

HOUSE FINANCE COMMITTEE  
April 25, 2006  
1:49 P.M.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:49:43 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 Beth Kerttula  
Representative Carl Moses  
Representative Bruce Weyhrauch

MEMBERS ABSENT

None

ALSO PRESENT

Representative Vic Kohring; Senator Fred Dyson; Wes Keller, Staff, Senator Fred Dyson; Beverly Smith, Alaska Christian Science Committee on Publications; Clover Simon, CEO-Planned Parenthood of Alaska, Anchorage; Kari Robinson, Attorney-Alaska Network on Domestic Violence and Sexual Assault; Anne Carpeneti, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law; Mark Hanley, Manager, Public Affairs, Anadarko-Alaska; Mary Siroky, Special Assistant, Department of Transportation & Public Facilities

PRESENT VIA TELECONFERENCE

Lisa Stone, Executive Director, Northwest Women's Law Center, Seattle, Washington; Bill Van Dyke, Director, Division of Oil and Gas, Department of Natural Resources, Anchorage; Tiloma Jayasing, Staff Attorney for the National Advocates for Pregnant Women, Anchorage; Josh Fink, Public Advocate, Office of Public Advocacy, Anchorage; Lieutenant James Helgoe, Legislative Liaison, Department of Public Safety, Anchorage; Joelle Hall, Anchorage; Randy Magen, President, National Association of Social Workers, Anchorage; Anne Smith, Anchorage; Allison Gottesman, Co-Chair, Social Workers, Social Action Committee, Kenai;

Debbie Joslin; Michael MacLeod-Ball, Executive Director, American Civil Liberties Union (ACLU) of Alaska, Anchorage; Theda Pittman, Anchorage; Connie Rudnick, Professor, Massachusetts School of Law, Andover, Massachusetts; Christine Pate, Alaska Network on Violence and Sexual Assault, Anchorage; Brenda Stanfill, Interior Center for Non Violent Living, Fairbanks; Judy Crodell, AWAIC Shelter, Anchorage; Troy Maulden, MatSu; Richard Tremane, Department of Revenue, Anchorage; John MacKinnon, Deputy Director, Department of Transportation and Public Facilities; Robin Smith, Anchorage; Bonnie Jack, Anchorage; Sherry Goll, Haines; Karen Lewis, Executive Director, Alaska Right to Life, MatSu; Michelle Dewitt, Executive Director, Tundra Women's Coalition, Bethel; Meghan Gangham, Tundra Women's Coalition, Bethel

SUMMARY

HB 386 An Act making uniform throughout the state the deadline for certain exploration expenditures used as credits against the production tax on oil and gas produced from a lease or property in the state by extending to July 1, 2010, the deadline for those expenditures on leases or properties located north of 68 degrees, 15 minutes, North latitude.

HB 386 was HEARD and HELD in Committee.

CS SB 20(2d JUD)

An Act relating to offenses against unborn children.

HCS CS SB 20 (FIN) was reported out of Committee with "individual" recommendations and with new zero note by the Department of Public Safety, zero note #4 by the Department of Corrections, zero note #5 by the Alaska Court System, zero note #5 by the Department of Public Safety and indeterminate notes #7 & #8 by the Department of Administration.

#SB250

SB 250 An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and eliminating statutory references to the network on domestic violence and sexual assault.

SB 250 was SCHEDULED but not HEARD.

#

CS SB 261(FIN)

An Act relating to the designation of traffic safety corridors; relating to the bail or fine for an offense committed in a traffic safety corridor

and to separately accounting for such fines; and providing for an effective date.

HCS CS SB 261 (JUD) was reported out of Committee with a "do" recommendation and with fiscal note #1 by the Department of Transportation & Public Facilities, zero note #2 by the Department of Public Safety and zero note #3 Alaska Court System and new indeterminate note by the House Finance Committee.

[1:50:32 PM](#)

#SB20

CS FOR SENATE BILL NO. 20(2d JUD)

An Act relating to offenses against unborn children.

SENATOR FRED DYSON, SPONSOR, stated that several high profile cases from across the Nation have highlighted the need for laws protecting unborn victims of criminal violence. Currently, thirty states provide some degree of protection for unborn victims of violence. Many legal challenges have been brought against unborn victim laws, based on Roe versus Wade and other arguments, but state and federal courts have rejected all those challenges.

