

HOUSE FINANCE COMMITTEE
April 19, 2005
1:50 P.M.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:50:42 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 Mike Kelly
Representative Carl Moses

MEMBERS ABSENT

Representative Reggie Joule
Representative Bruce Weyhrauch

ALSO PRESENT

Representative Paul Seaton; Laura Glasier, Director, Division of Elections, Office of the Lieutenant Governor; Jon Bittner, Staff, Representative Tom Anderson; Linda Hall, Director, Division of Insurance, Department of Community and Economic Development; Suzanne Cunningham, Staff, Representative Kevin Meyer; Cheryl Sutton, Staff, Senator Ben Stevens; Nora Wilson, Legislative Liaison, Department of Transportation & Public Facilities; Mark Neidhold, Design and Construction Engineer, Department of Transportation & Public Facilities; Frank Homan, Commissioner, Commercial Fisheries Entry Commission; John George, Property Casualty Insurance Association of America; Myrl Thompson, Self Juneau; Dr. Joe Sonneman, Self, Juneau; Louie Flora, Staff, Representative Paul Seaton

PRESENT VIA TELECONFERENCE

Jim Sykes, Green Party of Alaska, Anchorage

SUMMARY

HB 94 An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the

United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date.

CS HB 94 (FIN) was reported out of Committee with a "no recommendation" and with a new fiscal note by the Office of the Lt. Governor.

HB 216 An Act relating to insurance rate-making and form filing.

CS HB 216 (L&C) was reported out of Committee with a "do pass" recommendation and with zero note #1 by the Department of Commerce, Community and Economic Development.

CS SB 63(TRA) An Act relating to road signs encouraging the use of safety belts.

SB 63 was reported out of Committee with a "do pass" recommendation and with indeterminate note #1 by the Department of Transportation & Public Facilities.

CS SB 93(FIN) An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date.

HCS CS SB 93 (FIN) was reported out of Committee with a "do pass" recommendation and with a new fiscal note by the Commercial Fisheries Entry Commission.

[1:51:44 PM](#)

#HB216

HOUSE BILL NO. 216

An Act relating to insurance ratemaking and form filing.

JON BITTNER, STAFF, REPRESENTATIVE TOM ANDERSON, pointed out that under existing law property/casualty insurance rates and forms are subject to the insurance commissioner's prior approval before they may be put in place. While maintaining the insurance commissioner's authority to oversee rate changes, a key component of the bill is creation of a percentage "flex band." HB 216 allows an insurer to make rate increases and decreases within the flex band without having to obtain the insurance commissioner's prior approval. Rate changes outside of the flex band must be filed with the insurance commissioner for review before put into effect.

Mr. Bittner highlighted the purpose of HB 216.

- Create an environment where insurers compete more vigorously on rates and products offered to consumers.
- Encourage insurers who are in the Alaska market to stay and would attract new insurers to Alaska, which would result in more competition.
- The bill is in line with the national movement away from strict government price controls toward a more flexible and competitively oriented system for regulation of insurance rates and forms.

Mr. Bittner commented that HB 216 had been the result of discussions among insurance companies, agents and the Director of Insurance and their staff. The participants in the effort used the flex-rating model law adopted by the National Conference of Insurance Legislators (NCOIL) as the starting point. Some elements of that model were adopted. HB 216 is consistent with NCOIL's goal of modernizing the state insurance regulation.

[1:54:34 PM](#)

LINDA HALL, DIRECTOR, DIVISION OF INSURANCE, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, acknowledged that the legislation was a combined effort. Last year, when the bill was up before the Legislature, the Division requested that it remain in Committee until more work could be done with the industry. The bill is a compromise of various positions while meeting the needs of the industry, the Division, and consumer protection. She urged support of the bill.

Ms. Hall identified the changes in the bill. The legislation promotes flexibility for products coming into the market more quickly. It provides the Division the protection necessary to have rates meet standards. Ms. Hall requested support for the bill, as it will bring Alaska more in line with what is happening nationally.

[1:57:29 PM](#)

Representative Croft asked the problem for using a complete number. Ms. Hall responded that 10% was chosen as it meets statutory provisions. Discussion followed between Ms. Hall and Representative Croft regarding filing proceedings. Ms. Hall pointed out that worker's compensation is exempt from the rate filing procedure. She felt it could be too broad of a band to put in place without other types of oversights. The change is a "big step". Representative Croft agreed.

