

HOUSE FINANCE COMMITTEE
April 10, 2007
1:43 P.M.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at [1:43:29 PM](#).

MEMBERS PRESENT

Representative Mike Chenault, Co-Chair
Representative Kevin Meyer, Co-Chair
Representative Bill Stoltze, Vice-Chair
Representative Harry Crawford
Representative Richard Foster
Representative Les Gara
Representative Mike Hawker
Representative Mike Kelly
Representative Mary Nelson
Representative Bill Thomas Jr.

MEMBERS ABSENT

Representative Reggie Joule

ALSO PRESENT

Representative Gabrielle LeDoux; Representative Craig Johnson; Sue Stancliff, Staff, Representative Mike Kelly; Christine Marasigan, Staff, Representative Gabrielle LeDoux; Melanie Lesh, Legislative Liaison, Department of Natural Resources; Mike Leesman, Community Relations Manager, Office of Children's Services, Department of Health and Social Services

PRESENT VIA TELECONFERENCE

Dick Mylius, Deputy Director, Division of Mining Land and Water, Department of Natural Resources, Anchorage

SUMMARY

HB 29 An Act relating to infants who are safely surrendered by a parent shortly after birth.

CS HB 29 (FIN) was reported out of Committee with a "do pass" recommendation and with zero note #1 by the Department of Law and a new zero note by the Department of Health & Social Services.

#HB67

HB 67 An Act relating to an optional exemption from municipal property taxes on certain residences of law enforcement officers.

HB 67 was SCHEDULED but not HEARD.

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HB 87 An Act reestablishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date.

CS HB 87 (FIN) was reported out of Committee with a "no recommendation" and with a new note by the Department of Natural Resources and a new zero note by the Legislative Affairs Agency.

HB 175 An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project.

CS HB 175 (JUD) was reported out of Committee with a "no recommendation" and with zero note #1 by the Department of Transportation & Public Facilities.

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#HB87

HOUSE BILL NO. 87

An Act reestablishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date.

Vice Chair Stoltze MOVED to ADOPT work draft #25-LS0306\V, Bullard, 4/10/07, as the version of the bill before the Committee. There being NO OBJECTION, it was adopted.

REPRESENTATIVE MIKE KELLY, SPONSOR, provided Committee members an update on HB 87, which involves federal lands. The mission of the legislation is to provide assistance to the public affected by the management of federal lands in the State. The previous commission was effective in assuring that land management decisions were consistent with both statutory language and the Congressional intent. The commission was an effective problem solver. The proposed commission would be responsible for researching issues and determining the impact of federal statutes, regulations and management decisions for Alaskans.

Representative Kelly pointed out that even lands with no specific statutory conservation restrictions are subject to steadily increasing administrative designations and withdrawals that can result in reductions in public uses, including hunting, fishing, trapping, timber harvest,

mineral extraction, grazing, access and other resource use opportunities. He added that responsible public access and traditional uses on the federal lands are just as important to citizens and communities throughout the State today as they were when the commission originally started.

Representative Kelly believes that the public needs the type of assistance provided by the previous commission. The commission's executive director researches federal rules and can advise whether and how to request that the federal land manager revisit previous decisions or confirm the correctness of information in a misunderstanding.

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SUE STANCLIFF, STAFF, REPRESENTATIVE MIKE KELLY, explained the changes to the committee substitute, noting that it would place the commission within the Department of Natural Resources. She added, it adds language to the "membership and officers" portion on Page 2, Lines 6 & 7:

"Each member of the commission serves at the pleasure of the appointing authority", and deletes "Removal of a member" section.

The changes were made to clean up and simplify the statute to conform with other commissions already existing.

Ms. Stancliff spoke to the fiscal note, which reduced the number of staff to two (2), a director and one research staff. If determined that more staff is necessary, it is recommended that the commission authorize and utilize an intern through the University Internship Program or utilize volunteers from the various user groups.

