenders office. Mr. Ruaro anticipated a low number of cases. Mr. Newman related that in the past two years, there have been 16 youths that would have fallen under the auto-waiver statute.

Representative Weyhrauch asked about the costs of housing juveniles without including a fiscal note. Mr. Newman explained that of the 16 youths, 10 had been adjudicated and 5 were given institutional orders. Representative Weyhrauch reiterated his concern with the zero note.

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Representative Weyhrauch addressed the schoolyard bullying issue. Mr. Ruaro opined that HB 88 would not be an appropriate vehicle to address bullying, recommending other options.

Representative Croft MOVED to ADOPT Amendment #2, deleting Line 30, Page 3, second degree weapon defenses.

Co-Chair Meyer OBJECTED for discussion purposes. Representative Croft explained that those are serious offenses in which youth are automatically waived out of the juvenile court. He voiced his concerns.

Vice-Chair Stoltze provided a personal experience at a high school and asked if the situation would be treated as possession. Representative Croft read from statute and noted that it would be treated as possession.

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Representative Holm shared a personal experience and asked if a hunting situation could be waived to an adult status. Mr. Ruaro asked if Representative Holm was referencing Subsection 3. Mr. Newman said that the bill addresses when firearms discharge under circumstances involving substantial risk and are discharged from a propelled vehicle. Representative Croft clarified that a propelled vehicle could be anything moving such as a car, boat, snowmobile, etc. He asked if the behaviors should be indicated under the automatic waivers section.

Representative Holm talked about grouse hunting and shooting from vehicles and such a person being remanded to an adult status. He agreed with Representative Croft that is important to be careful, and that minors often do not use good judgment. Mr. Ruaro agreed that it is important to be careful, however, prosecutors must use discretion.

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Co-Chair Meyer suggested that more time be given to develop a new committee substitute for HB 88.

Representative Croft WITHDREW Amendment #2.

HB 88 was HELD in Committee for further consideration.
#

ADJOURNMENT

The meeting was adjourned at 3:46 P.M.