[1:59:32 PM](#)

JOHN GEORGE, PROPERTY CASUALTY INSURANCE ASSOCIATION OF AMERICA, advised that the industry has been working for many months to create something acceptable and supported by everyone. It provides public safety while allowing insurance companies to compete. He urged support of the legislation.

[2:00:47 PM](#)

Vice-Chair Stoltze MOVED to REPORT CS HB 216 (FIN) out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 216 (L&C) was reported out of Committee with a "do pass" and with zero note #1 by the Department of Commerce, Community and Economic Development.

[2:01:40 PM](#)

#HB94

HOUSE BILL NO. 94

An Act relating to qualifications of voters, requirements and procedures regarding independent candidates for President and Vice-President of the United States, voter registration and voter registration records, voter registration through a power of attorney, voter registration using scanned documents, voter residence, precinct boundary and polling place designation and modification, recognized political parties, voters unaffiliated with a political party, early voting, absentee voting, application for absentee ballots through a power of attorney, or by scanned documents, ballot design, ballot counting, voting by mail, voting machines, vote tally systems, initiative, referendum, recall, and definitions in the Alaska Election Code; relating to incorporation elections; and providing for an effective date.

LAURA GLASIER, DIRECTOR, DIVISION OF ELECTIONS, OFFICE OF THE LIEUTENANT GOVERNOR, stated that many of the changes could be categorized as "housekeeping" efforts, modifying current statutory language to more clearly define the Division's policy and procedure:

- Changing work sites versus construction sites.
 - Presumptive evidence of a voter's address as the record, not the voter card;
 - Defining non-partisan and undeclared voters;
 - Protecting voter information of domestic violence victims in accord with confidentiality laws improved last year;
 - Defining process for Independent candidates for President/Vice President elections;
 - Ensuring consistency in the definition of "overseas voter";
 - Makes clear age requirements for serving once elected;
 - Clearly outlines "recognized political party status" and the qualification standards for parties;
 - Changes to Title 29 to clearly define "qualified voter", regarding who is registered to vote within the proposed borough/municipality at least 30 days prior to an election;
 - Defines re-registration; and
 - Repeals duplicative language regarding Regional Supervisor's offices as Absentee Voting Stations.

Ms. Glasier continued that the legislation would allow a voter, through power of attorney, to allow another to register to vote or make changes to their registration or to fill out an application by a mail ballot in the voter's behalf. Additionally, the legislation would reduce the witnessing requirement for an absentee by mail or by electronic transmission from two to one witness.

Ms. Glasier continued, HB 94 would add, "scanning" as another means to transmit voter registration or by mail absentee ballot request to the Division. The Division currently accepts the forms in person, by mail or by fax. The proposed legislation would require the Division to implement "ballot rotation" for the names of those candidates running for governor, lieutenant governor, United States senator, United States representative, and State senator on the ballots printed for each house district. Placement of names of candidates for State House races would appear in random order as determined by the Director, as is the current practice. Current law requires the Director to determine a random order for all candidates placed on ballots used in each house district.

INTEGRITY OF ELECTIONS

Ms. Glasier noted that the legislation would improve ballot security by adding that ballots would not be mailed to a voter whose address has been identified as being undeliverable. The election boards must report the number of ballots destroyed to increase accountability of ballots. It would also add standards for voting machines and vote tally systems.

PETITIONS, REFERENDUM, AND RECALL

Ms. Glasier pointed out that improvements to those sections were suggested to make the process more "user friendly" for Alaskans and to make the act of "petitioning the government" more consistent. It would add "printed name" and "numerical identifier" for a petition signer. It would remove language requiring the circulator's name be prominently displayed on the petition. While not enforced by the Division since the Buckley decision in 2000, statutory changes had not been made to date.

Ms. Glasier commented that it would remove language concerning an additional 100 signatures when filing a recall petition. Current law requires 10% of those who voted in the preceding general election and it is unclear if the 100 signatures were to be part of the 10% total.

