

HOUSE FINANCE COMMITTEE
March 1, 2006
1:41 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at 1:41:25 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 Reggie Joule
Representative Mike Kelly
Representative Beth Kerttula
Representative Carl Moses
Representative Jim Holm

MEMBERS ABSENT

Representative Bruce Weyhrauch

ALSO PRESENT

Lalanya Snyder, Staff, Representative Mike Chenault; Grey Mitchell, Director, Division of Labor Standards and Safety, Department of Labor and Workforce Development; Representative Max Gruenberg; Representative Bob Lynn; Anne Carpeneti, Assistant Attorney General, Legal Services Section - Juneau, Criminal Division, Department of Law; Tom Bryce, Alaska District Council of Laborers

PRESENT VIA TELECONFERENCE

Cliff Hustead, Chief Consultation and Training, Division of Labor Standards and Safety, Department of Labor and Workforce Development

SUMMARY

HB 338 "An Act relating to applications, qualifications, and criminal history and background checks for a certificate of fitness for explosives handlers; and providing for an effective date."

CSHB 338 (L&C) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #1 by the Department of Public Safety, and zero fiscal note #2 by the Department of Labor and Workforce Development.

HB 408 "An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

HB 408 was SCHEDULED but not HEARD.

HB 12 "An Act relating to televisions and monitors in motor vehicles."

CSHB 12 (FIN) was REPORTED out of Committee with a "no recommendation" and with new zero fiscal notes by the Department of Administration, the Department of Law, and the Department of Public Safety.

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HOUSE BILL NO. 338

"An Act relating to applications, qualifications, and criminal history and background checks for a certificate of fitness for explosives handlers; and providing for an effective date."

LALANYA SNYDER, STAFF, REPRESENTATIVE MIKE CHENAULT, explained that HB 338 is designed to tighten up Alaska statutes. Currently, the Department of Labor has the authority to issue a license known as a certificate of fitness to work with explosives in Alaska. The department requires that an explosive handler applicant submit to a criminal background check, but it does not require fingerprinting. This bill would provide the necessary authority for the Departments of Labor and Public Safety to perform a fingerprint-based nationwide criminal history search to better ensure the safety of Alaskans.

Representative Kelly asked if the bill only changes requirements for explosives handlers. Co-Chair Meyer said that is correct.

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TOM BRYCE, ALASKA DISTRICT COUNCIL OF LABORERS, whose organization represents explosives handlers, expressed support for HB 338.

Representative Stoltze MOVED to REPORT CSHB 338 (L&C) out of Committee with individual recommendations and the accompanying zero fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 338 (L&C) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #1 by the

Department of Public Safety and zero fiscal note #2 by the Department of Labor and Workforce Development.

HOUSE BILL NO. 408

"An Act relating to the definition of 'child abuse and neglect' for child protection purposes; and providing for an effective date."

CSHB 408 (HES) was scheduled but not heard.

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HOUSE BILL NO. 12

"An Act relating to televisions and monitors in motor vehicles."

Representative Stoltze MOVED to ADOPT the work draft to HB 12, labeled 24-LS0058\N, Luckhaupt, 2/27/06. Representative Kerttula OBJECTED. She requested an explanation for the new CS.

REPRESENTATIVE BOB LYNN, CO-SPONSOR, noted that the bill is designed to prevent people from watching TV while driving a car. He explained that the CS adds a provision that requires the Division of Motor Vehicles (DMV) to inform each person issued a driver's license about the restrictions listed in this bill.

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Representative Kerttula asked if the DMV could handle this through regulation. She noted it was her understanding that the committee did not like to write intent language into a bill. She opposed changing the title and leaving the bill too broad.

REPRESENTATIVE MAX GRUENBERG, CO-SPONSOR, stated opposition to the new CS because it establishes an unwise precedent. It sets up a situation where every change in traffic regulations will need a clause like the one in the new CS. There would also be a need for a fiscal note. Traffic laws are established all the time without intent clauses. He insisted that it is not necessary.

Representative Lynn argued that the CS is needed because the information should appear in a driver's manual. Representative Stoltze brought up a previous technology discussion. Representative Lynn noted that the bill at first appeared to be very simple until one considers all the types of technology available.

Representative Joule asked if someone from DMV is present.

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Representative Joule also asked if the CS could be taken care of by regulation.

CLIFF HUSTEAD, CHIEF CONSULTATION AND TRAINING, DIVISION OF LABOR STANDARDS AND SAFETY, DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, responded that the division could immediately prepare a pamphlet handout of this issue for the driver's handbook. He said he couldn't speak to the question of statute vs. regulation. He pointed out that the department is prepared to not send a fiscal note if that is the committee's wish.

