HOUSE FINANCE COMMITTEE
April 24, 2007
1:43 p.m.

CALL TO ORDER

Co-Chair Meyer called the House Finance Committee meeting to order at 1:43:41 PM.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Mike Chenault, Co-Chair
Representative Mary Nelson

ALSO PRESENT

Representative Ralph Samuels; Anne Carpeneti, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law; Sharleen Griffin, Director, Division of Administrative Services, Department of Corrections; Michael Pawlowski, Staff, Co-Chair Meyer; Brian Andrews, Deputy Commissioner, Treasury Division, Department of Revenue; Larry Dietrick, Director, Spill Prevention and Response, Department of Environmental Conservation; Representative Kyle Johansen

PRESENT VIA TELECONFERENCE

Kathy Hansen, Office of Victims' Rights; Marti Greeson, Alaska Monitoring, Anchorage; Quinlan Steiner, Director, Public Defender Agency, Department of Administration; Breck Tostevin, Senior Assistant Attorney General, Environmental Section, Civil Division, Department of Law

SUMMARY

HB 90 "An Act relating to bail."

CSHB 90 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #2 by the Department of Law, indeterminate fiscal

note #3 by the Department of Administration, indeterminate fiscal note #4 by the Department of Administration, and with a new indeterminate fiscal note by the Department of Corrections.

HB 238 "An Act relating to the response account of the oil and hazardous substance release prevention and response fund; and providing for an effective date."

CSHB 238(FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new fiscal note by the Department of Revenue, a new indeterminate fiscal note by the Department of Environmental Conservation, and with a new zero fiscal note by the Department of Administration.

HB 164 "An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by licensed marine engineers for purposes of monitoring compliance with state and federal requirements, and to the obligations of those engineers while aboard the vessels; and providing for an effective date."

CSHB 164 (JUD) was heard and HELD in Committee for further consideration.

1:44:06 PM

HOUSE BILL NO. 90

"An Act relating to bail."

REPRESENTATIVE RALPH SAMUELS, sponsor, reported that HB 90 is a multi-part bill. He requested that the Committee hear the bail section of the bill first.

KATHY HANSEN, OFFICE OF VICTIMS' RIGHTS, addressed Section 5 of the bill, which amends the law addressing when a person arrested for a crime may request a third and subsequent bail hearing. She explained that hope is that this section would balance the constitutional rights between the defendant and the victim in criminal matters. She pointed out that the section was dealt with during the last legislative session; however, the Office of Victims' Rights felt that further limits were needed on the defendant's right to repeat bail hearings. She related an example of a victim who had to attend multiple bail hearings. She wanted a defense attorney to be required to offer one bail proposal at the beginning of the case and present all information available at that time, not in several subsequent hearings.

ANNE CARPENETI, ASSISTANT ATTORNEY GENERAL, LEGAL SERVICES SECTION-JUNEAU, CRIMINAL DIVISION, DEPARTMENT OF LAW, described the bill as fine tuning several new laws from the last several years such as SB 218, which expanded the sentencing period and probation for felony sex offenders. One of the problems is that mandatory probation for sex offenders is longer than what is currently in statute for the maximum period of probation. She pointed out that when a cold case prosecutor was funded, fine tuning was needed on the statute of limitation for the prosecution of older murder cases. She also spoke of a bill prohibiting electronic distribution of indecent material to children, which only addressed indecent pictures of children. Indecent pictures of adults are not covered under current law and needs to be changed. A section of HB 90 puts into statute a standard for when a court should order credit against a term of incarceration for participation in a treatment program.

Ms. Carpeneti described Section 1, which makes it a new crime for a sex offender on probation to violate a condition of probation. This was necessary because a sex offender could run out of jail time "hanging over their head" under current probation regulations. It is a class A misdemeanor if a person violates certain conditions of their probation.

1:53:34 PM

Ms. Carpeneti related that Section 2 prohibits a person from sending indecent material that depicts adults to minors.

Ms. Carpeneti reported that Section 3 is a conforming amendment that would allow the forfeiture of property such as computers used in committing electronic distribution of indecent materials to minors.

Ms. Carpeneti explained that Section 4 adds "attempt, solicitation, and conspiracy to commit murder" and "hindering prosecution of murder" to crimes that may be brought at any time. The prosecution of cold cases has been hindered by the statute of limitations for these crimes, which is five years.