Ms. Glasier pointed out that in the House Judiciary Committee, there were no witness and/or absentee voters on absentee ballot envelope that false statements are punishable by law. It would reduce the percentage of votes required by the party candidates to remain as a recognized political party. The deposit amounts for recounts would be raised:

- Per precinct from \$300 dollars to \$1,000 dollars
- Per house district from \$750 dollars to \$2,000 dollars
- Statewide from \$10,000 dollars to \$15,000 dollars

[2:09:20 PM](#)

Representative Holm pointed out that the amount of statewide dollars changed from \$10 to \$15 thousand dollars. He asked the cost of a statewide recount. Ms. Glasier replied that the last statewide recount cost approximately \$38 thousand dollars. The initial proposal was for \$50 thousand dollars. It is anticipated that with the new touch screen voting equipment, it is going to cost more to conduct a recount of that nature. She admitted it is a "high bar" and that it would be a Legislative policy decision.

[2:10:45 PM](#)

Representative Croft referenced candidate rotation and asked if there was evidence that the order of candidates made an election difference. Ms. Glasier replied that there have been studies done regarding the placement of a candidate's name on the ballot. Some studies have indicated it could make between 2% and 3% difference. She pointed out that Alaska uses the ballot rotation. A full ballot rotation will cost more if House members are included.

Representative Croft questioned the proposed way of doing business. Ms. Glasier explained that the rotation takes place from presidential elections through the State Senate. Representative Croft thought it was "odd" not to include House members in the rotation. Ms. Glasier pointed out that action happened this year in the House State Affairs Committee.

Co-Chair Meyer inquired if the Division currently rotates the names. Ms. Glasier explained that current law requires that the director of the Division randomly draw names, creating placement on the ballot.

[2:13:34 PM](#)

Co-Chair Meyer agreed with Representative Croft that was "weird" and asked what the additional cost would be to include House. Ms. Glasier advised that to do a complete ballot rotation, it would cost between \$70 and \$80 thousand dollars. She noted additional concerns when ordering the ballots.

Co-Chair Meyer asked if the Division of Elections had a preference. Ms. Glasier responded that it would be a legislative policy call; the Division believes that random printing would be the candidate's preference.

[2:14:34 PM](#)

Vice-Chair Stoltze commented on various factors occurring in his own elections and did not think that ballot positioning really mattered.

Vice-Chair Stoltze MOVED to ADOPT work draft version #24-GH1048\C, Kurtz, 4/18/05, as the version of the bill before the Committee. Representative Croft OBJECTED to hear the changes.

SUZANNE CUNNINGHAM, STAFF, REPRESENTATIVE KEVIN MEYER, highlighted the changes made to committee substitute © from the previous version of the bill (X):

- Section 18; Page 12, Lines 26-28

- Section 14; Page 10, Line 29-31 & Page 11, Line 1-12
- Section 34; Page 21 Lines 15-31 & Page 22, Lines 1-5
- Section 31; Page 20, Lines 24-29
- Section 55; Page 31

Representative Croft asked if "alternatives" remained in the committee substitute.

[2:19:07 PM](#)

Ms. Cunningham replied they did.

[2:19:16 PM](#)

Representative Croft WITHDREW his OBJECTION. There being NO further OBJECTION, the committee substitute was adopted.

[2:19:37 PM](#)

Vice-Chair Stoltze pointed out Sections 40 and 48 in referenced to the dollar limit for collecting signatures; he asked if there were constitutional limits. He noted that he did not like the idea of paying for gathering signatures. Ms. Glasier advised that there had been a discussion about zeroing that out in the House State Affairs Committee and it was determined unconstitutional.

Vice-Chair Stoltze referenced Section 55 and asked if there had been discussion regarding lowering the threshold to 1%. Ms. Glasier noted that there had been a discussion, however, the Division realized that it should be a legislative policy call. There has been a recent court decision regarding Mr. Metcalf's challenge regarding the 3% and if he should be allowed on the ballot. She did not know the result.

Vice-Chair Stoltze asked if it were reduced to 1%, would the Division still not comment. Ms. Glasier agreed.