She noted the letters of support contained in the packets:

- Alaska Mineral Commission
- Alaska Miners Association
- Fairbanks North Star Borough
- Alaska Outdoor Council
- Kenai River Sport-fishing Association

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Vice Chair Stoltze pointed out that the letters were to an "older" version & do not reflect current changes. Representative Kelly laughed & thought that they still have the necessary support.

Representative Thomas referenced Page 3, Line 19, the advisory groups of the commission; he asked if the State

would be obligated to pay for each of them. Representative Kelly explained that was old language from the original commission, which had a problem when appointing a sub-committee. He did not know if those members had been compensated & that language could be an effective way to accomplish tasks at some point.

Representative Thomas requested further clarification regarding the formation of a commission. Ms. Stancliff explained in researching what had been done in the past, it was determined that they wanted the authority to be able to form advisory groups in order to get local areas "on board" for the goal. It is not anticipated for the entity to grow; it provides authority to unify the areas if needed.

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Co-Chair Chenault asked if the proposed commission would be the same size as originally. Ms. Stancliff replied that the original commission had 16 members and the committee substitute proposes 12.

Co-Chair Chenault referenced the indeterminate fiscal note and asked the costs in 1999.

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Representative Nelson encouraged inclusion of language guaranteeing positions for rural members. Ms. Stancliff pointed out two areas where the qualifications would be representative of each judicial district; also under qualifications of the members on Page 2, Lines 12-13, stipulates that the "Legislature shall be representative of the diversity of the users & the uses of the federal lands throughout the State". Based on previous commission experience, the intent was not to be just geographic. Representative Kelly pointed out that was carry-over language from the previous commission. The intent is to offer diversity for users covered, with no intent to exclude.

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Representative Nelson asked why the original commission had been eliminated. Ms. Stancliff advised that was a decision made by previous Governor Tony Knowles. The Department suffered unallocated cuts and it was his recommendation to delete the commission.

Representative Nelson inquired if it had been in conflict with other commissions. Ms. Stancliff clarified that the commission was effective until they left. Representative Nelson asked to see the annual reports from the commission.

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Representative Gara inquired about a comparison to a standing committee. Representative Kelly thought that would be too slow. The work of the previous commission undertook problem solving with the people involved, which often involved those shy and unaccustomed to dealing with bureaucracy. He recommended that such issues are best addressed by those who know the "players & the rules". He hoped that in the long run, it would improve access and use.

Representative Gara understood that the federal government does not always "listen"; he inquired how creating a commission could change that; the commission would be a non-binding entity. Representative Kelly commented on the knowledge of those involved, to build relationships and solve problems. It helps to have someone addressing concerns from an Alaskan perspective.

Representative Gara requested inserting language that the commission could meet telephonically and take action that way, saving the State money. Representative Kelly encouraged that be considered by the Department; it was not considered during drafting. Ms. Stancliff said it would need to be addressed through language in the by-laws and policies.

Representative Gara recommended that the four legislative members be appointed by Senate President, House Speaker, House Minority Leader & Senate Minority Leader. Representative Kelly did not think that was necessary.

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Representative Hawker asked for clarification regarding the scope of authority granted to the commission. He pointed out that originally, it developed out of the Alaska National Interest Lands Conservation Act (ANILCA) debate, addressing State land entitlements. He encouraged a broader interpretation, Page 3, Line 4, (b) indicating the items and duties of the commission. He thought it could grant a very broad power. He noted his district had few land claim entitlement issues. The concerns in that district are in regard to federal land management regulations & access on the highways and intended rights-of-ways. Rights-of-ways are land interests & he asked if they could be included. Representative Kelly thought that since it was within the Department of Natural Resources, it would be under their umbrella. He had not considered it.

Representative Hawker knew that the same regulations affect everyone on the road, the Department of Transportation &

Public Facilities and the Department of Natural Resources concerns. He hoped to make the bill more applicable.