Ms. Carpeneti related that Section 5 is the bail revision previously described by Ms. Hansen.

1:54:35 PM

Ms. Carpeneti explained that Section 6 relates to Nygren credit, a case that addressed when a court should grant credit against a period of incarceration for time spent in a treatment program before a sentence is served. Credit may be given for time in a treatment program that is essentially similar to incarceration. It is important for this to be in

statute to provide fairness and uniformity as to credit for time served in a treatment program. There are three criteria: the court orders treatment, the program meets the standards set forth in the bill, and the director of the program has informed the court that the person completed the requirements of the program.

Ms. Carpeneti related that Section 7 changes the mandatory period of probation from 10 years to 25 years for felony sex offenses.

Ms. Carpeneti said that Section 8 requires a person convicted of electronic distribution of indecent material to minors to register as sex a offender.

Ms. Carpeneti explained that Section 9 requires a person to bring an action for post-conviction relief that is based on the claim that the person's attorney in a prior application for post-conviction relief was ineffective, within one year after the court's denial of the prior application for post-conviction relief is final. She reported that a law passed in 1995 helped cut down on "recreational litigation" by prisoners. Current law provides several chances for post-conviction relief; however, Section 9 would impose a time limit of one year.

Ms. Carpeneti related that Section 10 provides that a prisoner not be awarded "good time" for any period spent in a treatment program, a private residence, or while under electronic monitoring. She maintained that good time should apply to good behavior during time spent in jail.

2:00:15 PM

Representative Gara voiced concern, on page 6, about not allowing good time for time spent in a 24-hour intensive treatment program. He suggested that be allowed if the treatment program satisfies the criteria described in Section 6. Ms. Carpeneti related a problem in that treatment programs do not give good time, the Department of Correction does. Also, a treatment facility does not equal jail. Representative Gara maintained that good time for treatment could be at the discretion of the Department of Corrections. He stressed that rehabilitation is important. Ms. Carpeneti said it might work if the treatment program is similar to incarceration.

2:03:24 PM

Representative Crawford thought that fewer would go into treatment if it did not count toward good time. Ms. Carpeneti agreed. She added an example of someone who does not finish treatment because it does not count toward good time.

2:04:53 PM

Representative Gara wondered if the Department of Corrections is currently required to give good time for residential treatment.

SHARLEEN GRIFFIN, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF CORRECTIONS, explained that her understanding is that the Department currently has the discretion to determine good time.

Representative Gara said he wants to make it consistent with what the law currently states. Ms. Carpeneti thought that it was currently discretionary for good time to be given for treatment.

2:08:13 PM

MARTI GREESON, ALASKA MONITORING, ANCHORAGE, addressed Section 6. She spoke about electronic monitoring of non-violent alcohol-related offenders. She testified in support of allowing electronic monitoring time counting toward good time.

Representative Gara voiced confusion about electronic monitoring credit toward good time. He summarized his understanding of good time.

Ms. Carpeneti clarified that every prisoner in the state has the right to good time. It is to encourage them to behave while in jail. Representative Gara referred to Section 6, and questioned the court's role. Ms. Carpeneti clarified that the court does not grant good time. Section 6 deals with Nygren credit, which is credit for time served. She gave an example of someone who seeks treatment prior to conviction. After the person is convicted and the sentence is imposed, the judge can reduce the time to be served for the time spent in treatment. Section 6 is intended to standardize what programs the courts give credit for against a sentence to begin with. Good time is awarded by the Department of Corrections, applies to time off for good behavior after a person is incarcerated, and is a very effective tool.

2:14:34 PM

Representative Gara asked if Section 6 does not allow for someone with an electronic monitoring device before conviction to get credit for time against an imposed sentence. Ms. Carpeneti said yes.

Representative Gara asked if Section 10 deals with the Department of Corrections not counting 30 days of

residential treatment against jail time. Ms. Carpeneti said yes.

2:15:55 PM

Vice Chair Stoltze MOVED to ADOPT Amendment 1:

> Page 4, lines 30-31 and page 5, line 1:
> Following "appearances" delete all material
> Insert the following:
> ",meetings with counsel, and work required by the treatment program and approved in advance by the court;"

Co-Chair Meyer OBJECTED.