[2:22:41 PM](#)

JIM SYKES, (TESTIFIED VIA TELECONFERENCE), ELECTIONS ADVISORY, GREEN PARTY OF ALASKA, stated that HB 94 is basically a good bill that addresses some long-standing problems. He pointed out one concern, which is out of line from requirements within the bill and those of other states, regarding the recognition of political parties using a registration test. (Sec. 55. AS 15.60.010(23)(D)).

Mr. Sykes pointed out that the current bill indicates 2% of registered voters, which would be an extremely tough requirement and out of balance for recognizing the difficulty of meeting such a registration test. The goal of

the legislation needs to provide clarity, fairness, and openness. Committee members have the responsibility to protect the rights of all political parties and all of voters, including the 51% not registered to any political party. Mr. Sykes thought that a reasonable and legally defensible requirement would be ½ of 1% of registrations. The current proposal represents a 27% increase over 2002 law and would not be in line with the Alaska Supreme Court, which has repeatedly favored openness over increased restrictiveness.

Mr. Sykes added that there are two minor parties in all the United States that exceed a 2% voter registration. One is the Alaska Independence Party and the 2% was not exceeded until the election of Walter Hickel and John Coghill Sr. in 1990. Primary laws currently favor non-affiliated voters by allowing them more choices than anyone registered to a political party, which increases the reluctance of independent voters to register to a particular political party if they perceive they are limited to choosing only one party's ballot. National trends have seen independent voter registrations reach new heights. He stressed that the ½ of 1% would better protect the rights of all Alaskan voters and would be more legally defensible and in-line with the State's requirements for a "modicum of support".

Mr. Sykes noted that it was not right that Alaska have a test 4x times greater than the average of other similarly situated registration states. He added that the Supreme Court of Alaska has ruled that Alaska's voters are entitled to the least restrictive mechanisms possible consistent with the State's need to achieve its legitimate goals. The Supreme Court of Alaska has also ruled that the difficulty of qualifying through one route cannot be justified by the openness of the other. In effect, at a minimum, Alaska's parties and voters are entitled to the least restrictive of the most common mechanisms of qualifying for full ballot access in both the primary and in the general elections.

Mr. Sykes offered to answer questions of the Committee.

[2:29:04 PM](#)

MYRL THOMPSON, SELF, SUSITNA VALLEY, commented that the committee substitute was a "fairly good" bill. He identified changes made during the legislative process. Regarding the number proposed, as an independent, it would be difficult to pay \$10 thousand dollars and would place a small party at a distinct disadvantage.

Mr. Thompson mentioned the dollar indicated for collecting signatures and worried about out-of-state hires. Regarding the percentage, Mr. Thompson recommended that 1% could be an "okay" amount for the parties as it was fair and could enhance the voting process.

[2:33:26 PM](#)

Co-Chair Meyer MOVED to ADOPT Amendment #1 for the Division of Elections. (Copy on File). Vice-Chair Stoltze OBJECTED.

Ms. Glasier advised that the House Judiciary Committee had added that section to the bill and it was then determined that there were structural problems within the paragraphs. The intent of the House Judiciary Committee was to require a mandatory hand count of one precinct per House district that could be counted for 5% of the votes cast in that election. Amendment #1 clarifies the language and intent of the process to be followed by the Division.

Co-Chair Chenault pointed out that Section © states that the director "may" count the ballots from that precinct. He suggested changing it to "shall". Ms. Glasier emphasized that it needs to be "may". Co-Chair Chenault disagreed. Ms. Glasier advised that "may" is in current law, noting Page 10, Line 20, highlights current law.

Co-Chair Chenault pointed out that Line 23, indicates the discrepancy of hand counts under A (3) and that the director "shall" conduct a ballot hand count. Ms. Glasier replied that there are instances where a mandatory handout is not necessary. If there is a difference between a machine count and a hand count, then "shall" would be used. She stressed, it is important to determine the degree of the discrepancy.

[2:38:08 PM](#)

Vice-Chair Stoltze inquired if there was enough flexibility in the language to request a recount for a single precinct. Ms. Glasier explained that was found in two different areas of the law. In the law regarding recounts, citizens can request only:

- A precinct,
- House district, or
- Statewide recount.

