

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 5, 2005

9:38 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner (via teleconference)
Representative Max Gruenberg

MEMBERS ABSENT

Representative Jim Elkins

COMMITTEE CALENDAR

HOUSE BILL NO. 127

"An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

- MOVED CSHB 127(STA) OUT OF COMMITTEE

HOUSE BILL NO. 121

"An Act relating to consolidating or abolishing certain service areas in second class boroughs."

- MOVED CSHB 121(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 12

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

- HEARD AND HELD

HOUSE BILL NO. 114

"An Act relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child in need of aid proceedings and juvenile delinquency proceedings; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 127

SHORT TITLE: PFD:PEACE CORPS/DIPLOMAT/SANCTIONS

SPONSOR(s): REPRESENTATIVE(s) MCGUIRE

02/04/05	(H)	READ THE FIRST TIME - REFERRALS
02/04/05	(H)	STA, FIN
03/03/05	(H)	STA AT 8:00 AM CAPITOL 106
03/03/05	(H)	Heard & Held
03/03/05	(H)	MINUTE(STA)
03/05/05	(H)	STA AT 9:30 AM CAPITOL 106

BILL: HB 121

SHORT TITLE: SERVICE AREAS IN SECOND CLASS BOROUGHES

SPONSOR(s): COMMUNITY & REGIONAL AFFAIRS

02/02/05	(H)	READ THE FIRST TIME - REFERRALS
02/02/05	(H)	CRA, STA
02/15/05	(H)	CRA AT 8:00 AM CAPITOL 124
02/15/05	(H)	Heard & Held
02/15/05	(H)	MINUTE(CRA)
02/24/05	(H)	CRA RPT CS(CRA) NT 1DP 5NR
02/24/05	(H)	DP: THOMAS;
02/24/05	(H)	NR: CISSNA, NEUMAN, SALMON, LEDOUX, OLSON
02/24/05	(H)	CRA AT 8:00 AM CAPITOL 124
02/24/05	(H)	Moved CSHB 121(CRA) Out of Committee
02/24/05	(H)	MINUTE(CRA)
03/01/05	(H)	STA AT 8:00 AM CAPITOL 106
03/01/05	(H)	Heard & Held
03/01/05	(H)	MINUTE(STA)
03/05/05	(H)	STA AT 9:30 AM CAPITOL 106

BILL: HB 12

SHORT TITLE: TVS AND MONITORS IN MOTOR VEHICLES

SPONSOR(s): REPRESENTATIVE(s) GRUENBERG, LYNN, GARDNER, MCGUIRE

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) STA, JUD, FIN
03/01/05 (H) STA AT 8:00 AM CAPITOL 106
03/01/05 (H) Scheduled But Not Heard
03/05/05 (H) STA AT 9:30 AM CAPITOL 106

BILL: HB 114

SHORT TITLE: TERM. PARENTAL RTS/CINA/DELINQUENCY CASES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/26/05 (H) READ THE FIRST TIME - REFERRALS
01/26/05 (H) STA, HES, JUD
03/01/05 (H) STA AT 8:00 AM CAPITOL 106
03/01/05 (H) Heard & Held
03/01/05 (H) MINUTE(STA)
03/05/05 (H) STA AT 8:30 AM CAPITOL 106
03/05/05 (H) STA AT 9:30 AM CAPITOL 106

WITNESS REGISTER

ELIZABETH CUADRA

Juneau, Alaska

POSITION STATEMENT: Testified as a past volunteer with the Peace Corps in support of HB 127.

SHARON BARTON, Director

Permanent Fund Dividend Division

Department of Revenue

Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 127.

DON GRAY

Fairbanks, Alaska

POSITION STATEMENT: Testified as a past volunteer with the Peace Corps in support of HB 127.

MARK WENIG, Foreign Service Officer

United States Department of State

Washington, D.C.

POSITION STATEMENT: Promoted including Foreign Service workers in HB 127.

RYNNIEVA MOSS, Chair

Road Commission

Fairbanks North Star Borough

Fairbanks, Alaska

POSITION STATEMENT: Testified on behalf of the road commission in support of HB 121.

RENE BROKER, Attorney at Law
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: During the hearing on HB 121, and on behalf of the Fairbanks North Star Borough, provided clarification regarding differences between home rule and second class cities in relation to road service areas.

MIKE BLACK, Community Development Section Chief
Central Office
Division of Community Advocacy
Department of Commerce, Community, & Economic Development
Anchorage, Alaska

POSITION STATEMENT: Responded to a question during the hearing on HB 121.