Ms. Carpeneti explained that Amendment #1 repairs an amendment made in House Judiciary regarding the Nygren credit, which would allow mandatory work done in treatment programs to qualify for good time credit. The Department of Law was not in favor of that amendment. Amendment #1 clarifies how the credit is given for work programs.

Co-Chair Meyer WITHDREW his OBJECTION. There being NO OBJECTION, it was so ordered.

Representative Gara WITHDREW Amendments #2 and #3.

2:18:41 PM

Representative Gara MOVED to ADOPT Amendment #4:

> Page 3, lines 28-30:
> Delete "(A) the inability to post the required bail;
> (B) information that the defendant knew about but did not present at a previous bail review hearing"
> Insert "the inability to post the required bail"
>
> Page 4, line 2:
> Delete "seven days [48 HOURS]"
> Insert "48 hours"

Co-Chair Meyer OBJECTED.

Representative Gara explained that Amendment #4 has to do with whether or not a person can get a subsequent bail hearing and how.

Representative Gara WITHDREW Amendment #4.

2:19:34 PM

Representative Gara MOVED to ADOPT Amendment #5:

Page 3, lines 29-30:
Delete "knew about but did not present"
Insert "without good cause did not disclose"

Co-Chair Meyer OBJECTED.

Representative Gara explained that the way the bill is written, another bail hearing is not allowed if the defendant had information but it was not presented at the prior bail hearing. The reality is that the client does not normally talk to the court. Sometimes there is an endless replacement of public defenders doing bail hearings, and sometimes all points are not raised. The amendment disqualifies a person from the extra bail hearing if there was information that, without good cause, was not disclosed.

2:21:28 PM

Vice Chair Stoltze asked if "defendant" was synonymous with "lawyer". Representative Gara replied that the amendment was referring to what the defendant and their lawyer knew. Vice Chair Stoltze requested further clarification.

Ms. Carpeneti said the purpose of the bill seems to be to avoid serial bail hearings.

Ms. Hansen clarified that current law reads that the defendant who wants a repeat bail hearing has to file a written certification as to why they want a new bail hearing and what new information the court is going to consider. The court currently is open to this. She related a personal experience about a request for separate bail hearings, without notice, for a third-party custodian appointment and electric monitoring. She maintained that there needs to be advance notice for bail hearings. She explained the trauma experienced by victims each time there is a bail hearing.

Representative Gara sympathized with the victim. He related that the purpose of bail is for people who are not guilty. The more bail is limited, the less fair it is to the person who is not guilty. He wanted to prevent punishing the defendant due to an incompetent public defender.

2:27:11 PM

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, pointed out that the previous situation could cause litigation, if there is a disagreement between attorney and client as to what was communicated. Right to a bail hearing could be lost.

Representative Gara inquired about the new bail hearing provisions. One, on line 28, is that a client can't get the

subsequent bail hearing based on the grounds that bail could not be posted under the prior bail hearing. Mr. Steiner replied that that provision is not much different from what is in place now. Representative Gara gave an example of a client who gets $100,000 bail and can't post that much. Mr. Steiner agreed that it was a real world example. The question is whether one judge would address the bail order of another judge. Representative Gara asked how different the provision that says a bail hearing will not be allowed if the defendant knew information that wasn't shared at a prior hearing is from existing law. Mr. Steiner addressed what was new about the proposal. Representative Gara wanted to see fair bail provisions under Section 5. He asked Mr. Steiner for his opinion. Mr. Steiner thought it would lead to litigation and denial of a third hearing. Representative Gara wanted a balance, but did not know how to fix Section 5.

2:32:42 PM

Representative Joule related that in rural areas there is a lack of investigation. He wondered if that impacts the bail hearing. Mr. Steiner said it does. One of the bail considerations is the strength of the case. A time-lag is a detriment and could affect release.

Representative Samuels said there was a previous bill that said unless you have new information you can't have a new bail hearing. The point was to try to have all the information brought out at the first bail hearing so that the victim does not get called in several times. He said he understands Representative Gara's point. He thought Amendment #5 did not help clarify the issue.