Vice-Chair Stoltze asked about the "cherry pick" precincts. Ms. Glasier replied that a person or group could go through and have a particular precinct recounted under the Alaska recount statute. The version before the Committee could allow that. Vice-Chair Stoltze asked if the Division had policy comments regarding the practice. Ms. Glasier replied

that it has been State law for years and to do precinct-by-precinct would cost substantially more.

[2:40:43 PM](#)

Representative Holm asked if there was a request to audit seven House districts, would the Division audit only those seven or would they audit the entire State. Ms. Glasier replied they would audit the seven districts. Representative Holm asked how it would be handled if the cost was \$38 thousand dollars and there were a case with no bearing on the House districts but instead on the entire state. Ms. Glasier did not understand the question.

Representative Holm reiterated the query. Ms. Glasier stated that in the House Judiciary Committee, there was language added that requires a mandatory hand count by the Division's State Review Board. After the election has been certified and the group requested a recount, the Board would determine how the recount was to be conducted.

[2:43:29 PM](#)

In response to concerns voiced by Vice Chair Stoltze, Ms. Glasier explained that the ballots are pulled and administratively, the Division is ready to "step up to the plate". As a precinct choice, there is no proof that anyone would choose that option.

Vice-Chair Stoltze WITHDREW his OBJECTION. There being NO further OBJECTIONS, Amendment #1 was adopted.

[2:46:44 PM](#)

DR. JOE SONNEMAN, SELF, JUNEAU, voiced concern with various changes that have occurred in Alaskan politics. HB 94 does add some name rotation back in, which he thought was a good move. The bill provides a provision to guarantee that any new vote counting equipment or machine specifically requires a paper trail or receipt, which is also good.

Dr. Sonneman addressed the financial aspects and fiscal impact and concerns with the automatic hand count of one 5% precinct per district. He noted that he had chaired the 2004 Recount Committee. Some members of that Committee were concerned that in this computerized age, problems could occur. The function of the hand count provides a cross check. The State has only one programmer for all of the ballots, which is of concern. Even though to date, there have been no problems, now is a different age.

Dr. Sonneman addressed the deposit required for recounts. He noted that the Alaskans for Fair Elections were required to come up with \$10 thousand dollars in five days, which was

difficult. There has been no abuse of the system at the current financial level. Recounts have an audit function and if the amount is raised to a higher level, vote-counting audits would rarely occur. If it is necessary to raise the amount, he requested that it not be raised beyond the \$15 thousand dollars set by the previous Committee.

[2:51:47 PM](#)

Co-Chair Meyer inquired the amount spent on the last recall. Ms. Glasier replied it was \$38 thousand dollars. In response to comments by Dr. Sonneman, Ms. Glasier pointed out that there is no statutory provision indicating an amount of time required to raise money to conduct a recount. She pointed out that the Alaskans for Fair Elections requested a recount because exit polling indicated a different number than was measured. She reiterated that there is no statutory limitation in State law.

[2:53:54 PM](#)

Co-Chair Meyer MOVED to ADOPT Amendment #2 as proposed by Representative Paul Seaton. (Copy on File). Vice-Chair Stoltze OBJECTED.

[2:54:38 PM](#)

LOUIE FLORA, STAFF, REPRESENTATIVE PAUL SEATON, noted that the State Affairs Committee rewrote the "political party" section of the bill to accomplish a fair process that would prevent cross party tampering with party status. A multiple section technical amendment was offered in the House Judiciary Committee, however, an amendment to the amendment unintentionally changed the application of that section. Amendment #2 would reinsert the original language, "at which a governor was elected".

Vice-Chair Stoltze did not think that the amendment could fit in the adopted committee substitute. Co-Chair Chenault stated that it would fit into the House Judiciary version.

REPRESENTATIVE PAUL SEATON pointed out that Amendment #2 fits into Section (E), House Judiciary version and Page 31, Line 16, of the work draft before the Committee. The effect of Amendment #2 is that the Division could not terminate a party status until after the general election.

[2:59:53 PM](#)

Co-Chair Meyer inquired about discussion in the House State Affairs Committee. Representative Seaton noted that it had been carefully crafted to accomplish the intended goal and that it would not go beyond the gubernatorial election.