DAVID WEISER
Boston, Massachusetts

POSITION STATEMENT: Testified in favor of HB 12.

DEBORAH JILLY, Acting Chief
Section of Community Health and Emergency Medical Services
Division of Public Health
Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Testified in favor of HB 12.

BONNIE GODFRED
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 12.

JANNA STEWART, Criminal Justice Planner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 12.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [9:38:41 AM](#). Present at the call to order were Representatives Lynn, Gatto, Gardner (via teleconference), Ramras, Gruenberg, and Seaton.

HB 127-PFD:PEACE CORPS/DIPLOMAT/SANCTIONS

9:39:49 AM

CHAIR SEATON announced that the first order of business was HOUSE BILL NO. 127, "An Act relating to service in the peace corps and to service as a diplomat in the United States Foreign Service as allowable absences from the state for purposes of eligibility for permanent fund dividends and to the period for filing an application for a permanent fund dividend; authorizing the Department of Revenue to issue administrative orders imposing sanctions for certain misrepresentations or other actions concerning eligibility for a permanent fund dividend and providing for administrative appeal of those orders; and providing for an effective date."

REPRESENTATIVE LYNN declared a conflict of interest. He explained that his son currently works in the Foreign Service.

9:40:40 AM

CHAIR SEATON reminded Representative Lynn that the part of the bill pertaining to the Foreign Service was removed at the previous meeting.

9:41:22 AM

ELIZABETH CUADRA, Juneau, said she volunteered for the Peace Corps after she retired at the age of 64. She said she worked on agricultural development in Nepal. In the midst of her two-year service, she said, she had the rude shock of having the Alaska legislature "basically withdraw my Alaska citizenship." She added, "It felt like that at least; it was a real kick in the teeth." She was still voting in Alaska during her Peace Corps work, keeping up her vehicle registrations, and paying the mortgage on her Alaska home, and she had every intention of returning to Alaska. She said she received the Alaska permanent fund dividend (PFD) the first year, but then the law was changed to not include the Peace Corps as an allowable absence. She didn't receive her dividend the second year of her volunteer work, nor the year after her return, she added.

9:44:19 AM

MS. CUADRA said the Peace Corps is just as valid a service to her country as the National Guard. She listed the health and political dangers of being a Peace Corps volunteer. "If you want to give due honor to the Alaska citizens who leave Alaska

temporarily for Foreign Service as Peace Corps volunteers, you should restore the permanent fund dividend to them," she concluded.

[9:45:38 AM](#)

REPRESENTATIVE GATTO said he has a lot of respect for her service and wants to see her slide show.

REPRESENTATIVE RAMRAS said he supports HB 127, and he asked Ms. Cuadra what she did for a living.

[9:47:11 AM](#)

MS. CUADRA said she was an engineer and a lawyer. She added that the legal basis for maintaining the PFD lies in the principle of one's domicile.

[9:48:52 AM](#)

REPRESENTATIVE LYNN said he thinks HB 127 is a good bill, and he asked how many Peace Corps volunteers are from Alaska.

MS. CUADRA said she doesn't know, but she has heard that Alaska has had the highest number of volunteers per capita.

REPRESENTATIVE LYNN asked what is the difference regarding domicile if a person is a missionary.

[9:50:11 AM](#)

MS. CUADRA said it is different because Peace Corps volunteers are serving their country; it is an official function of the United States government.

REPRESENTATIVE GRUENBERG said Ms. Cuadra is a very distinguished member of the Juneau Bar and he appreciates her sacrifice.

MS. CUADRA said she did not view going into the Peace Corps as a sacrifice; it was the best decision of her life.

[9:50:58 AM](#)

REPRESENTATIVE GATTO said that when Ms. Cuadra went into the Peace Corps she had the understanding that she was entitled to receive a PFD. He asked if the state had broken a contract with her.

[9:51:45 AM](#)

MS. CUADRA answered that she did not view it as a contract. A current legislature cannot bind a future legislature, she said. She said she isn't testifying in order to get the money back, she is testifying to support current and future Peace Corps volunteers.

[9:54:03 AM](#)

SHARON BARTON, Director, Permanent Fund Dividend Division, Department of Revenue, said she is advised by the bill's sponsor that there are about 42 people in the Peace Corps claiming Alaskan residency.

REPRESENTATIVE GATTO asked if she would send those volunteers applications if HB 127 passes.