SB 20 amends the Alaska Criminal Code to afford protection to an unborn child at a level that is reasonably equivalent to protection afforded to live born persons in comparable circumstances. Nothing in law shall apply to legal abortion or to usual and customary medical practices related to pregnancy. The bill also defines "unborn child" within criminal statutes.

Senator Dyson continued in 2004, U.S. Congress passed the Unborn Victims of Violence Act and President Bush signed that bill into federal law. The law recognizes that when a person attacks a pregnant woman and injures or kills the unborn, the attacker has harmed two victims. It was narrowly drafted and only applies when death or injury of an unborn child is the result of a federal crime. The federal act does not supersede State unborn victim laws, nor does it impose such a state law on a state, like Alaska that has not yet acted. Thirty-two states currently have legislation protecting unborn children.

Senator Dyson said that pregnant women who have been harmed by violence, and their families, know that there are two victims, the mother and the unborn child, and that both victims should be protected by law. Pregnant women are already protected by the Alaska Criminal Code. SB 20 affords similar protection to unborn victims.

Senator Dyson pointed out that the bill had been restored to the original House Judiciary Committee version.

[2:01:23 PM](#)

Co-Chair Meyer inquired if Senator Dyson had seen the amendments. Senator Dyson replied he was only aware of the amendment brought forward by Representative Kelly. Co-Chair Meyer pointed out two other amendments proposed by Representative Kerttula; Representative Weyhrauch added changes proposed by the Christian Science fellowship.

[2:02:32 PM](#)

BEVERLY SMITH, ALASKA CHRISTIAN SCIENCE COMMITTEE ON PUBLICATIONS FOR ALASKA, stated that her role was to monitor legislation in order that Alaskans are offered the option to pursue spiritual means for the prevention and cure of disease. She stated that the Christian Science Committee proposes two amendments to SB 20.

1. Proposed Section 11.41.180 on Page 3 and proposed Section 11.41.289 on Page 4 have to do with conditions under, which the previously stated sections for murder & assault of the unborn child do not apply. The Christian Science Committee would like reliance on spiritual treatment by an accredited Christian Science practitioner to be included in the conditions. Customary medical care is included and there should be an accommodation for spiritual treatment as there is in several other Alaska Statutes and in 45 states statutes.
2. For over a century, many parents have successfully relied on Christian Science treatment and healing for the health & well being of themselves and their children. It has proved to be a reliable & effective means for preventing and curing disease & Alaskans should be given the option to continue such practices.

[2:07:14 PM](#)

CLOVER SIMON, CEO-PLANNED PARENTHOOD OF ALASKA, ANCHORAGE, stated that Planned Parenthood supports the "intent" of SB 20, regarding violence against women who are pregnant, which results in the loss of a wanted pregnancy. That is the reason why Planned Parenthood continues to work for an "Enhanced Penalty" solution in the bill.

Ms. Simon claimed that SB 20 is the first step toward eroding a women's reproductive rights & choices. SB 20 lays a foundation by giving separate and equal rights to embryos and fetuses. If enacted, SB 20 would be the first Alaskan

law to recognize an embryo as a fetus that could be a person, experiencing a crime independently. That intent will erode a woman's right to choose. She urged that members look at a solution of enhanced penalties in order to add a measure of protection for a woman and a measure of punishment for the abuser.

[2:09:03 PM](#)

Representative Kerttula inquired if similar concerns had been noted in other states. Ms. Simon understood that in some places, women were being prosecuted, when considering "child protection".

[2:10:00 PM](#)

KARI ROBINSON, ATTORNEY-ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT (ANDVSA), testified against SB 20. She noted concern with the unintended consequences of the bill. Women have been charged with crimes in states with similar legislation. Additionally, women could die if they do not receive prompt medical care after injuries when pregnant or miscarrying. If SB 20 is passed, a women might be less likely to seek protection. She urged that the focus be put back on the woman, keeping her safe, which keeps the fetus safe. Ms. Robinson encouraged consideration of enhanced penalties and/or insurance aggregators. She urged that the legislation be tabled in House Finance Committee.

[2:11:49 PM](#)

Representative Weyhrauch asked which provision of the bill addressed unintended consequences for a women experiencing domestic violence and sexual assault. Ms. Robinson explained that the concern rests in the reality that women fear their abusers would be charged with murder or homicide. Women struggle with many issues and at times might avoid medical care rather than entering into an unsympathetic system. Most women would like to see the focus be on enhanced penalties with the possibility of the abuser being charged with homicide.