Co-Chair Chenault asked if there had to be a party to nominate. (Inaudible). Representative Seaton replied the person could be nominated if there existed a party status. If beyond the required percentage was received, the person could maintain political status, determined after the political election. The status would remain through the next gubernatorial election. Co-Chair Chenault was concerned with situations in which a person decided to run in a party that did not want him to represent their ballot; he asked what would happen and would the party lose their status.

[3:02:20 PM](#)

Ms. Glasier acknowledged that parties have that influence now by their party rules. There are letters in the Division's file, which indicate that there are candidates that are not supported by their party. The Division of Elections cannot keep the person off the ballot. Representative Seaton added that Amendment #2 would prevent that from happening. Party status would not be withdrawn through the next gubernatorial election. If a person files as a candidate, they can file for the party they want and that is what is placed on the ballot.

Co-Chair Chenault understood it could limit who ran under a party banner. Representative Seaton did not know of any mechanism in which the party could remove the person from running.

[3:05:48 PM](#)

Ms. Glasier clarified that was true unless the person failed to meet the rules of the party. It is not legal to "tip the race". A party does have some influence over their candidates. The proposed changes open up different levels where candidates can successfully obtain the 2%.

[3:07:17 PM](#)

Co-Chair Meyer asked if the Division of Elections supported Amendment #2. Ms. Glasier replied it would be a policy call by the Legislature.

Vice-Chair Stoltze WITHDREW his OBJECTION. There being NO further OBJECTIONS, Amendment #2 was adopted.

[3:08:03 PM](#)

Vice-Chair Stoltze MOVED to ADOPT Amendment #3 to Section 55, reducing the three references of "two percent (2%)" to "one percent (1%)". Representative Hawker OBJECTED.

Vice-Chair Stoltze thought that the change would be in line with what the courts have ruled on the status of emerging parties. He thought 1% was still in line and that he respects the role of the other party in the process. It would be a policy call.

Representative Hawker argued that there are merit benefits to a political party and that the change should raise the amount rather than lower it.

Co-Chair Meyer questioned if it had been changed from "3%" to "2%" upon recommendation from the Division. Ms. Glasier replied that change had been made in a Committee hearing; the House Judiciary Committee then changed it to "2%" in the other sections. She highlighted a state-by-state percentage requirement of registered voters. Those numbers vary between 1% and 5%.

Representative Croft spoke to the change recommended by Vice Chair Stoltze, pointing out the distinction within Section (D). He recommended that only Section (D) be reduced to 1%, on Page 32, Line 14.

[3:14:50 PM](#)

Vice-Chair Stoltze restated his motion; Page 31, Line 22; Page 31, Line 30; and Page 32, Line 9, deleting "two percent (2%)" and inserting "one percent (1%)".

[3:15:54 PM](#)

In response to Co-Chair Meyer, Vice-Chair Stoltze pointed out that those areas are only "election" areas.

A roll call vote was taken on the motion.

IN FAVOR: Stoltze, Croft, Moses
OPPOSED: Hawker, Kelly, Meyer, Chenault

Representative Foster, Representative Holm, Representative Joule and Representative Weyhrauch were not present for the vote.

The MOTION FAILED (3-4).

Representative Croft MOVED to ADOPT Amendment #4, Page 32, Line 14, change the "two percent (2%)" to "one percent (1%)". Representative Hawker OBJECTED.

[3:17:43 PM](#)

Representative Croft addressed the right to be on a ballot, regardless of party affiliation.

[3:18:01 PM](#)

Vice-Chair Stoltze questioned the concept. Representative Croft preferred that the State establish a standard that is defensible and "stop playing games with that section".

A roll call vote was taken on the motion.

IN FAVOR: Stoltze, Croft
OPPOSED: Kelly, Moses, Hawker, Meyer, Chenault

Representative Foster, Representative Holm, Representative Joule and Representative Weyhrauch were not present for the vote.

The MOTION FAILED (2-5).

[3:19:37 PM](#)

Representative Hawker addressed the compensation for circulators of petitions. He mentioned that there was no indication that the circulators be Alaska residents and questioned if there would be legal concerns if that language was added. Ms. Glasier understood that they had to be residents.

Representative Croft pointed out language on Page 21, Section 32, which indicates the qualifications for a circulator. Representative Hawker was assured.

