

HOUSE FINANCE COMMITTEE
February 27, 2006
1:48 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:48:50 PM](#).

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Beth Kerttula

ALSO PRESENT

Senator Charlie Huggins; Josh Temple, Staff, Senator Charlie Huggins; Suzanne Hancock, Staff, Representative Gabrielle LeDoux; Representative Bob Lynn; Mike Sica, Staff, Representative Bob Lynn

PRESENT VIA TELECONFERENCE

Erin Whipple, Kodiak; Christy Renfrew, Manager, Upper Susitna Soil and Water Conservation District; Janice Chumley, Nikiski, Central Peninsula Master Gardeners; Daniel Colang, President, Alaska Correctional Officers Association; Mae Barney, Correctional Officer, Fairbanks; Hans Klausner, Homer Soil and Water Conservation District; Al Poindexter, Alaska Association of Conservation Districts; Sabrina Fernandez, Assistant Attorney General, Department of Law; Susan Parks, Deputy Attorney General, Criminal Division, Department of Law; Ed Fogels, Deputy Commissioner, Department of Natural Resources; Larry DeVilbiss, Director, Division of Agriculture, Department of Natural Resources; Jamie Snyder, University of Alaska Fairbanks

SUMMARY

CSSB 209 (JUD) "An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs when alcoholic

beverages are not present and, when alcoholic beverages are present, to premises of a patriotic organization licensed as a club if the person possesses a valid active duty military or armed forces identification card issued by the United States government."

CSSB 209 (JUD) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #1 by the Department of Military and Veterans Affairs, and with a new zero fiscal note by the Department of Public Safety.

HB 324 "An Act banning the importation, transfer, and cultivation of orange hawkweed and purple loosestrife."

HB 324 was heard and HELD in Committee for further consideration.

HB 343 "An Act relating to harassment."

HB 343 was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #1 by the Department of Corrections, zero note #2 by the Department of Public Safety, and with new zero fiscal notes by the Department of Law, the Alaska Court System, and the Department of Administration.

[1:48:58 PM](#)

CS FOR SENATE BILL NO. 209 (JUD)

"An Act relating to access by persons under 21 years of age to premises licensed to sell alcoholic beverages as clubs when alcoholic beverages are not present and, when alcoholic beverages are present, to premises of a patriotic organization licensed as a club if the person possesses a valid active duty military or armed forces identification card issued by the United States government."

SENATOR CHARLIE HUGGINS, sponsor, refreshed the committee's memory of SB 209, which is about allowing young military people into veterans' clubs.

JOSH TEMPLE, STAFF, SENATOR CHARLIE HUGGINS, explained that the bill is the same as HB 331, which was previously passed out of the House Finance Committee.

[1:51:11 PM](#)

Senator Huggins added that the bill has a no-cost factor.

Co-Chair Meyer reviewed the two zero fiscal notes.

Representative Kelly MOVED to report CSSB 209 out of Committee with individual recommendations and the accompanying fiscal notes.

There being NO OBJECTION, it was so ordered.

CSSB 209 (JUD) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #1 by the Department of Military and Veterans Affairs, and with a new zero fiscal note by the Department of Public Safety.

[1:53:49 PM](#)

HOUSE BILL NO. 324

"An Act banning the importation, transfer, and cultivation of orange hawkweed and purple loosestrife."

SUZANNE HANCOCK, STAFF, REPRESENTATIVE GABRIELLE LEDOUX, read the sponsor statement as follows:

For the record, I am Suzanne Hancock, staff to Representative Gabrielle LeDoux. The Representative thanks the Chair and Committee for hearing this bill. Representative LeDoux's intention with filing HB 324 was to respond to concerns from her constituents. Scientists as well as gardeners are concerned about new strains of noxious weeds that are taking hold in Alaska. These invasive plants crowd out native plants and cultivated plants and are devastating to the environment and people's gardens.

Orange hawkweed and purple loosestrife were chosen because they have been the ones in the spotlight. Purple loosestrife is a threat to wetlands and waterfowl. In my community of Kodiak groups have been pulling up, bagging and disposing of orange hawkweed. The State agency that has oversight in this area is the Department of Natural Resources. The language in this bill has the Commissioner adopting regulations providing for the disposal of orange hawkweed and purple loosestrife and plant parts to prevent the further propagation of the species in the state.