Representative Kerttula asked why that was the reaction, as seems the "opposite" would be true. Ms. Robinson replied that anyone in a situation of abuse while pregnant is accompanied by fear and stigma being a victim of domestic violence. It takes a great deal of courage to seek services during pregnancy. The concern is that the bill would deter women seeking help from abuse.

[2:14:32 PM](#)

JOELLE HALL, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE, echoed the comments voiced in opposition to SB 20 made by

Ms. Simon. Ms. Hall read a statement written by a woman named Cornelia from South Carolina, who was convicted of prenatal child abuse.

Ms. Hall stressed that SB 20 is a dangerous direction for Alaska to move. She urged consideration of other options.

[2:18:03 PM](#)

RANDY MAGEN, (TESTIFIED VIA TELECONFERENCE), PRESIDENT, ALASKA CHAPTER OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS, ANCHORAGE, disagreed with Senator Dyson that the problems of the bill had been "fixed"; the bill will create more harm to women and children. The unintended consequences of the bill will be worse than the cure.

Mr. Magen urged that the focus turn to enhanced penalties. There are definitional problems in the bill where it applies to an unborn child at any stage of development. The bill sends the message to pregnant women that they are totally responsible for the health of their unborn children. He pointed out that miscarriages and stillborn births are not preventable and urged that the attackers be the focus.

[2:19:59 PM](#)

ANNE SMITH, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE, voiced concern with SB 20 and the method being proposed for pregnancy abuse. She claimed the need for a bill, which punishes the offender, using the enhanced penalty approach, an approach, which results in the same or longer prison sentences for the perpetrators.

[2:20:56 PM](#)

ALLISON GOTTESMAN, (TESTIFIED VIA TELECONFERENCE), CO-CHAIR, NATIONAL ASSOCIATION OF SOCIAL WORKERS, SOCIAL ACTION COMMITTEE, KENAI, testified in opposition to SB 20. She provided statistics of Alaskan teenage mothers, who have reported pregnancy abuse. Abused women are twice as likely to wait until the third trimester before beginning prenatal care. Murder is the number one cause of death to pregnant women. Ms. Gottesman urged consideration of enhanced penalties.

[2:23:05 PM](#)

In response to a question by Representative Weyhrauch, Ms. Gottesman explained that if a batterer knew that they could be prosecuted, they might attempt to keep their victim from seeking medical care. Representative Weyhrauch thought then that person then would be guilty of a more heinous crime.

[2:24:17 PM](#)

LISA STONE, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, NORTHWEST WOMEN'S LAW CENTER, SEATTLE, WASHINGTON, spoke strongly against the proposed legislation.

Ms. Stone stated that the bill undermines a woman's right to choose and is not intended to protect pregnant women. The bill undermines that right by distinguishing the fetus as a separate crime victim. By doing that, the law redefines the fetus at any stage of viability as a person.

She commented that personal beliefs about when life begins should be addressed in private debate. The law is clear - the fetus is not a separate entity. A law that undermines abortion rights, hurts more than it helps women. That is why the law center supports the enhanced penalty approach. Such actions change the law, so that people who commit violent assaults or homicide against pregnant women, face heightened penalties and enhanced sentences for their crimes.

[2:27:03 PM](#)

TROY MAULDEN, (TESTIFIED VIA TELECONFERENCE), MATSU, voiced support for SB 20 and urged passage of the bill. The bill recognizes the unborn child as a victim, which has nothing to do with abortion. The legislation is about the intent to harm a fetus and not being punished for it. He recommended responsible legislation for putting away people who commit crimes against unborn children. He pointed out that the Republican Party's platform establishes that "life shall be defended".

[2:28:54 PM](#)

JUDY CRODELL, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, AWAIC SHELTER, ANCHORAGE, noted that AWAIC is the State's largest shelter service provider in the State with a total of 80 beds. She noted support for enhanced penalties for assault to women. Ms. Crodell shared concerns with the unintended consequences of the legislation. She strongly encouraged that the bill be tabled until a compromise measure could be made.

[2:30:05 PM](#)

DEBBIE JOSLIN, (TESTIFIED VIA TELECONFERENCE), EAGLE FORM ALASKA, voiced support for SB 20, which meets the objective of supporting the unborn rights of babies. Failing to protect the unborn child is a failure to protect women as well. The two are so close that they can appear as one to the perpetrator. To fail to pass the bill would be to fail to condemn violence against the smallest and weakest among

us, sending a message that the State of Alaska does not value life.