[3:21:01 PM](#)

Representative Croft MOVED to ADOPT Amendment #5, which would delete Sections 24 & 25, beginning on Page 15. He stated that deletion would address concerns with someone too young at the time of the election, being elected. Ms. Glasier pointed out that was actually addressed in Sections 23, 24, & 25; a change was made in the House State Affairs Committee.

Vice-Chair Stoltze asked if the age requirements were being removed. Representative Croft explained those requirements are constitutional.

Representative Kelly inquired how the deletion could improve current policy. Representative Croft advised that the constitution clarifies the age requirement. The question becomes what happens with someone running, who did not make the age requirement by the first day of session.

[3:25:59 PM](#)

Vice-Chair Stoltze inquired the intended time allotment. Representative Croft thought that the State citizens should choose, not the Legislature.

A roll call vote was taken on the motion.

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

Representative Holm, Representative Joule and Representative Weyhrauch were not present for the vote.

The MOTION FAILED (2-6).

[3:27:40 PM](#)

Ms. Glasier referenced Page 13, Line 29, noting a change made in the House Judiciary Committee. She thought that there should be a "the" on Page 14, Line 3 or perhaps a "the" added to Line 31, Page 13. She thought the sentence was grammatically incorrect.

Representative Hawker MOVED Amendment #6, a conforming conceptual amendment to make sure that the language "falls together". Co-Chair Meyer OBJECTED in order to conceptually prepare the amendment.

Representative Hawker thought that passage of the bill, could authorize legal staff to make the necessary changes to Section 21 to address the grammatical change. Co-Chair Meyer WITHDREW his OBJECTION. There being NO further OBJECTION, conceptual Amendment #6 was adopted.

Representative Foster MOVED to REPORT CS HB 94 (FIN) out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 94 (FIN) was reported out of Committee with a "no recommendation" and with a new fiscal note by the Office of the Lt. Governor.

[3:30:28 PM](#)

#SB63
CS FOR SENATE BILL NO. 63(TRA)

An Act relating to road signs encouraging the use of safety belts.

[3:31:29 PM](#)

CHERYL SUTTON, STAFF, SENATOR BEN STEVENS, explained that SB 63 would encourage posting signs promoting the use of safety belts. The legislation allows the Department of Transportation & Public Facilities to erect and maintain signs at the site of a motor vehicle accident where a fatality occurred as a result of failure to use a safety belt.

Representative Croft asked if the Department needed the bill to grant such authority. Ms. Sutton responded that the Department does not have the authority to add the name to the signage. She explained the story of Nathan Kampen.

[3:33:58 PM](#)

Co-Chair Meyer asked the cost per sign.

NORA WILSON, LEGISLATIVE LIAISON, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, introduced herself and said it would cost \$500 per sign. Ms. Sutton noted that the number of deaths last year in Alaska was approximately 39 from not wearing seat belts.

Co-Chair Meyer asked about the fiscal note. Ms. Sutton pointed out that posting would only occur for those persons requesting the signs.

Co-Chair Meyer noted that Representative Croft had asked if it could be done through regulation rather than legislation. Ms. Wilson replied that the legislation had been the vehicle presented and that the Department supports a statute change.

[3:35:41 PM](#)

Vice-Chair Stoltze referenced Page 1, Lines 11 & 12 and the types of signs that could be put in place. Ms. Wilson responded that language maintains the right of the Department to guarantee once the sign is placed, that it abides with sign posting criteria.

MARK NEIDHOLD, CHIEF, DESIGN AND CONSTRUCTION STANDARDS, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, agreed it is important to follow standards when erecting the signs, while not infringing on the Department's right to manage those standards.

[3:37:53 PM](#)

Vice-Chair Stoltze opined that the scope of the bill appeared too broad. Mr. Neidhold noted that the current Alaska Administrative Code language for the Alaska Memorial Program specifies the sign information and requirements. It is the Department's expectation that there would only be one additional sign.

[3:39:49 PM](#)

Representative Kelly referenced Page 1, Line 9, and asked if the verbiage should instead say "likely". Ms. Sutton acknowledged the concern had been raised in the House Transportation Committee and referred to the "Public Safety on Traffic Accident Statistics" handout. (Copy on File).