[9:55:06 AM](#)

MS. BARTON said she would be happy to do that.

REPRESENTATIVE GRUENBERG asked if there are any technical revisions in the law that Ms. Barton would like to see.

MS. BARTON said she thinks the bill is clear without any further amendments.

[9:55:51 AM](#)

CHAIR SEATON said another PFD bill would come before the committee.

REPRESENTATIVE GARDNER asked if the committee should consider a time extension for Peace Corps volunteers for the current PFD application.

[9:56:39 AM](#)

MS. BARTON said the bill's effective date is January 1, 2006, so there is no need for an extension unless the committee would want Peace Corps volunteers to be qualified for the 2005 dividend.

[9:57:26 AM](#)

DON GRAY, Fairbanks, said he was a Peace Corps volunteer in the 1960s in India, and he will not benefit by HB 127, but he supports it. He said there was a question from an earlier meeting regarding the status of students in the University of Alaska Peace Corps masters international program. He reported that the graduate school six-credit academic year is considered active status; it is not considered full-time status.

[9:59:28 AM](#)

MR. GRAY said there are many young Alaskans who are contemplating the Peace Corps but are burdened financially. He said leaving the state for two years should not be considered a break in residency for national service volunteers.

[10:01:40 AM](#)

MARK WENIG, Foreign Service Officer, United States Department of State, said he is assigned to Washington D.C., and he would like the committee to replace foreign service officers as an exemption in HB 127. He said the Senate version still has the provision in its bill. He said that he was a television reporter in Anchorage from 1993-94, and he was accepted into the Foreign Service in 1994. He said he has been living in Ethiopia, Mauritius Island, and Romania. Mr. Wineg said he has spent every home leave in Anchorage, he has voted as an Alaskan for every major election, and he intends to return to Alaska when his Foreign Service career is completed. He expressed that he is a second-class citizen because he does not get the PFD.

[10:04:34 AM](#)

MR. WINEG noted there are only nine Foreign Service employees that claim Alaska as their residence, so "it can't be about money." He said no one speaks on behalf of [the Foreign Service members]. He gave examples of his work in getting an American citizen out of jail, helping American companies invest overseas, and contributing to developing "a positive opinion of the U.S. among foreign publics." Mr. Wineg thinks this issue is about recognition. He feels that Foreign Service employees make a difference while serving their country in difficult and often dangerous circumstances: "places with bad food, scary highways, and harsh climates." He added that because of the threat of terrorism, "living overseas, these days, carries its own risks."

[10:07:26 AM](#)

MR. WINEG concluded that he is looking for respect and recognition.

CHAIR SEATON closed public testimony.

[10:07:53 AM](#)

REPRESENTATIVE LYNN moved to report HB 127, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[10:08:45 AM](#)

REPRESENTATIVE RAMRAS objected in order to address Mr. Wineg's comments. He said that Foreign Service was a tough issue, and he told of his uncle doing charity service outside Alaska, which was also not an allowable absence for a PFD. He said there are many extenuating circumstances, but the committee has a chance of taking care of Peace Corps workers today, and maybe others can be taken care of in different legislation.

[10:10:24 AM](#)

REPRESENTATIVE RAMRAS withdrew his objection.

REPRESENTATIVE LYNN said the Foreign Service is part of the government, unlike a private contractor.

[10:11:16 AM](#)

CHAIR SEATON said that the Foreign Service is a voluntary job with health benefits, and although it is great service to the country, the question the committee is deciding is what would be an allowable absence for the PFD program.

[10:11:53 AM](#)

REPRESENTATIVE LYNN said the same thing could be said for the military.

CHAIR SEATON noted no further objections; therefore, CSHB 127(STA) was reported from the House State Affairs Standing Committee.

HB 121-SERVICE AREAS IN SECOND CLASS BOROUGHS

[10:12:45 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 121, "An Act relating to consolidating or abolishing certain service areas in second class boroughs."

CHAIR SEATON announced that the committee substitute (CS), Version 24-LS0396\Y, was before the committee.

CHAIR SEATON noted that Dan Bockhurst had submitted written testimony.

10:14:39 AM

RYNNIEVA MOSS, Chair, Road Commission, Fairbanks North Star Borough, testified in support of HB 121, and commented that the bill would protect road service areas that function properly. She referred to the testimony of Mr. Bockhurst [on 3/1/05] suggesting that home rule boroughs be included. She said she doesn't have any strong objections to that suggestion; however, she would like to hear the [Fairbanks North Star] Borough's opinion on that from Rene Broker. Referring again to the prior testimony of Mr. Bockhurst, she said, "I feel like his comment was almost contradictory when he said that he wanted the legislature to include home rule in this provision, because they can, at any time, change how they operate, just by charter. So, that is their local control and their way to make decisions."