[2:32:32 PM](#)

MICHAEL MACLEOD-BALL, EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION (ACLU) OF ALASKA, ANCHORAGE, spoke in opposition to SB 20. The ACLU supports efforts against acts of violence that harm or terminate a wanted pregnancy. The proposed legislation diminishes a woman by separating the fetus from the woman in the eyes of the law.

Mr. MacLeod-Ball spoke in support of alternative approaches including enhanced penalties. According to the Bureau of Justice statistics, 1/3 of all murder victims are killed by their partners. The intent of the perpetrator is to harm the woman, not the fetus; there is no evidence to indicate the proposed legislation would protect the fetus. To address the problem, it needs to be addressed ahead of time. SB 20 does not do that but instead shifts society's focus away from the intended victim to the fetus.

Mr. MacLeod-Ball pointed out that North Carolina has adopted enhanced punishment legislation. The ACLU supports properly crafted legislation; SB 20 ignores the unity between the pregnant woman and the fetus she carries. Penalty enhancements appropriately punish the behavior. In conclusion, from a point mentioned by a previous speaker, "AS 11.41.180 - the exceptions for an act a pregnant woman commits against herself, specifically, only deals with acts of commission, not providing an exception for acts of omission." He recommended that language be corrected by the Committee.

[2:36:25 PM](#)

THEDA PITTMAN, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE, recommended that legislation be reviewed for practicality. She stated that the bill must be mindful of unintended consequences. She thought that because there is no distinction between a fertilized egg and a viable fetus, makes the implementation impossible in the real world. In the early stages of pregnancy, the State should not adopt criminal law. The legislation asks the criminal justice system to make an impossible differentiation. Ms. Pittman urged that the bill not be moved from Committee.

[2:38:25 PM](#)

ROBIN SMITH, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE, spoke in opposition to the bill. She stated that the bill does not protect women, but rather undermines abortion rights. Ms. Smith pointed out the number of bills presented

by Senator Dyson to restrict abortion and urged that the Committee not pass SB 20 out.

[2:39:47 PM](#)

BONNIE JACK, (TESTIFIED VIA TELECONFERENCE), ANCHORAGE, testified in opposition to the bill and referred to a letter that she had sent to legislators. She thanked Representative Hawker for his quick response. Legislators should look at the "big picture", noting enhanced penalties adequately address the measure. Ms. Jack urged that the bill not pass from Committee.

[2:41:10 PM](#)

TILOMA JAYSING, (TESTIFIED VIA TELECONFERENCE), STAFF ATTORNEY FOR THE NATIONAL ADVOCATES FOR PREGNANT WOMEN, ANCHORAGE, testified that her organization is devoted to protecting the rights of pregnant women and families.

She addressed two points:

- The exception language in Section 11.41.180 & 289, disrespects women and mothers. The language indicates it would apply to acts committed by a pregnant woman against herself or unborn child. The language creates a conflict between a mother and the fetus. Even with the exemption, the bill will be used against women.
- Urged that enhanced penalties be adopted instead. The way a fetus is harmed is when the pregnant woman is harmed and should be recognized as that.

[2:44:27 PM](#)

CONNIE RUDNICK, (TESTIFIED VIA TELECONFERENCE), PROFESSOR OF CONSTITUTIONAL LAW, MASSACHUSETTS SCHOOL OF LAW, ANDOVER, MASSACHUSETTS, referenced a letter sent to Alaskan legislators, which sets forth the position that the Unborn Victims of Violence Act being considered, is the first step with the sponsor's goal, to undermine Roe versus Wade. She pointed out such advocates are generally "anti-choice" and maintained that was the intent of SB 20.

Ms. Rudnick referred to Senator Dyson's argument that the unborn child had not been defined as a person in the legislation and stated that once the child becomes a victim of a murder, it becomes the established identity as a person. She noted the various stages of pregnancy, prior to when a fetus becomes viable. The legislation would not differentiate between a group of cells and a living human being. She emphasized the legislation is intended to address reproductive situations.