2:37:19 PM

Ms. Carpeneti pointed out that the bill addresses a person's third bail hearing. She opined that there is an out in current law and the bill is fair the way it is drafted. Representative Gara argued that granting of a bail reduction by the prosecutor does not happen very often. He gave an example of an attorney misrepresenting a client. Ms. Carpeneti thought the attorney should be presenting the best case at the first bail hearing.

Representative Gara WITHDREW Amendment #5.

2:40:25 PM

Representative Gara addressed Section 10 and maintained that a prisoner should get a good time deduction if treatment meets the criteria on page 4, beginning with line 28. Ms. Carpeneti thought it would be easier to include this in definitions. Representative Gara thought the court order

would have to be deleted because it does not order good time. Ms. Carpeneti proposed wording, "a treatment program for this section means a program that a person completes and that is equivalent to incarceration."

Representative Gara added, "a program that the person completes and that meets the standards stated in .027(c)."

Representative Gara MOVED to ADOPT Conceptual Amendment #6:

> Page 6, lines 21-23
> Insert language to read
> "good time may be granted if the treatment program is:
>
> (1) Completed;
> (2) and meets the standards in AS 12.55.027(c)

Representative Hawker OBJECTED.

Representative Samuels asked what happens when there are thirty days left in a sentence of a sixty-day sentence and the last thirty days are spent in a treatment program, which isn't completed. He wondered if the Department of Corrections would have to re-calculate the sentence.

Ms. Carpeneti said treatment is at the end of the sentence and time-keeping by the Department of Corrections is a complicated matter. In order to give good time for a treatment program, the program should be completed.

Representative Joule wondered how much time the sentence would be and how effective treatment would be if it comes at the end of the sentence. Representative Samuels noted it would be a 90-day sentence with 30 days of treatment. Good time would have to be predicted by the Department of Corrections.

2:48:15 PM

Representative Gara related a scenario about treatment plan possibilities.

Representative Hawker spoke against Section 10 and putting the Department of Corrections in the position of over-riding a court sentence.

Representative Gara argued that the amendment does not violate a court order. He thought treatment was important.

Ms. Griffin said those that need extensive treatment are sent to residential treatment programs. Anyone who has a court order for treatment has a probation officer to oversee it. She did not see that there would be any good time to give or take away.

A roll call vote was taken on the motion.

IN FAVOR: Crawford, Gara
OPPOSED: Foster, Hawker, Joule, Stoltze, Thomas, Meyer

Representatives Kelly, Nelson, and Chenault were absent for the vote.

The amendment failed (2-6).

Co-Chair Meyer noted a new indeterminate fiscal note from the Department of Commerce. He listed the other fiscal notes.

2:56:44 PM

Representative Joule wondered about fiscal notes #5 and #6. He wondered when those indeterminate costs would be real costs.

Ms. Griffin explained the possible costs for the Department of Corrections by section. She related that in Section 6, one of the uncertainties is the effect of less pre-trial electronic monitoring. Section 7, the extended probation, will not have an impact on the Department. The Department's concern regarding Section 10 is about not allowing good time for electronic monitoring and the resulting financial costs. It is not know how many offenders will refuse electronic monitoring.

Co-Chair Meyer asked if fiscal notes #5 and #6 are among the current fiscal notes. Ms. Griffin noted that they were replaced by a new indeterminate note.

Vice Chair Stoltze MOVED to REPORT CSHB 90 (FIN) out of Committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 90 (FIN) was REPORTED out of Committee with a "do pass" recommendation and with zero fiscal note #2 by the Department of Law, indeterminate fiscal note #3 by the Department of Administration, indeterminate fiscal note #4 by the Department of Administration, and with a new indeterminate fiscal note by the Department of Corrections.

3:03:01 PM

HOUSE BILL NO. 238

> "An Act relating to the response account of the oil and hazardous substance release prevention and response fund; and providing for an effective date."

MICHAEL PAWLOWSKI, STAFF, CO-CHAIR MEYER, referred to a spreadsheet in the members' packets (copy on file.) He explained that the legislation would create a subaccount within the Response Account and direct the Department of Revenue to invest that money to generate a higher rate of return similar to the way the subaccount in the CBR is managed.