Statute currently lists many noxious weeds but has not kept up with new species, including these two. This bill only applies to those who **knowingly** plant or cultivate an orange hawkweed or purple loosestrife plant. This offense is a class A misdemeanor but the

intent is not to have weed police, but to educate the public about the menace these and other invasive species present to our environment, agricultural crops, streams, and gardens. As a legislator, Representative LeDoux sponsors the bill because she considers it good public policy. There will be members of the scientific community, gardeners and others testifying in their areas of expertise.

[1:56:47 PM](#)

Co-Chair Meyer asked why only two plants are targeted when, in fact, there are twenty invasive species on the list. Ms. Hancock explained that there exists a list of plants already on the books. She shared the benefits of proactive action in response to these new invading plants.

[1:58:13 PM](#)

ERIN WHIPPLE, KODIAK, spoke in favor of HB 324 because of the danger invasive plants pose. They don't provide any benefit to wildlife or bird species, which is a factor under consideration. Alaska is in the position of being able to prevent problems caused by invasive plants. She encouraged passage of the bill.

[2:00:36 PM](#)

CHRISTY RENFREW, MANAGER, UPPER SUSITNA SOIL AND WATER CONSERVATION DISTRICT, spoke of her experience with the spreading of Orange Hawkweed and efforts to prevent its continued invasion. She encouraged passage of the bill.

Representative Holm asked if Orange Hawkweed is north of the range. Ms. Renfrew said she does not know. Representative Holm shared that he has no knowledge of the weed existing in that area. Ms. Renfrew shared characteristics of the weed and problems with eradication.

Representative Holm asked which herbicides would kill it. Ms. Renfrew said Transline and Milestone, which does not impact wetlands.

[2:06:17 PM](#)

JANICE CHUMLEY, NIKISKI, CENTRAL PENINSULA MASTER GARDENERS, related how aggressive and invasive Orange Hawkweed and Purple loosestrife are. She spoke of the dangers of using herbicides and the need to prevent importation of these weeds. She testified in support of the bill.

AL POINDEXTER, ALASKA ASSOCIATION OF CONSERVATION DISTRICTS, related his programs' efforts to prevent the spread of many noxious weeds. He testified in support of the bill.

Representative Holm asked about tansy and the need to ban the possession of herbs. Mr. Poindexter agreed that tansy is not as invasive, but he emphasized the need to ban non-native weeds from local areas. He maintained it is a good first step.

[2:12:32 PM](#)

Representative Holm voiced concern about a statewide policy addressing a regional problem. Mr. Poindexter suggested that the problem is statewide. Representative Holm asked how to get rid of Orange Hawkweed. Mr. Poindexter related that the areas are quite small now, but later may require herbicides. Representative Holm suggested that the path the bill is taking is not sustainable. Some weeds will not be a problem statewide. He questioned if the policy should be the same statewide. Mr. Poindexter responded that the policy should apply where the plants show up. He posed a potential problem with gardeners sharing plants.

[2:18:19 PM](#)

HANS KLAUSNER, HOMER SOIL AND WATER CONSERVATION DISTRICT, testified in support of HB 324. He emphasized that the bill's strength is in prevention. He suggested possibly adding more plants to the list of noxious weeds.

Representative Holm inquired about fireweed and dandelions, and how they fit the definition of noxious weeds. Mr. Klausner defined weeds as those that impact native habitats.

[2:23:29 PM](#)

JAMIE SNYDER, UNIVERSITY OF ALASKA FAIRBANKS, addressed the history of Purple Loosestrife in Alaska. She described the nature of the plant and its invasive potential. She suggested that some plants are more of a problem than others and that Alaska should focus on prevention. She spoke in support of the bill.

Representative Stoltze shared that in Montana, Mapweed is an issue. Ms. Snyder explained that a small patch has been discovered in Alaska with the potential to be a problem. Alaska can learn from other states' problems. Representative Stoltze noted that limited use of pesticides added to the problem. Ms. Snyder made several suggestions for prevention and education.

[2:30:59 PM](#)

Representative Holm asked if Ms. Snyder is with the Cooperative Extension Service. She replied that she is and that she works out of Anchorage. Representative Holm asked if her program is involved with eradication of weeds. She replied that is not, but the mission is to provide information on integrated pest management. He asked how her program is funded. Ms. Snyder explained the nature of her job and related that invasive plants are only part of the program. There is no eradication program within the Cooperative Extension Agency.

