

HOUSE FINANCE COMMITTEE
April 21, 2006
2:10 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [2:10:36 PM](#).

MEMBERS PRESENT

Representative Kevin Meyer, Co-Chair
Representative Bill Stoltze, Vice-Chair
Representative Mike Hawker
Representative Reggie Joule
Representative Mike Kelly
Representative Beth Kerttula
Representative Carl Moses
Representative Bruce Weyhrauch

MEMBERS ABSENT

Representative Mike Chenault, Co-Chair
Representative Jim Holm
Representative Richard Foster

ALSO PRESENT

Amy Seitz, Staff to Tom Wagoner; Dave Stancliff, staff, Senator Therriault.

PRESENT VIA TELECONFERENCE

Dick Mylius, Deputy Director, Division of Mining Land and Water, Department of Natural Resources; Erica Miller, Hope, Alaska; Chuck Graham, Hope, Alaska; Susan Parks, Deputy Attorney General, Criminal Division, Department of Law.

SUMMARY

CS SB 55(FIN)

"An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land."

CS SB55 (FIN) was REPORTED OUT of Committee with a Do Pass recommendation and an indeterminate fiscal note (#2) from the Department of Natural Resources.

CSSB 200(JUD) am

"An Act relating to defense of self, other persons, property, or services."

HCSCSSB200 (JUD) was REPORTED OUT of Committee with individual recommendations and a zero fiscal note (#1) from the Department of Public Safety.

SB 304 "An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport."

CSSB304 (TRA) was REPORTED OUT of Committee with individual recommendations and a new, zero fiscal note from the Department of Transportation.

#SB304
SENATE BILL NO. 304

"An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport."

Co-Chair Meyer noted that the Committee had heard testimony on the bill in the morning meeting and had been waiting for a new fiscal note (zero; DOT).

Representative Hawker MOVED to REPORT CSSB304 (TRA) out of Committee with the revised fiscal note. There being NO OBJECTIONS, it was so ordered.

[2:13:05 PM](#)

#SB55
SENATE BILL NO. 55

"An Act instructing the commissioner of natural resources to issue a patent for the remaining interest in certain state land to the owner of the agricultural rights to that land."

AMY SETIZ, STAFF TO SENATOR TOM WAGONER testified regarding the bill. She noted that the bill was similar to HB 57, giving the Commissioner of the Department of Natural Resource the authority to sell remaining rights to certain state-owned land. The land must be not more than 15 acres and used for agricultural purposes. The State must have originally acquired it through the National Forest under the Alaska Statehood Act, and the owner of the parcel must pay the fair market value for the remaining rights.

Ms. Seitz explained that the bill was introduced to resolve an issue involving 15 acres in Hope, Alaska. The Miller

family had been given partial agricultural rights to these lands after they lost some of their own property in the earthquake of 1964. She noted some controversy as to whether the family should have been given full rights at that time. She maintained that the language in the bill was the only option available to solve the issue.

[2:15:08 PM](#)

DICK MYLIUS, DEPUTY DIRECTOR, DIVISION OF MINING LAND AND WATER, DEPARTMENT OF NATURAL RESOURCES testified via teleconference in support of the bill. He stated that in most instances State land was sold in a public process. The exception is with a circumstance of preference rights, allowing DNR to only offer a parcel or an interest to one specific individual, usually someone who already legally occupied the land. In this case the preference rights were granted to allow the remaining land to be purchased by a family who already retained partial rights to the land. Ross Miller had obtained a Forest Service permit in 1955. When the State selected the land, the Millers had a grazing permit and had made improvements upon it. Mr. Mylius noted that the Department decided to only sell the family agricultural rights in 1978/9. In order to purchase the property at this time it required the parcel to be subdivided; this is not allowable under current State law because the parcel is too.

Mr. Mylius pointed out that the bill was narrowly focused, due to concern that the bill would apply to other parcels. The language only applies to land in the Chugiak/Tongass Forest of a certain size acquired for agricultural purposes.

[2:18:22 PM](#)

Representative Stoltze asked whether, other than the parcel desired by the Miller family, other parcels existed that would benefit from this legislation. Mr. Mylius replied that there might be a few parcels in Gustavus that might qualify, but reiterated that it would only apply to the Chugak National Forest.