10:15:59 AM

REPRESENTATIVE GRUENBERG said he didn't want to take action on the bill before he has contacted the Municipality of Anchorage for its input. He asked if anyone in the room or online had made that contact already.

The committee took an at-ease from to 10:16:35 AM to 10:16:45 AM.

MS. MOSS explained, "This is for second class boroughs, and Anchorage is a unified municipality."

10:17:21 AM

RENE BROKER, Attorney at Law, Fairbanks North Star Borough, in response to a request from Chair Seaton, said she thinks that Mr. Bockhurst "missed the point," because home rule municipalities have a lot of other powers and abilities - to address the issues caused by road service areas that aren't

functioning properly - that second class boroughs do not have. The bill, she said, is not an effort to somehow vault second class boroughs ahead of home rule boroughs; it's just an attempt to give the second class boroughs an ability to deal with problems they have that home rule boroughs do not have.

[10:18:55 AM](#)

REPRESENTATIVE GRUENBERG stated his understanding that Anchorage, and other home rule boroughs "could do this now if they wished."

[10:19:20 AM](#)

MS. MOSS answered that's correct.

[10:19:52 AM](#)

REPRESENTATIVE GRUENBERG asked if the Department of Commerce would like to correct Mr. Bockhurst's testimony.

[10:20:16 AM](#)

MIKE BLACK, Community Development Section Chief, Central Office, Division of Community Advocacy, Department of Commerce, Community, & Economic Development, said he would need to do further research before he would say the department would correct Mr. Bockhurst's testimony at this point.

CHAIR SEATON closed public testimony.

[10:21:29 AM](#)

REPRESENTATIVE GRUENBERG told Mr. Black that he thinks it's important that "no department have ... legally incorrect testimony on a record on a piece of legislation." He said he thinks Mr. Bockhurst is incorrect and he hates to see a legally incorrect statement.

[10:22:11 AM](#)

REPRESENTATIVE GATTO directed attention to the first page of a two-page handout [in the committee packet] that is a table which shows the "powers and duties of organized boroughs." He noted that, [in decisions relating to] roads and trails, the table shows that unified municipality and home rule borough determinations may be exercised by ordinance on a nonareawide

basis and may be exercised on a service area basis with voter approval. Representative Gatto said, "It just seems to me they can already do what we're asking them to be able to do in the bill."

[10:23:16 AM](#)

CHAIR SEATON explained the problem is once the road service area is established by voter approval in an area, there is not really a mechanism to "dissolve that by the borough." The bill would provide that mechanism.

[10:24:45 AM](#)

REPRESENTATIVE RAMRAS reminded the committee that [HB 121] is critical for Fairbanks, because some of the road service areas have slipped into disservice, which puts people at risk.

[10:25:38 AM](#)

CHAIR SEATON, following up on Representative Gatto's previous comment, clarified that the "voter approval" means the vote of the road service area board members, not the general public.

REPRESENTATIVE GATTO said he does not have a problem with the bill.

[10:26:37 AM](#)

REPRESENTATIVE GARDNER, via teleconference, said she is ready to "move the question" and would vote if she could.

[10:26:58 AM](#)

REPRESENTATIVE RAMRAS moved to report CSHB 121(CRA), Version 24-LS0396\Y, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 121(CRA) was reported out of the House State Affairs Standing Committee.

[10:28:34 AM](#)

HB 12-TVS AND MONITORS IN MOTOR VEHICLES

[10:28:40 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 12, "An Act relating to televisions and monitors in motor vehicles."

[10:29:12 AM](#)

REPRESENTATIVE GRUENBERG presented HB 12 as sponsor, and he said the bill increases the penalties for driving a motor vehicle while watching a television or video monitor or any such screen that is in the vehicle and produces entertainment or has business applications. He said the legislation also makes it a criminal offense to install such a device that is capable of being viewed by the driver while the vehicle is moving. Exceptions include global positioning systems and map displays. It is now a traffic violation, he said. Under HB 12, violating this law will be a class A misdemeanor if the driver is not involved in an accident where someone is injured, a Class C felony if the driver has an accident that injures someone, a Class B felony if the driver has an accident where a person suffers a serious injury, and a Class A felony if the driver has an accident causing a death. A person who installs the device can be fined a minimum of \$2,500, he told the committee.