[2:48:08 PM](#)

CHRISTINE PATE, (TESTIFIED VIA TELECONFERENCE), ATTORNEY, ALASKA NETWORK ON VIOLENCE AND SEXUAL ASSAULT, ANCHORAGE, stressed that the version before the Committee contains many concerns for the victims of domestic violence. The main concern is that they would be less likely to seek medical or police intervention because of the fear that their partners might face long prison terms. She pointed out that some fathers are the sole breadwinners in a family and that domestic violence can result in miscarriages and could lead to up to a five-year sentence. In such cases, women might not seek help. Domestic violence perpetrators need to be held accountable and victim's protected; a system of enhanced penalties could better accomplish that goal.

[2:50:41 PM](#)

BRENDA STANFILL, (TESTIFIED VIA TELECONFERENCE), INTERIOR CENTER FOR NON VIOLENT LIVING, FAIRBANKS, reiterated that there are unintended consequences of the bill to victims of domestic violence. She noted Senator Dyson's question regarding "who is worthy of protection". She said women need to be protected first; she urged a focus on enhanced penalties. She recommended the need to hold perpetrators accountable to protect women instead of passing such a controversial bill. Ms. Stanfill stated she does not support the bill in its current form.

[2:52:28 PM](#)

SHERRY GOLL, (TESTIFIED VIA TELECONFERENCE), HAINES, emphasized that the bill is not about protecting women, but rather about changing the definition of a "person" in statute. To use an unclear term such as "unborn child" clouds all statutes. If the sponsor was interested in protecting women, he would protect women suffering from domestic violence. Senator Dyson chose to eliminate \$500 thousand dollars from domestic violent services.

Ms. Goll reiterated that she does not support the bill. It is a bad bill and urged that it not be passed from Committee.

[2:54:03 PM](#)

KAREN LEWIS, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, ALASKA RIGHT TO LIFE, MATSU, proposed that the bill was not about violence against women, but rather against unborn children. She referred to the bill signed into law by President Bush. The legislation recognizes that when a criminal attack is made against a pregnant women, two lives have been claimed. Ms. Lewis noted that fetal homicide laws do not conflict with the Supreme Court's pro-

abortion decrees. She discussed various definitions of a human being as they pertain to a child in uterus. She urged amending certain statutes.

Ms. Lewis referred to a poll taken by Fox news, July 2003, regarding physical attack on a pregnant woman leading to the death of the child. Pro-abortion groups have vehemently attached unborn victim legislation and she asked that no amendments be attached to Senator Dyson's bill. She acknowledged support for the legislation.

[2:59:09 PM](#)

MICHELLE DEWITT, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, TUNDRA WOMEN'S COALITION, BETHEL, recommended that the concerns be handled through legislation that addresses aggravators and urged that substitution be added. The bill is not appropriate in addressing family violence. She expressed discomfort with the language of the bill. In discussions with women in shelters, they unanimously are not comfortable with the language in SB 20. She recommended substituting language that addresses the aggravators when pregnancy is terminated during an assault.

[3:00:49 PM](#)

MEGHAN GANGHAM, (TESTIFIED VIA TELECONFERENCE), TUNDRA WOMEN'S COALITION, BETHEL, echoed comments made by Ms. Dewitt. She noted concern with the language of the bill and its affect on women who are victims of domestic violence. She strongly urged that the Committee consider penalties against aggravators and rather than the proposed bill.

[3:02:03 PM](#)

PUBLIC TESTIMONY CLOSED

Representative Kerttula referred to public testimony discussion regarding increased penalties; she asked about considerations in current law regarding harm to a pregnant woman.

ANNE CARPENETI, ASSISTANT ATTORNEY GENERAL, LEGAL SERVICES SECTION-JUNEAU, CRIMINAL DIVISION, DEPARTMENT OF LAW, responded that an unlawful termination of pregnancy is considered and defined as a "serious physical injury".

Representative Kerttula asked if assault & reckless endangerment had been taken into account. Representative Kerttula inquired if there are aggravators, would a sentence be "bumped up" because of pregnancy. Ms. Carpeneti pointed out that although the charge would not be changed if there was a pregnancy and then unlawfully terminated through

serious injury, however, the assault charge would be more serious as a result.

[3:04:38 PM](#)

JOSH FINK, (TESTIFIED VIA TELECONFERENCE), PUBLIC ADVOCATE, OFFICE OF PUBLIC ADVOCACY, ANCHORAGE, testified regarding the indeterminate fiscal note. He pointed out that the bill creates new crimes, which have previously not existed. It is difficult to determine actual costs, but he thought they could be absorbed.

Co-Chair Meyer referred to the new, zero fiscal note by the Department of Public Safety.