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Representative Gara pointed out concerns of the legislation indicated by the Northern regions of the State. He suggested having one of the legislative members from either in or north of the Yukon Kuskokwim drainage. He pointed out that over 40% of the federal land is in that area. Representative Kelly reiterated the past system had worked and that the commission would have a broad representation. The current language allows flexibility & has a proven history of working. He stated that the Legislature would not be involved in the allocation decisions.

Representative Gara asked who the four previous legislators were as he wanted to see their geographical locations. Representative Kelly offered to provide that information; he hoped to see that it was a broad representation.

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Representative Nelson asked the recourse for the public if the commission does not have a broad & diverse representation. Representative Kelly noted the membership language could be changed.

Representative Nelson pointed out that there are many boards and commissions that do not reflect the true picture in Alaska. She worried about the diversity of the membership. Representative Kelly hoped that this would work, including both the rural and northern areas.

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Representative Crawford asked what had not been accomplished since the previous commission ended seven years ago. Representative Kelly thought that many have given up dealing with the federal government & quit using the land. He commented the mouth of the Yukon River, currently uses the federal government to enforce regulations. He worried about trappers in the Northern Yukon and all the additional issues causing folks to give up. These do not need to be complex issues.

Representative Nelson proposed another solution amending the State Constitution to allow priority for rural subsistence users.

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Representative Thomas commented on the closure of Glacier Bay to commercial fishing by the federal government. He

wondered if the commission were in existence, would they be able to protect such situations. Ms. Stancliff responded that was one of the issues being considered when the commission closed.

Vice Chair Stoltze commented on interfacing with the U.S. Congressional delegation. He thought that the federal government often acts as the landlord, with the State possessing the tenant option. He recognized frustration while attempting to deal with the federal government & voiced appreciation for the proposed legislation. Vice Chair Stoltze asked to be a bill co-sponsor.

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MELANIE LESH, LEGISLATIVE LIAISON, DEPARTMENT OF NATURAL RESOURCES, observed that a new fiscal note would be forthcoming.

DICK MYLIUS, (TESTIFIED VIA TELECONFERENCE) DIRECTOR, DIVISION OF MINING LAND AND WATER, DEPARTMENT OF NATURAL RESOURCES, ANCHORAGE, explained that the Department of Natural Resources reviews the federal land use plans & regulations. The Department does continually remind the federal government about the promises made in ANILCA. The Department does not generally address the concerns of individual Alaskans that is the intent of the legislation. He noted that in the past, the commission focused on land use issues not right-of-way concerns. It would be difficult for the commission to address an expansion beyond land use issues with a staff of two.

Mr. Mylius provided a brief history of the commission. He noted that the commission was reduced to a staff of one and eliminated along with other programs that were not considered to be core functions. He spoke to the indeterminate fiscal note and explained that the commission was not under the Department when the note was written.

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Representative Hawker reiterated his desire to see inclusion of right-of-way issues. Mr. Mylius acknowledged the concern, but reiterated that it would be difficult to broaden the scope with a staff of two.

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Representative Gara questioned the legislative composition of the previous commission. Mr. Mylius could only recall that Senator Fahrenkamp was the Chair. He added that the commission had addressed a number of issues regarding trapping cabins and trapping policies, access issues within

the national parks and the use of motorized recreational vehicles in Denali and other State parks.

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Co-Chair Meyer noted a new forthcoming note from Department of Natural Resources and the zero note by the Legislative Affairs Agency.

Representative Foster MOVED to REPORT CS HB 87 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CS HB 87 (FIN) was reported out of Committee with a "no recommendation" and with new fiscal note by the Department of Natural Resources and a new zero note by the Legislative Affairs Agency.

[2:36:49 PM](#)

#HB29

HOUSE BILL NO. 29

An Act relating to infants who are safely surrendered by a parent shortly after birth.

Co-Chair Meyer MOVED to ADOPT conceptual Amendment #1. (Copy on File). Representative Hawker OBJECTED for discussion purposes.