Representative Holm posed a hypothetical problem and asked if it was worthy of a Class A misdemeanor. Ms. Snyder referred to the bill as a stopgap measure. Representative Holm suggested that cultivating these plants would result in unfair punishment. Ms. Snyder suggested that the model developed in other states regarding the banning of Purple Loosestrife should be used. Representative Holm asked if her organization maps where these weeds currently exist. She replied that they catalogue the areas, but there is only one area where Purple Loosestrife exists. Representative Holm asked if that area was destroyed. Ms. Snyder said it was, but a lot of seedlings remain. There is a need to increase public awareness to deal with new sightings. Representative Holm noted there is no fiscal note to address public education. He suggested that there should be one.

[2:38:31 PM](#)

Representative Stoltze asked if the list should include more plants. He wondered about the fiscal note and a need for research.

LARRY DEVILBISS, DIRECTOR, DIVISION OF AGRICULTURE, DEPARTMENT OF NATURAL RESOURCES, explained that his agency is in the process of adding these two plants to the list of prohibitive plants through the regulatory process. There is a need to update the prohibitive weed list and regulations. Addressing the fiscal note question, Mr. DeVilbiss said the assumption was that there would be no new staff added. That would change if the department were to become responsible for disposing of the weeds. He suggested that regulation, rather than statute, is a better way to handle the problem of invasive plants.

Representative Stoltze asked if the Forget-Me-Not is a weed. Representative Holm explained if a plant naturalizes in an area, it could be termed a weed. He spoke of the problems and expenses related to dandelions. He disagreed with the harsh punishments in the bill.

[2:44:38 PM](#)

Representative Weyhrauch suggested this issue be dealt with by regulation. Mr. DeVilbiss agreed that there is already a regulatory process in place.

Representative Weyhrauch questioned "Meadow in a Can" legality. Mr. DeVilbiss responded that the major importer would know it is prohibited and it could be monitored at the border. Representative Holm asked if this could be taken care of on a regional basis. Mr. DeVilbiss replied that it is not set up that way, but it could be. Representative Holm suggested that they do it. Mr. DeVilbiss said they are reviewing it. Representative Holm emphasized that it would make more sense to regulate by region.

[2:48:48 PM](#)

Representative Hawker summarized the bill as criminalizing human activity regarding two plant species. He wondered if that compared to the Supreme Court ruling, which states that human activity regarding marijuana plants couldn't be criminalized. He questioned those implications.

SABRINA FERNANDEZ, ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF LAW, shared an opinion that existing regulations concerning the noxious weed list do currently have the same penalty attached as the proposed legislation. Representative Hawker spoke of a constitutional challenge to existing statute regarding plant species. He asked if the two proposed species have any medicinal value.

REPRESENTATIVE GABRIELL LEDOUX said she did not know of any.

ED FOGELS, DEPUTY COMMISSIONER, DEPARTMENT OF NATURAL RESOURCES, responded that the bill might not be necessary because it is dealt with by regulation.

Representative Kelly suggested that Representative Holm and Representative LeDoux meet in his office to discuss the bill further.

HB 324 was heard and HELD in Committee for further consideration.

[2:53:52 PM](#)

HOUSE BILL NO. 343

"An Act relating to harassment."

REPRESENTATIVE BOB LYNN related that correctional officers and first responders who want more protection from attacks with bodily fluids requested the bill. He shared a personal experience working in a jail environment. He related that attacks with bodily fluids have been increasing, as has the

danger of infections. Currently, throwing bodily fluids at anyone can only be charged as a class B misdemeanor. This bill changes that to a class A misdemeanor, with jail time from zero days to one year. It also provides a minimum term of imprisonment of 60 days for persons convicted of harassment in the first degree when they direct the offense at certain specified law enforcement officers and emergency responders. He noted correspondence included in members' packets and quoted several examples.

[2:58:42 PM](#)

DANIEL COLANG, PRESIDENT, ALASKA CORRECTIONAL OFFICERS ASSOCIATION, related his experience behind correctional facility walls. He stressed that assault with bodily fluids has become prevalent. He encouraged support of this bill.