[10:31:35 AM](#)

REPRESENTATIVE GRUENBERG said HB 12 would make Alaska the second state to have such a law. He said the legislation is the result of an accident that killed two close friends of his. Watching a video is different from talking to someone in the car or using a cell phone, he said, because a person cannot keep his or her eyes on the road while engaged in this activity.

[10:34:33 AM](#)

REPRESENTATIVE RAMRAS asked about passengers using video cameras with monitors.

REPRESENTATIVE GRUENBERG said this applies to the driver of the motor vehicle.

[10:36:08 AM](#)

CHAIR SEATON asked him to clarify.

REPRESENTATIVE GRUENBERG said he doesn't think it would be considered a video signal.

[10:36:48 AM](#)

REPRESENTATIVE RAMRAS asked if the bill addresses moving vehicles only.

REPRESENTATIVE GRUENBERG noted that on page 1, line 6, the language is "drive".

[10:37:32 AM](#)

REPRESENTATIVE RAMRAS mentioned a past employee of his who had a car accident because of a radio that was loud, which he said could have lessened her visual acuity. There are other sensory distractions, he said.

[10:39:30 AM](#)

REPRESENTATIVE GRUENBERG said that would possibly be considered negligent or reckless driving. He said he offered the legislation because watching a movie is so much more dangerous than a loud radio; it's a violation of law "per se." He added that the penalties he has offered could be up for discussion.

[10:41:15 AM](#)

CHAIR SEATON noted that in a previous bill a civil fine was reduced from \$5,000 to \$3,000 because the lower amount was easier to impose.

REPRESENTATIVE GRUENBERG recollected that that was an administrative civil penalty that was low enough that a right to a jury trial was not open to a defendant. This is in criminal statute, he said, and anyone would have a right to a jury trial.

[10:42:58 AM](#)

CHAIR SEATON said cell phones now have video screens.

REPRESENTATIVE GRUENBERG responded that cell phones with video screens are not exempt; the law won't depend on the size of a screen.

[10:44:31 AM](#)

CHAIR SEATON asked if it is only applicable if the driver is watching the screen, not just talking on a phone that has a video screen on it.

10:46:06 AM

REPRESENTATIVE GRUENBERG said the key word on page 1, line 6, is "watching". "If you are watching it, then you're guilty," he said. "We want the people to have their vision unimpaired," he added.

REPRESENTATIVE GARDNER stated her understanding that it's not that the driver's vision is impaired, but the driver's attention is distracted "in such a way that they are not attending to the visual requirements of operating a moving vehicle."

10:47:13 AM

REPRESENTATIVE GRUENBERG said that is correct.

CHAIR SEATON said the committee might want to clarify language which now might disallow a videophone from being in a car because it is "capable" of being seen.

10:49:16 AM

REPRESENTATIVE GATTO suggested inserting: "that is visible from the driving position," so a person could have a cell phone in a holster. Car radios now have "wicked displays that wiggle and tilt, and if you look at it to tune it, you might be committing a violation, but you don't have to look at it," he added.

10:50:43 AM

CHAIR SEATON opened public testimony.

DAVID WEISER said he is the eldest son of Bob and Donna Weiser, who were killed in a head-on collision on the Seward Highway in 2002. He said the committee is aware of the charges of second-degree murder of the other driver, alleging that he was watching a DVD movie, but he was acquitted of all charges. He said the incident brought national attention to the issue of driving while watching TV.

10:54:37 AM

MR. WEISER said this legislation is at the vanguard of laws, and it is apolitical. "What sane individual makes the argument that they should have the right to watch a video while driving? What corporate interest argues against severe penalties for violating

the inherent safety features they design into their own products?" he asked. He added, "You have the power to prevent for others the kind of upheaval our family has suffered in the wake of an acquittal of all charges against this particular defendant."

[10:55:06 AM](#)

CHAIR SEATON said he doesn't think anyone on the committee opposes the bill; they just want to craft it solidly so that there are no unintended consequences.

REPRESENTATIVE GARDNER asked Mr. Weiser if he is aware of any legislation that addresses this issue anywhere.

[10:56:59 AM](#)

MR. WEISER said there is legislation "without teeth." In California it is patently illegal to drive with full motion video visible, but the fines are only about \$75, he said. There is legislative effort in South Florida, Connecticut, and Michigan, he said, and he appreciates the attempts of the committee to bulletproof the bill. He said that Alaska has the opportunity to set a trend.