CHRISTINE MARASIGAN, STAFF, REPRESENTATIVE GABRIELLE LEDOUX, explained the amendment. She observed that the amendment arose from previous concerns regarding inclusion of "clergy", in order to create a truly safe haven and a general statement regarding the physical custody of the person who provides the health & safety of the infant. Those concerns were integrated into the amendment. She pointed out that both the Department of Health and Social Services and the Department of Law were present to answer questions.

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Representative Gara voiced support for the amendment & asked to be added as a co-sponsor of the bill.

Representative Hawker observed support for the amendment. He noted the structural change to the bill with the addition of the amendment. Representative Hawker WITHDREW his OBJECTION to adoption of the amendment.

Vice Chair Stoltze discussed his support for the amendment.

There being NO further OBJECTION, Amendment #1 was adopted.

Co-Chair Meyer pointed out that the Department of Law's fiscal note needed a replacement. Representative Hawker recommended a zero note from the Department of Health and Social Services.

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MIKE LEESMAN, COMMUNITY RELATIONS MANAGER, OFFICE OF CHILDREN'S SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, stated that there would be costs implementing the program. Representative Hawker countered that a contractor was not necessary; public information activities in the Department are on-going & could be considered a contractual expenditure. Mr. Leesman acknowledged that it would not be a "deal breaker" for the Department to implement the program.

Vice Chair Stoltze agreed with Representative Hawker.

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Representative Gara interjected that he did not want the Department to "advertise", which could provide a mixed message. He questioned how an ad campaign would be run. Mr. Leesman emphasized they would not run an add "campaign"; the funding would have been spent for producing materials to educate those who would be "taking in" a surrendered infant.

Representative Gara worried about sending out that message and worried that the side affect might indicate it is okay.

Representative Nelson suggested it would let those people know on the receiving end, the protocol after they admit a baby. She did not interpret it as a public message.

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Mr. Leesman elaborated that had been the intended use of the proposed funds.

Co-Chair Meyer stated that both fiscal notes would be zeroed out.

Representative Foster MOVED to REPORT CS HB 29 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CS HB 29 (FIN) was reported out of Committee with a "do pass" recommendation and with zero note #1 by the Department of Law and a new zero note by the Department of Health & Social Services.

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#HB175

HOUSE BILL NO. 175

An Act relating to the prohibition of the exercise of the power of eminent domain against a recreational structure for the purposes of developing a recreational facility or project.

REPRESENTATIVE CRAIG JOHNSON, SPONSOR, explained that the legislation resulted from a the loss of property case. The legislation would include a recreational structure that would prevent the taking of land for eminent domain if there is a permanent structure on the recreational property. The legislation would still allow for power lines, water and other infrastructure.

Representative Johnson concluded that the right to own private property is one of the most important rights for Alaskans & by prohibiting government seizure of privately owned recreational structures for recreational purposes. HB 175 strengthens the right and ensures the continued use of land in private ownership.

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Representative Gara noted that previous legislation prohibits eminent domain within 250' of someone's house. He pointed out that the proposed bill adds "recreational structures". Representative Johnson observed that it would allow for traditional use such as hunting and fishing. Representative Gara did not agree that traditional use should be allowed in the proposed language. Representative Johnson offered to verify that.

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In response to Vice Chair Stoltze, Representative Johnson observed that it is not the intent to change the eminent domain law to allow reasonable use. He expressed concern that an individual's property could be taken in order to allow others to recreate, noting that he is a strong supporter of personal property rights.

PUBLIC TESTIMONY CLOSED

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Representative Thomas pointed out the letters of support. Representative Johnson stressed that the legislation has been well advertised & is well supported.

Representative Foster MOVED to REPORT CS HB 29 (JUD) out of Committee with individual recommendations and with the

accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 175 (JUD) was reported out of Committee with a "no recommendation" and with zero note #1 by the Department of Transportation & Public Facilities.

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ADJOURNMENT

The meeting was adjourned at 3:00 P.M.