Mr. Pawlowski reported that Section 1 deals with the Department of Administration's calculations of the balance of the fund and relates to the imposition of the 1 cent tax. Section 2 would add realized income of the subaccount created in Section 3 to the Prevention Account. Section 3 creates a subaccount in the Response Account and directs the Commissioner of Revenue to manage the subaccount based on a five-year basis. Section 4 transfers $40 million from the Response Account to the subaccount created in Section 3. Section 5 is an effective date.

Co-Chair Meyer observed that the intent is to increase the 470 Account by investing it like a similar subaccount in the CBR.

3:07:07 PM

Representative Gara noted that the fund can be used for a catastrophic spill and questioned what would happen if a spill occurred after the $40 million was invested.

Co-Chair Meyer thought that the cost would be paid out of the general fund and replenished from collection for damages.

BRIAN ANDREWS, DEPUTY COMMISSIONER, TREASURY DIVISION, DEPARTMENT OF REVENUE, pointed out that the subaccount could be liquidated in a day. The anticipated return of the subaccount will be somewhere between 7 and 9 percent and the longer it is invested, the higher the probability of a higher return.

Representative Gara asked where the interest would go.

Mr. Pawlowski explained that the interest would go through several other accounts within the fund and is then credited to the Prevention Account. Representative Gara asked if it would alter the amount of money of the 4 cents or 1 cent per barrel tax. Mr. Pawlowski replied that it would not alter the amount of money other than what could happen in terms of a different market valuation. Representative Gara asked if additional interest earned would have an effect on the barrel tax. Mr. Pawlowski responded that those taxes are charged regardless of the interest earned. The 1 cent tax is charged based on the balance of the $50 million. He

explained that added in Section 1 is a provision that if there is an investment loss, net loss is added back to the balance. If an expenditure is made out of the account, the 1 cent tax would accumulate normally. Representative Gara thought that made sense.

Mr. Pawlowski observed that on page 2, line 28 "Revenue" needed to be changed to "Administration" for collection purposes.

Co-Chair Meyer MOVED to ADOPT Amendment #1:

> On page 2, line 28
> Delete "Revenue"
> Add "Administration"

There being NO OBJECTION, it was so ordered.

In response to a question by Co-Chair Meyer, Mr. Pawlowski noted that the balance in the fourth quarter of FY 06 dropped below $50 million. There has not been a drop below $40 million.

At ease: 3:12:17 PM

Reconvened: 3:16:09 PM

Representative Hawker referred to a chart provided by the Department of Environmental Conservation demonstrating expenditures from the Response Account (copy on file.) He asked why there is a large ($8.5 million) encumbrance outstanding from a Department of Law review.

BRECK TOSTEVIN, SENIOR ASSISTANT ATTORNEY GENERAL, ENVIRONMENTAL SECTION, CIVIL DIVISION, DEPARTMENT OF LAW, explained that the funds were set aside for outside legal counsel for a state damages claim against BP and others arising out of the North Slope oil spill. Representative Hawker did not believe that the statutory intent of the oil spill response account was for investigating litigation. Mr. Tostevin referred to the Response Fund, AS 46.08.040 (a)(1)(A):

> (a) In addition to money in the response account of the fund that is transferred to the commissioner of commerce, community, and economic development to make grants under AS 29.60.510 and to pay for impact assessments under AS 29.60.560, the commissioner of environmental conservation may use money
> (1) from the response account in the fund

(A) when authorized by AS 46.08.045, to investigate and evaluate the release or threatened release of oil or a hazardous substance, and contain, clean up, and take other necessary action, such as monitoring and assessing, to address a release or threatened release of oil or a hazardous substance that poses an imminent and substantial threat to the public health or welfare, or to the environment;

Representative Hawker argued that the funds are being spent on litigation without legislative appropriation.

In response to a question by Representative Gara, Mr. Tostevin explained that $8.5 million was from the Response Account, which is the 1 cent per barrel tax. Representative Gara summarized that the Response Account applies to responses to releases or threatened release. Mr. Tostevin agreed and noted that it applies to imminent or substantial threats.

Representative Gara felt that the costs were justified by the shut down of the pipeline due to a threat of a release.

3:23:14 PM

Co-Chair Meyer acknowledged the arguments for the use, but noted that it was not the original intent of the fund. Representative Hawker characterized it as an "absurd stretch".