[11:00:00 AM](#)

DEBORAH JILLY, Acting Chief, Section of Community Health and Emergency Medical Services, Division of Public Health, Department of Health and Social Services, said the intent of HB 12 is to prevent motor vehicle accidents and pedestrian injuries by giving law enforcement agents the authority to cite drivers who are viewing entertainment devices. She said, "45 to 56 percent of all crashes in the United States involve factors where the driver of a motor vehicle is distracted or inattentive." A study in 2002 found 22 percent of the causes that led up to a crash were the result of dealing with technology in the vehicle, such as cell phones, beepers, navigation devices, Internet, email, radios, and music players. The National Center for Statistics listed driver inattention as the primary factor for nearly 7 percent of fatal crashes in Alaska in 2003. She said vehicle manufacturers are improving technology to minimize distractions to drivers from in-car video systems, but there is still a need to improve the safety technology.

[11:03:53 AM](#)

MS. JILLY said consumers can purchase and install devices themselves and bypass safety recommendations. She said it is possible to use a laptop computer to watch a movie or rig a vehicle's map display to play movies.

[11:05:46 AM](#)

CHAIR SEATON asked if the purpose of the bill is only for video signals, because the use of laptops by the driver does not seem to be included.

REPRESENTATIVE GRUENBERG said it did not, and he would consider a friendly amendment which does include laptops.

[11:07:18 AM](#)

REPRESENTATIVE LYNN asked if it would it be a double offense to install the device and then get in accident while watching it.

REPRESENTATIVE GRUENBERG answered yes.

[11:07:58 AM](#)

BONNIE GODFRED, Anchorage, said she followed a driver in Anchorage who was the sole occupant of a vehicle, and the driver was watching a movie while driving 60 miles per hour. A dealer who installs videos in vehicles told Ms. Godfred that Alaska is one of the few states that does not require a switch that turns off such a screen while the vehicle is in motion. She "wholeheartedly" supports HB 12.

[11:10:40 AM](#)

JANNA STEWART, Criminal Justice Planner, Department of Public Safety, Anchorage, said the department submitted a fiscal note suggesting changes in the way the four different levels of offenses would be broken out. The bill is drafted the way numerous statutes are, she said, and it can cause problems when putting criminal history records together; however, the department is not prepared to suggest a wholesale redrafting of numerous other criminal statutes, so it will withdraw its request. She said the problem is only a technical one. The department does not have a problem with the substance of the bill and does not want to hold it up.

[11:11:40 AM](#)

REPRESENTATIVE GRUENBERG clarified that Ms. Stewart referred to a fiscal note prepared by the Department of Public Safety in February. He said he had extensive conversations with Ms. Stewart, and her concern was related to the offenses described on page 2, lines 18-25, which technically should be in separate sections. To do so would be a better fit with the Uniform Offense Citation Table, but the Department of Law pointed out that there are a number of statutes that are written like HB 12, and the state plans to look at all the laws at once.

[11:15:03 AM](#)

MS. STEWART said it may be too complex to fix, and the department will submit a revised fiscal note.

REPRESENTATIVE GATTO asked about a driver watching a movie while the vehicle is parked with the motor running.

REPRESENTATIVE GRUENBERG noted again that line 6 specifies "drive".

[11:17:17 AM](#)

REPRESENTATIVE GATTO pointed out that the title uses the term "operating" instead of "driving". He suggests adding wording to disallow a device from being viewable, since it may be difficult to prove a device was being watched.

CHAIR SEATON closed public testimony.

[11:19:00 AM](#)

REPRESENTATIVE GRUENBERG [moved to adopt Conceptual] Amendment 1, as follows:

Page 1, line 4:

Delete "**Operation of**"
Insert "Driving"

[11:19:59 AM](#)

REPRESENTATIVE GATTO objected and asked about a driver who was stopped at a traffic light.

REPRESENTATIVE GRUENBERG said that would be considered driving.

[11:20:21 AM](#)

REPRESENTATIVE GARDNER said that when the vehicle is in gear, a person is driving, but when the vehicle is in park, a person is not driving.

CHAIR SEATON said this definition should be clarified.

REPRESENTATIVE GRUENBERG agreed with Representative Gardner.

[11:21:46 AM](#)

REPRESENTATIVE GATTO removed his objection to Conceptual Amendment 1.