Representative Kelly MOVED to ADOPT Amendment #1.  
Representative Kerttula OBJECTED.

WES KELLER, STAFF, SENATOR FRED DYSON, explained that the issue being addressed is the scope on Page 1, Lines 7 & 8, deleting "Constitution of the United States and the Constitution of the State of Alaska" and inserting "United States Supreme Court".

[3:07:56 PM](#)

Mr. Keller proposed that the rights assured in Roe v. Wade were not affected by the proposed bill; he noted that Senator Dyson supports the amendment.

Vice Chair Stoltze observed that the amendment was meant to frame the Roe v. Wade as a court decision and not a constitutional right.

Representative Kerttula maintained her objection, pointing out that the amendment goes against what the Sponsor stated was the intent of the bill.

[3:09:55 PM](#)

Representative Kelly thought that it would be "technically correct to state the genesis of coming from" the Supreme Court decision. He noted that Senator Dyson had requested the amendment.

A roll call vote was taken on the motion.

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

The MOTION PASSED (6-5).

[3:12:19 PM](#)

Representative Kerttula MOVED Amendment #2, 24-LS0197\T.3, Mischel, 4/24/06. Vice Chair Stoltze OBJECTED.

Representative Kerttula commented on the consequences of the proposed legislation. Judges currently cannot consider if a woman is pregnant or not when sentencing. She commended the sponsor in acknowledging the serious nature of crimes against pregnant women. She pointed out that Amendment #2 could provide the obvious compromise, allowing the bill to move forward rather than creating serious issues. She advised that the bill without the amendment would create many legal challenges for the State of Alaska.

[3:14:06 PM](#)

Mr. Keller referred to the original draft of the bill, which provides protection to unborn children. There was nothing in the original intent that offered protection to pregnant women; the sponsor simply wants to avoid that within the scope of SB 20.

[3:15:54 PM](#)

Representative Weyhrauch referred to Page 7, regarding a defendant convicted of an offense involving physical injury to the woman. He observed that assurances are missing from current Alaskan law in protecting women and asked if it would be helpful to add them in.

Mr. Keller clarified that there are adequate laws in place and that the sponsor choose not to address those in SB 20.

Senator Dyson noted he intended to offer other bills, which will protect women. He recounted discussions with the legal department, cautioning him against adding new crimes for a separate victim. He proposed to review the inadequate assault crimes, however, pointed out that the purpose of SB 20 creates a crime for a separate victim.

[3:18:43 PM](#)

Vice Chair Stoltze pointed out that the amendment would affect the title and would require a title resolution. Representative Kerttula confirmed.

[3:19:32 PM](#)

Senator Dyson commented that the amendment would profoundly change the bill; he did not support it.

A roll call vote was taken on the motion.

IN FAVOR: Hawker, Joule, Kerttula, Moses

OPPOSED: Weyhrauch, Foster, Holm, Kelly, Stoltze,  
Meyer, Chenault

The MOTION FAILED (4-7).

[3:22:06 PM](#)

Representative Kerttula MOVED Amendment #3, #24-LA0197\T.1, Mischel, 4/24/06. Vice Chair Stoltze OBJECTED.

Representative Kerttula discussed the amendment, which would provide a "sidebar" regarding when the crime was imposed. Without that language, it could be assumed that it would be at the time of fertilization, and that runs the risk of creating an over-broad statute.

[3:22:49 PM](#)

Mr. Keller advised that the sponsor opposes the amendment because it would be difficult to place a legal definition on it. He mentioned surviving children born at 19-weeks. The Legislature has the option of providing protection to whoever is chosen.

[3:23:53 PM](#)

Representative Kelly expressed opposition to the amendment, and his desire to protect all unborn & unprotected beings.

Representative Kerttula voiced respect for comments made by Representative Kelly regarding protection of women in our society. She pointed out, however, that in terms of criminal law, it is tough to prove and the broad definition runs afoul from constitutional requirements. She reiterated that the amendment narrows the definition and that it would add clarity to the legislation.

[3:26:08 PM](#)

Mr. Keller pointed out that the definition was identical to that in the federal legislation.

A roll call vote was taken on the motion.

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

The MOTION PASSED (4-7).

[3:27:13 PM](#)

Representative Kerttula MOVED to TABLE the bill. Co-Chair Meyer OBJECTED.

A roll call vote was taken on the motion.

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

The MOTION FAILED (3-8).