Representative Kelly requested an explanation.

Mr. Tostevin explained that the basis for using the fund is both for (a)(1)(A) and (a)(1)(C). When the Response Fund was split in 1994, there was discussion of using the fund to recover costs incurred in spills where you tapped the Response Account. He opined that there is a clear legal basis to use the Fund as it is currently being used.

Co-Chair Meyer redirected attention to the purpose of HB 238, which is to redirect $40 million of the $50 million into a subaccount.

3:25:42 PM

Representative Gara suggested that the intent of the 4 cents and 1 cent tax was for spill prevention and spill

response work. He maintained that the 4 cents tax does not cover the cost of spill prevention and should be closer to 6 cents. Co-Chair Meyer thought this bill would provide more money toward that purpose.

LARRY DIETRICK, DIRECTOR, SPILL PREVENTION AND RESPONSE, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, acknowledged that the projections are good until 2010.

3:28:14 PM

Representative Foster MOVED to REPORT CSHB 238 (FIN) out of Committee with individual recommendations and the accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 238(FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new fiscal note by the Department of Revenue, a new indeterminate fiscal note by the Department of Environmental Conservation, and with a new zero fiscal note by the Department of Administration.

3:29:50 PM

HOUSE BILL NO. 164

> "An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by licensed marine engineers for purposes of monitoring compliance with state and federal requirements, and to the obligations of those engineers while aboard the vessels; and providing for an effective date."

REPRESENTATIVE KYLE JOHANSEN, Sponsor explained the legislation. He reported that the Alaska Constitution sets up a system of checks and balances so no group has absolute power. These apply to the initiative process in several ways: the legislature's power to amend initiatives and the legislature's power to control expenditures of the state money, make changes to the initiative, and decide on expenditures.

Representative Johansen related some of the facts brought out in previous committees. The cruise ship fleet has radically changed since April 2003 when the initiative was initially filed. Only two ships had advanced wastewater treatment systems. Today 24 out of 29 ships have advanced wastewater treatment systems, which future ships will all have. The Coast Guard determined that the discharge from these systems is so clean it can be released 24 hours a day, even in port. The Department of Environmental Conservation

(DEC) testing showed that the effluent presents no harm to humans or to the environment.

Representative Johansen reported that there currently exists trained, independent contractors and monitoring systems from DEC, EPA, and the Coast Guard on board the ships. DEC maintains that the current system works and does not need to be supplemented by the Ocean Ranger program. The state currently spends about $500,000 on monitoring programs and the Ocean Ranger program would increase this spending by "several 100 percent".

Representative Johansen addressed a change to the initiative which replaces the requirement that Ocean Rangers be licensed certified marine engineers. Instead, they will be required to be level III wastewater treatment operators. Also, the commissioner of DEC now has the discretion as to how to implement the initiative and when to place the Ocean Rangers on the vessels in Alaskan waters.

Representative Johansen related that the intent of the initiative has been maintained, keeping safety and costs in mind. A balance has been struck between being fiscally responsible and getting the Ocean Rangers on board as soon as possible.

3:36:37 PM

Vice Chair Stoltze asked about a requirement to have a marine engineer on board. Representative Johansen reported that the initiative language specified that a U.S. certified Coast Guard marine engineer be on board, however, that person would not be a professional in wastewater management. There was concern that marine engineers from the Alaska Marine Highway System would be taken to fill Ocean Ranger spots. He maintained that professional wastewater treatment specialists need to be on board the cruise ships.

Vice Chair Stoltze noted that there was little debate on this issue during the election. Representative Johansen reported that one of the initiative sponsors works for the union representing the Alaska Marine Highway. He offered to provide previous testimony as to the availability of marine engineers.

3:39:10 PM

Representative Kelly summarized that the commissioner of DEC would have the discretion to make decisions regarding Ocean Rangers, including at sea. Representative Johansen said that is correct. He envisioned putting Ocean Rangers on in Juneau, Ketchikan, or Sitka because of current DEC support in those locations. Representative Kelly concluded that the commissioner has flexibility in carrying out the initiative.

CSHB 164 (JUD) was heard and HELD in Committee for further consideration.

ADJOURNMENT

The meeting was adjourned at 3:41 PM.