Representative Stoltze asked if saliva is still prohibited. Representative Lynn said it is.

[3:03:25 PM](#)

MAE BARNEY, CORRECTIONAL OFFICER, FAIRBANKS, shared her experience with assault by bodily fluids. She testified in support of the bill.

[3:07:32 PM](#)

Representative Weyhrauch asked if this law applies to a situation where a member of PETA would throw blood at a person wearing fur.

MIKE SICA, STAFF, REPRESENTATIVE BOB LYNN, clarified that the law would apply to everyone, not just correctional officers. He referred to page 2, Section 2, harassment in the first degree, to explain. Representative Weyhrauch restated his question to ask if the law would apply to everyone. Mr. Sica responded that the mandatory minimum prison term of 60 days only applies to assaults against peace officers, medical first responders or professionals.

[3:10:35 PM](#)

SUSAN PARKS, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, clarified that the crime would apply to anyone who is assaulted by bodily fluids - teacher, citizen, babysitter, and the criminal could be prosecuted under this new statute, harassment in the first degree.

Representative Weyhrauch asked for clarification between the different kinds of sentencing. Ms. Parks referred to page 3, Section 4, to highlight the sentencing provision for crimes against peace officers and medical personnel.

Co-Chair Chenault asked how many bodily fluid assault cases there are a year. Ms. Parks responded that there are probably more cases than what are prosecuted, which are only a handful. They are a common occurrence and are often handled administratively in jail with a loss of privileges. They are currently a misdemeanor.

Mr. Colang, in response to Co-Chair Chenault's question, could not recall any statistics regarding this. He cited Fairbanks as an example, where there was an incident last month. Co-Chair Chenault opined that it should be reported every time.

[3:15:08 PM](#)

Co-Chair Chenault asked how many cases there would be per year. He mentioned that there could be legal costs involved with this type of case. He suggested researching up-front costs.

[3:16:26 PM](#)

Ms. Parks commented on the fiscal notes. She indicated that currently there are only a few cases. She added that the numbers could increase. She speculated that the thirteen offices could absorb the normal workload. She suggested that the bill might have a deterrent effect and the costs could decrease.

[3:18:10 PM](#)

Representative Foster remembered being accosted by a lobbyist who "spit in his face".

Representative Hawker pointed out that the bill would create a crime of degrees. He wondered if the bill could make class A conduct elevate to class B conduct.

Co-Chair Meyer responded that some threats fall under a different statute. Ms. Parks added that there are other statutes that elevate the conduct by the degree and by the nature of the conduct. She commented that it would be a policy call for the Legislature to make. She thought the subject matter of this bill is of a higher nature.

[3:22:14 PM](#)

Representative Hawker asked if the act were sufficiently threatening, would the new category of a class A misdemeanor be high enough for the crime. Ms. Parks replied that the legislature could make that 'call'. The thought was that it did not fit into class C conduct. It should be a determination made by the Legislature.

[3:23:49 PM](#)

Representative Stoltze asked if the Department of Corrections made the decision not to come to the table to participate in the discussion. Mr. Sica took responsibility for not following up with the Department. He did not want that to be interpreted that they do not support the legislation.

[3:25:07 PM](#)

Co-Chair Chenault MOVED to REPORT CSHB 343 (JUD) with individual recommendations and the attached fiscal notes. He voiced concern about the fiscal notes attached to the bill. He requested more accurate fiscal notes.

Representative Stoltz OBJECTED for the purpose of discussion.

Representative Kelly pointed out that several states have elevated this crime to a felony. He reiterated how offensive the crime is.

Representative Holm added that the class A misdemeanor for this crime was the same as it was for transporting noxious weeds.

Co-Chair Meyer noted the four new fiscal notes.

Representative Joule, referring to discipline administered in jails, commented that, "good time gets taken away". He thought that adding time to a jail sentence would qualify as needing a fiscal note.

[3:29:18 PM](#)

Representative Stoltze WITHDREW his OBJECTION.

There being NO further OBJECTION, it was so ordered.

HB 343 was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note # 1 by the Department of Corrections, zero note #2 by the Department of Public Safety, and with new zero fiscal notes by the Department of Law, the Alaska Court System, and the Department of Administration.

ADJOURNMENT

The meeting was adjourned at 3:29 PM