Representative Kerttula asked when the next scheduled driver's manual is coming out. Mr. Husted said it is in the process right now. After that, one is printed in July and on the shelf in September. Representative Kerttula noted that the effective date of the bill is September 1. She inquired, if the bill passes, if it could go into the booklet. Mr. Husted said it could.

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Representative Kelly inquired if there is something broader based in statute that would cover this issue. Mr. Husted replied that the question would be better answered by the Department of Public Safety because DMV does not have enforcement authority.

Representative Gruenberg reported that currently it is a violation to watch a DVD while driving. HB 12 would make it a felony, which must be adopted by statute, not regulation.

He voiced concern about the title, "An Act relating to driver's licenses ...". He maintained that there are a number of laws that already address driver's licenses. He said he does not want this to be a "predatory fish" bill. The provision at the end is only for a couple of months and will not make any difference. He predicted that the bill would be drastically changed throughout the process.

Co-Chair Meyer wondered if an amendment could be made if the CS were adopted.

Representative Kerttula suggested a letter of intent be written. She MAINTAINED her OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Kelly, Stoltz, Foster, Holm, Meyer, Chenault
OPPOSED: Kerttula, Moses, Hawker, Joule

The MOTION PASSED (6-4).

Co-Chair Chenault asked for an explanation of the exclusion of the use of a GPS in a vehicle. Representative Lynn explained that GPS devices serve to determine location and are no different than a speedometer or a fuel gauge. They are just another instrument and are not similar to a TV or DVD.

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Representative Holm requested more information about Section 1(2). He opined there is nothing wrong with having visual information such as a GPS in the car.

Representative Stoltze noted that there is ever-evolving technology. He thanked the sponsor for the notification-of-public clause. Representative Lynn replied that it is only fair.

Representative Joule asked if adding Section 2 would create a fiscal note. Mr. Husted replied that the department would not be submitting a fiscal note for Section 2.

Representative Kelly commented that the word "monitor" is too broad. He suggested "television or similar entertainment device" might be more appropriate.

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Representative Gruenberg noted that was the intent of the bill. The industry suggested the words "video monitor". He suggested inserting the word "entertainment" before video. Representative Kelly expressed discomfort with the definitions. Representative Gruenberg and Representative Lynn both agreed that inserting "entertainment" would be ok.

Representative Stoltze countered that he is not sure it solves the problem. He pointed out that it is difficult to predict technology.

Representative Hawker echoed Representative Kelly's sentiments. He expressed concern about generic terms such as "or any other similar means" to create a visual display. He noted that his watch is a visual display. He wondered if an iPod is ok. He questioned if the crime is worth a class A felony. He stressed that the bill is problematic. He concurred with Representative Kelly's concerns.

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Representative Kerttula requested a legal opinion.

ANNE CARPENETI, ASSISTANT ATTORNEY GENERAL, LEGAL SERVICES SECTION-JUNEAU, CRIMINAL DIVISION, DEPARTMENT OF LAW, spoke to the question about iPods with video screens. She suggested that the bill must look closely at each technology separately and consider if it is a video monitor. Representative Kerttula summarized that if there is no video screen, there is no problem. She suggested that a criminal court would look at each situation carefully and strictly. Ms. Carpeneti agreed that the court would favor the defendant.

Representative Hawker asked why cell phones aren't included. Ms. Carpeneti pointed out that these are policy questions, not legal questions.

Representative Kerttula MOVED to ADOPT Amendment 1:

Page 1, line 1: Delete "To driver's licenses and"
Page 1, line 2, following "vehicles;":
Insert "requiring that persons issued a driver's license be informed of certain restrictions and requirements concerning televisions, monitors, portable computers, and similar devices in motor vehicles;"

Representative Stoltze OBJECTED for discussion purposes.

Representative Kerttula explained that the amendment changes the title and has the direction to the DMV in it. She deemed it necessary because the CS has been adopted.

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Co-Chair Meyer noted the difference in opinion by the two sponsors regarding the title.

Representative Stoltz MAINTAINED his OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Kerttula, Moses, Foster, Hawker, Joule
OPPOSED: Stoltze, Holm, Kelly, Chenault, Meyer

The MOTION FAILED (5-5).

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Representative Foster MOVED to REPORT CSHB 12 (FIN) out of Committee with individual recommendations and the accompanying zero fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 12 (FIN) was REPORTED out of Committee with a "no recommendation" and with new zero fiscal notes by the

Department of Administration, the Department of Law, and the Department of Public Safety.

ADJOURNMENT

The meeting was adjourned at 2:22 PM