[3:28:24 PM](#)

Representative Foster MOVED to REPORT HCS CS SB 20 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. Representative Kerttula OBJECTED.

A roll call vote was taken on the motion.

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

The MOTION PASSED (8-3).

HCS CS SB 20 (FIN) was reported out of Committee with "individual" recommendations and with new zero note by the Department of Public Safety, zero note #4 by the Department of Corrections, zero note #5 by the Alaska Court System, zero note #5 by the Department of Public Safety and indeterminate notes #7 & #8 by the Department of Administration.

[3:30:00 PM](#)

#HB386

HOUSE BILL NO. 386

An Act making uniform throughout the state the deadline for certain exploration expenditures used as credits against the production tax on oil and gas produced from a lease or property in the state by extending to July 1, 2010, the deadline for those expenditures on leases or properties located north of 68 degrees, 15 minutes, North latitude.

REPRESENTATIVE VIC KOHRING, SPONSOR, explained that HB 386 provides a production tax credit for certain oil and gas exploration expenses from a leasehold or property owned in the State. It also establishes a deadline for using credits from certain exploration expenditures against production tax on oil and gas produced.

HB 386 would extend the exploration credit incentives to 2010 and encourages exploration in Alaska and in particular the North Slope. HB 386 would make AS 43.55.025 uniform

throughout the State, allowing oil producers to credit exploration expenditures against production tax on oil and gas produced after July 1<sup>st</sup>, 2004.

Representative Kohring noted that in order to qualify for the production tax credit under existing statute, exploration expenditures must be incurred on or after July 1, 2003 and before July 1, 2007. It has become apparent that the July 1, 2007 deadline would arrive too soon for some smaller independent oil companies that are now planning their exploration dollars for the future. Given the timetable, it is likely that exploration expenditures on those leases would occur after July 1, 2007, in which case, they could not be credited against future production taxes.

[3:36:16 PM](#)

Representative Weyhrauch asked if the legislation was basically a "hold card" if the Petroleum Production Tax (PPT) was not adopted. Representative Kohring said yes and that the PPT would not entirely supercede HB 386. It could provide an overlap; the portion not overlapped would be extending the exploration incentive credit and allow the use of property & income tax payments as credits to offset expenses. Those are two major provisions that the Industry would like to have.

Co-Chair Meyer indicated the intent to merge HB 386 with PPT.

[3:37:44 PM](#)

Representative Kohring said he would be amenable to rolling the bill into the PPT bill; however, requested that the bill be moved out of the House Finance Committee as soon as possible in the event that the provisions were not adopted. Co-Chair Meyer reiterated that PPT would be discussed tomorrow.

[3:38:46 PM](#)

MARK HANLEY, PUBLIC AFFAIRS MANAGER, ANADARKO-ALASKA, voiced support for the legislation. He realized that portions were included in both the Senate and House sections of the PPT bill. HB 386 credits work and has had an impact on exploration in Alaska; the tax credits have helped attract partners. The tax credits are valuable in encouraging new prospects.

[3:40:16 PM](#)

BILL VAN DYKE, (TESTIFIED VIA TELECONFERENCE), DIRECTOR, DIVISION OF OIL AND GAS, DEPARTMENT OF NATURAL RESOURCES, ANCHORAGE, testified in support of the bill, noting the

program has worked well. The legislation would be a good investment for the State's future.

[3:41:29 PM](#)

RICHARD TREMANE, (TESTIFIED VIA TELECONFERENCE), DEPARTMENT OF REVENUE, ANCHORAGE, pointed out the \$15.7 million dollar issued credits with an additional \$20.6 million credit dollars "in the wings". It is a program that is well used. The referenced section is the extension and allows credits to be used against other types of debt to the State.

[3:43:35 PM](#)

PUBLIC TESTIMONY CLOSED

[3:43:42 PM](#)

Co-Chair Chenault voiced support for HB 386. Representative Foster noted that he had signed on as a co-sponsor.

HB 386 was HELD in Committee for further consideration.

[3:44:36 PM](#)

#SB261

CS FOR SENATE BILL NO. 261(FIN)

An Act relating to the designation of traffic safety corridors; relating to the bail or fine for an offense committed in a traffic safety corridor and to separately accounting for such fines; and providing for an effective date.

MARY SIROKY, SPECIAL ASSISTANT, DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES, explained that the bill relates to bail or fines for an offense committed in a traffic safety corridor; it separately accounts for such fines.