Representative Hawker was appalled that a grieving family could not be accommodated within the regulatory authority of the Department and that such a request had to come before the Legislature.

Representative Croft suggested that it be addressed through regulation. Ms. Wilson reported that she has had the conversation with the sponsor's office and that they would support the bill either way. Some have indicated that a statute change might be faster.

Representative Croft asked if the Department would issue regulations to implement the bill. Ms. Wilson acknowledged that they would have to. She reiterated the Department's support of the bill.

[3:44:04 PM](#)

Co-Chair Meyer asked if Nathan Kampen was a constituent of Senator Stevens. Ms. Sutton replied yes.

Representative Foster MOVED to REPORT SB 63 out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

SB 63 was reported out of Committee with a "do pass" recommendation and with indeterminate note #1 by the Department of Transportation & Public Facilities.

[3:45:25 PM](#)

#SB93
CS FOR SENATE BILL NO. 93(FIN)

An Act relating to commercial fishing permit and vessel license fees; and providing for an effective date.

Co-Chair Meyer noted that at a previous meeting (4/18/05), Amendment #1, #24-LS0504\Y.2, Utermohle, 4/15/04, was MOVED and that Vice Chair Stoltze had OBJECTED. The amendment remained on the table.

REPRESENTATIVE PAUL SEATON explained Amendment #1. He noted that that having large groupings, the fee structure does not recognize the vast difference between the fishing power of

vessels at the lower and upper end of the class. Thus, the fee on a 76' vessel is the same as a 149' vessel and a 151' vessel is charged the same fee as a 249' vessel. The Commercial Fisheries Entry Commission (CFEC) prepared a fee schedule based on 25' increments, which would generate approximately the same revenue but would be fairer to the diversity of the vessels.

FRANK HOMAN, COMMISSIONER, COMMERCIAL FISHERIES ENTRY COMMISSION (CFEC), reported that the draft presented to the Committee was a result of several groups coming together in consensus regarding the fees. He voiced concern that the bill would "get lost" because of those changes. The Commission needs the recommended revenues. Co-Chair Meyer asked his opinion on the amendment. Commissioner Homan replied that if it could move through, adding no resistance, the amendment could generate about the same amount.

[3:50:34 PM](#)

CHERYL SUTTON, STAFF, SENATOR BEN STEVENS, explained the vessel fees, noting that Senator Stevens does not support either amendment. The bill attempts to balance the vessel fee and the license fee to raise sufficient revenues for CFEC. The vessel fees are operational licenses for vessels. What gives the vessel fishing capacity is a permit, a separate license, also raised in the bill.

In response to an analogy given by Vice-Chair Stoltze, Ms. Sutton pointed out that not all vessels are harvesting vessels.

[3:52:45 PM](#)

Co-Chair Chenault referred to an earlier statement regarding the amount of fish that could be caught; he questioned how many have limits. Ms. Sutton responded that there are many limits to people's capacity to fish in the industry, including time and size of the vessel. She pointed out that the bill is not a tax. Fishermen pay a tax on what they harvest and a raw fish tax to the State. The request is for fees generated to run CFEC.

Vice-Chair Stoltze REMOVED his OBJECTION to adopt Amendment #1. Representative Hawker OBJECTED.

A roll call vote was taken on the motion.

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

Representative Weyhrauch, Representative Holm, and Representative Joule were not present for the vote.

The MOTION PASSED (5-3).

[3:56:57 PM](#),

Co-Chair Meyer MOVED to ADOPT Amendment #2, #24-LS0504\Y.1, Utermohle, 4/15/05. Vice-Chair Stoltze OBJECTED.

Representative Seaton explained Amendment #2. He noted that the amendment would significantly raise fees; he was willing to WITHDRAW Amendment #2.

[3:58:25 PM](#)

Co-Chair Meyer WITHDREW the MOTION to adopt Amendment #2.

Representative Foster MOVED to REPORT HCS CS SB 93 (FIN) out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

HCS CS SB 93 (FIN) was reported out of Committee with a "do pass" recommendation and with a new fiscal note by the Commercial Fisheries Entry Commission.

#

ADJOURNMENT

The meeting was adjourned at 3:59 P.M.