[2:19:45 PM](#)

ERICA MILLER, HOPE, ALASKA, testified via teleconference in support of the bill. She stated her belief that the bill would provide good resolution to the land issue.

[2:20:26 PM](#)

CHUCK GRAHAM, HOPE, ALASKA testified via teleconference in strong support of the bill.

Co-Chair Meyer closed public testimony on the bill.

[2:21:26 PM](#)

Co-Chair Meyer asked for clarification on the indeterminate fiscal note. Mr. Mylius noted that the State would earn some revenue from the sale of the land. The appraised market value of the land is currently unknown.

Representative Hawker MOVED to REPORT CS SB55 (FIN) out of Committee with individual recommendations and attached fiscal note. Since there was NO OBJECTION, it was So Ordered.

#SB200
CS FOR SENATE BILL NO. 200(JUD) am

"An Act relating to defense of self, other persons, property, or services."

[2:23:00 PM](#)

Representative Hawker MOVED Conceptual Amendment #1:

Page 2, lines 23 and 28, changes in punctuation
Page 2, lines 29-31, deleting
"(d) the weapon used by the person was a firearm that was illegal under state or federal law for the person to possess as a result of a conviction for a felony."

Representative Stoltze OBJECTED.

Representative Hawker discussed the amendment. In an earlier Committee meeting, testimony had raised a question about equal protection under the rights of the law. He noted that being a fugitive of justice makes possessing a weapon illegal, and could under the current bill eliminate a person's right to claim a plea of self-defense. He noted various contradictory circumstances wherein the legality of a firearm was in conflict with the ability to claim self defense. He concluded that the provision was best stricken from the bill, thereby giving the right to a self-defense plea to every person living in Alaska.

[2:26:06 PM](#)

DAVE STANCLIFF, STAFF, SENATOR THERRIAULT testified regarding the amendment. He noted that although it was not part of the original bill, the Sponsor would entertain the amendment.

[2:26:52 PM](#)

Responding to a question by Representative Kelly, Mr. Stancliff stated that the legislation was in line with other states, such as Florida, after whom they modeled their bill.

Representative Stoltze REMOVED his OBJECTION.

There being no objection, the Amendment was Adopted.

[2:27:57 PM](#)

Representative Kerttula noted her similar concern with the gang related provision. She suggested that such a provision dealing with identity rather than conduct might be unconstitutional. She asked if the Sponsor would be willing to take the provision from the bill, and stated that she would be willing to offer such an amendment. She acknowledged that while gang related behaviors were not popular, it still presented a constitutional conflict.

[2:29:24 PM](#)

SUSAN PARKS, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW testified via teleconference. She noted that the section in question did not just deal with identity in a gang, but also related to actual conduct. It requires that a person is "acting alone, or with others, in revenge for, retaliation for, or response to actual or perceived conduct by a rival or perceived rival". She concluded that it did not mean that one could not use the defense simply by virtue of being a gang member.

[2:30:32 PM](#)

Representative Kerttula maintained that the provision, since it pertained to "or responding to actual conduct", could mean that a person might actually be engaged in self defense and would not have the right to that claim. Ms. Parks recalled in speaking with Mr. Dean Guaneli, Chief Assistant Attorney General, Department of Law they had discussed language to address a "shoot out" situation. She conceded that small changes might be made to the language, but referred to other states that maintained similar legislative language to address similar conduct.

[2:32:21 PM](#)

Representative Kerttula still questioned the identity as preventing the self-defense claim. She stated that she would speak to the Attorney General's office regarding this language.

[2:32:55 PM](#)

Representative Stoltze expressed his preference to simply litigate such questions, rather than to support gang behavior by trying to create assurances.

[2:33:51 PM](#)

Representative Kelly expressed his comfort with the language in the bill.

Representative Hawker MOVED to REPORT HCSCSSB200 (JUD) out of Committee as amended with a zero fiscal note and individual recommendations. There being NO OBJECTIONS, it was so ordered.

Co-Chair Meyer noted that the Committee would meet again on Monday, April 24.

#

ADJOURNMENT

The meeting was adjourned at 2:36 PM