The Alaska Supreme Court and each municipality would be required to provide the scheduled amount of fine or bail for a motor vehicle or traffic offense in a traffic safety corridor and would be double the fine amount if the offense had not been committed in that area.

Ms. Siroky pointed out that the bill also provides separate accounting for fines collected for traffic safety corridor offenses and for the 50% appropriation of collected fines to the Department of Transportation & Public Facilities for highway safety programs. SB 261 would have an immediate effective date.

[3:47:17 PM](#)

Co-Chair Chenault asked if there would be a speed limit change on the Sterling Highway realignment. Ms. Siroky responded that safety zones do not always result in a speed limit change but rather a double fine including more patrolling of those areas.

[3:48:30 PM](#)

Representative Kerttula requested that one be put in place on the North Douglas highway. Ms. Siroky explained that the Department uses information from fatalities and traffic accident rates for a three-year period average to make such a determination.

Representative Holm asked why no fiscal note had been included for the Department of Public Safety. He did not understand how it could be patrolled without extra troopers.

[3:49:38 PM](#)

JOHN MACKINNON, (TESTIFIED VIA TELECONFERENCE), DEPUTY DIRECTOR, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, noted there are Safety Sanction Funds available, to be used for additional enforcement. Those funds were generated from seat belt & motorcycle monies that the federal government withholds from construction programs for use of safety programs.

[3:50:15 PM](#)

Representative Holm asked about the costs associated with extra hired personnel. Mr. MacKinnon explained that typically, the additional level of enforcement is handled through overtime charges.

[3:50:43 PM](#)

Representative Weyhrauch pointed out that the House Judiciary Committee version adds sign intervals of every three miles rather than five and asked if that could add to the expense. Mr. MacKinnon thought that the traffic manual requires signs every five miles. The three-mile spacing would only happen in the safety corridors.

[3:51:38 PM](#)

Co-Chair Chenault asked if there had been more fatalities since the realignment of the roads. He noticed from the backup that over half the deaths were related to alcohol or drugs. Mr. MacKinnon acknowledged that some of the maps indicate an accident increase after major reconstruction projects. He did not relate that to driver's speed, rather more likely due to volume on the road. The target of the

legislation is driver's behavior, with only a small percentage of drivers causing most problems.

Co-Chair Chenault understood the intent was to find careless drivers. Mr. MacKinnon agreed. In 2005, on the Seward Highway from Anchorage to Seward, Troopers wrote a total of 722 citations; in 2006, from January through March only, Troopers wrote 730 citations from the Girdwood Station alone, a change due to increased enforcement. He stated it is an effective tool.

[3:54:07 PM](#)

LIEUTENANT JAMES HELGOE, (TESTIFIED VIA TELECONFERENCE), LEGISLATIVE LIAISON - ALASKA STATE TROOPERS, DEPARTMENT OF PUBLIC SAFETY, ANCHORAGE, offered to answer questions of the Committee.

[3:54:43 PM](#)

PUBLIC TESTIMONY CLOSED

[3:54:54 PM](#)

Vice Chair Stoltze noted the legislation seriously affects his district and that he appreciates the intent.

[3:55:42 PM](#)

Co-Chair Meyer mentioned the fiscal notes and the Letter of Intent.

Representative Weyhrauch interjected that the House Finance Committee should not adopt the House Judiciary Letter of Intent. Co-Chair Meyer agreed.

[3:57:11 PM](#)

Representative Foster MOVED to REPORT out of HCS CS SB 261 (JUD) out of Committee with individual recommendations and with the accompanying fiscal notes. Representative Holm OBJECTED.

Representative Holm thought that it would make more sense for the Department of Transportation & Public Facilities to lower the speed limit. Requiring a blanket "finding" mechanism is not right. Fines do not necessarily translate into better driving habits. He added, there are not enough police to effect the bill.

Representative Holm WITHDREW his OBJECTION. There being NO further OBJECTION, the bill moved from Committee.

HCS CS SB 261 (JUD) was reported out of Committee with a "do" recommendation and with fiscal note #1 by the Department of Transportation & Public Facilities, zero note #2 by the Department of Public Safety and zero note #3 Alaska Court System and new indeterminate note by the House Finance Committee.

[3:59:43 PM](#)

Co-Chair Chenault spoke to his intent in addressing the Petroleum Production Tax (PPT) legislation during the next few days.

#

ADJOURNMENT

The meeting was adjourned at 4:03 P.M.