CHAIR SEATON announced that, there being no further objections, Conceptual Amendment 1 was adopted.

[11:23:19 AM](#)

CHAIR SEATON suggested discussing the use of computers while driving, which would not be prevented under the current bill.

REPRESENTATIVE LYNN said the term computer is used for many things, and he added that a person can use a computer as a [Global Positioning System (GPS)].

REPRESENTATIVE GRUENBERG proposed adding computers on line 6.

[11:24:43 AM](#)

REPRESENTATIVE GARDNER said there are computers operating many parts of cars, so the committee needs to be careful in crafting the language to include just entertainment devices.

REPRESENTATIVE GATTO suggested the language should not mention computers because some cars have 100 within them. He said the issue is screens that are distractions when viewed.

[11:26:17 AM](#)

CHAIR SEATON questioned whether a video monitor includes a laptop screen, and suggested including a laptop computer.

[11:27:02 AM](#)

REPRESENTATIVE GATTO said the language should simply talk about the distraction of a device that can be viewed.

CHAIR SEATON said he agrees, but using examples will help the courts and the general public.

[11:28:12 AM](#)

REPRESENTATIVE GARDNER [moved to adopt] Amendment 2, which read:

Page 1, line 9:
Between "applications" and "."
Insert ", which would visually distract the driver,
but excluding those necessary for safe operation of
the vehicle"

[11:30:25 AM](#)

REPRESENTATIVE LYNN moved an amendment to Amendment 2, to remove the word "safe".

REPRESENTATIVE GARDNER said she had no problem with Representative Lynn's suggested amendment to Amendment 2.

The committee took an at-ease from 11:31 p.m. to 11:33 p.m.

[11:33:24 AM](#)

REPRESENTATIVE LYNN withdrew his amendment to Amendment 2.

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 2, which would change Amendment 2 to read: ", which would visually distract the driver, but excluding those used in the operation of the vehicle". He explained that a person could have a GPS that is not necessary, but is used in operating the vehicle.

CHAIR SEATON announced that Conceptual Amendment 2 to Amendment 2 was adopted without objection.

[11:35:06 AM](#)

CHAIR SEATON asked if there was any objection to Amendment 2, as amended. There being none, it was so ordered.

REPRESENTATIVE GRUENBERG asked Representative Gatto if he wanted to "insert somewhere in there, devices that are visible or intended to be viewed."

REPRESENTATIVE GATTO said yes.

[11:36:33 AM](#)

REPRESENTATIVE GARDNER said her the intent of her amendment had been to include such devices.

REPRESENTATIVE GATTO said there are many things that could be listed as distractions to a driver. Many of them are allowed, like tuning the radio and picking up lipstick, and the committee can't include them all. He indicated a preference for language related to things that can be viewed, rather than a list of distractions.

CHAIR SEATON clarified that the discussion is a conceptual one to decide whether or not to include distractions other than television broadcast or video signals.

REPRESENTATIVE GRUENBERG said Representative Gatto is talking about devices and he suggested inserting "Devices that are visible or intended to be viewed by the driver" in front of the word "which".

[11:41:39 AM](#)

REPRESENTATIVE SEATON noted that that language is in the previous part of the sentence.

REPRESENTATIVE GRUENBERG said laptops don't fall into the broadcast category, so it should be added before Amendment 2.

CHAIR SEATON reminded the committee that this is all one sentence.

[11:44:27 AM](#)

REPRESENTATIVE GRUENBERG said the laptop is the signal, but also people might be watching what they are typing.

REPRESENTATIVE Gruenberg moved Conceptual Amendment 3, as follows:

On page 1, line 9:
Between "applications" and [the adopted Amendment 2,
as amended]

Insert "devices that are visible or are intended to be viewed by the driver"

CHAIR SEATON interjected that the sentence is getting rather long. He said he is trying to figure out where the committee is going with all this language.

REPRESENTATIVE GRUENBERG said a person could be typing on a laptop and watching his/her fingers. He reiterated that [Conceptual] Amendment 3 would include, "devices that are visible or are intended to be viewed by the driver".

CHAIR SEATON objected to Amendment 3. He clarified Conceptual Amendment 3.

[11:46:24 AM](#)

CHAIR SEATON asked if anyone had any objection. [He treated his own objection as being withdrawn.] He asked if there was any further objection to Conceptual Amendment 3. There being none, Conceptual Amendment 3 was adopted.

[11:48:21 AM](#)

REPRESENTATIVE GRUENBERG said he believes that will cover the telephone screen.

CHAIR SEATON said he would like to get the intent of the sponsors regarding cell phones. He said, "This is talking about the device; it's not talking about what you do with the device. Because it doesn't say the driver looks at it, it says that the device is intended to be viewed."

[11:49:49 AM](#)

REPRESENTATIVE GRUENBERG noted that the word in line 6 is "watching", and the only time a person will be penalized is if he or she is watching the screen. He asked if anyone still has a problem with the word "watching".

[11:51:53 AM](#)

REPRESENTATIVE GATTO said he does, unless it says "capable of watching".

CHAIR SEATON said a cell phone is capable of being watched; users may not be watching the video on that cell phone, but they may be talking on it.

[11:52:41 AM](#)

REPRESENTATIVE GATTO clarified that Representative Seaton is saying cell phones without screens would be okay, while others would be disqualified.

[11:53:06 AM](#)

CHAIR SEATON said a mounted device needs to have a locking mechanism while the car is being driven, but there are also portable devices.

REPRESENTATIVE GATTO stated that is the crux of the issue.

[11:55:33 AM](#)

CHAIR SEATON said he doesn't know "where that leaves us."

REPRESENTATIVE GRUENBERG said there is no definition of "watch" in Black's Law Dictionary. Webster's defines watch as "to look at or observe attentively and usually continuously," which is not what we want.

[11:56:54 AM](#)

CHAIR SEATON said HB 12 will not be moved today anyway.

REPRESENTATIVE GRUENBERG read a thesaurus that lists the synonyms for watch.

[11:58:25 AM](#)

CHAIR SEATON said drafters can figure out the words to use, and then he turned to the question of installed systems versus non-installed systems. The bill doesn't address portable battery-powered players, he said.

[11:59:34 AM](#)

REPRESENTATIVE GRUENBERG said "My intent ... is not to criminalize, in this section, a person who just lays his laptop on the seat. Here, we're talking about the people who do permanent installations."

CHAIR SEATON asked if Representative Gruenberg thought the laptop concern is covered in the other section.

REPRESENTATIVE GRUENBERG answered, "Right."

CHAIR SEATON moved Conceptual Amendment 4, as follows:

Page 1, line 7:
After "monitor,"
Insert "laptop-type computer,"

[12:01:47 PM](#)

CHAIR SEATON announced that Conceptual Amendment 4 was adopted, but the sponsors would be welcome to change "lap-top" to "portable".

[12:02:50 PM](#)

REPRESENTATIVE GRUENBERG, in response to feedback from Representative Gatto and Chair Seaton, confirmed that both "watching" and "intermittently watching" should be included.

[12:04:24 PM](#)

REPRESENTATIVE GATTO stated concern that some attorney could argue that a person has to occasionally look at his/her gas gauge, for example.

REPRESENTATIVE GRUENBERG said that this might not be the easiest law to enforce. He added that the point [of concern] is that someone may be watching a device to the extent of being distracted from driving, and he suggested language to address that.

[12:05:09 PM](#)

CHAIR SEATON asked the sponsors to work out the wording outside of committee.

[HB 12 was heard and held.]

HB 114-TERM. PARENTAL RTS/CINA/DELINQUENCY CASES

[12:05:52 PM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 114, "An Act relating to the retaining of certain privileges of a parent in a relinquishment and termination of a parent and child relationship proceeding; relating to eligibility for permanent fund dividends for certain children in the custody of the state; relating to child in need of aid proceedings and juvenile delinquency proceedings; and providing for an effective date."

CHAIR SEATON said there is a report of the subcommittee on HB 114. The subcommittee felt everything was fine, he said, except for Sections 1 and 5, which are still being worked on. The subcommittee will be working on it next week.

#scr2

SCR 2-ROTARY INTERNATIONAL YEAR 2005

DRAFT

CHAIR SEATON announced that the final order of business was SENATE CONCURRENT RESOLUTION NO. 2, Proclaiming 2005 as Rotary International Year.

CHAIR SEATON said if no one has a problem, he will get signatures, but if anyone opposes waiving it, "that's your right to do so."

[12:07:13 PM](#)

REPRESENTATIVE GATTO said he already signed it.

REPRESENTATIVE GARDNER said she has not read SCR 2, but she has no objections "off the cuff."

CHAIR SEATON read SCR 2 to Representative Gardner.

[12:08:13 PM](#)

REPRESENTATIVE GARDNER said she had no problem with SCR 2.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [12:08:23 PM](#).