

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 20, 2007

7:59 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SUBCOMMITTEE REPORT

- HEARD

HOUSE BILL NO. 126

"An Act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for an effective date."

- MOVED HB 126 OUT OF COMMITTEE

HOUSE BILL NO. 88

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

- MOVED CSHB 88(STA) OUT OF COMMITTEE

HOUSE BILL NO. 117

"An Act relating to proclamations issued by the governor calling the legislature into special session."

- MOVED HB 117 OUT OF COMMITTEE

HOUSE BILL NO. 109

"An Act relating to the requirement for candidates, groups, legislators, public officials, and other persons to submit reports electronically to the Alaska Public Offices Commission; relating to disclosures by legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and certain candidates for public office concerning services performed for compensation and concerning certain income, gifts, and other financial matters; requiring legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and municipal officers to make certain financial disclosures when they leave office; relating to insignificant ownership interest in a business and to gifts from lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act; and providing for an effective date."

- BILL HEARING POSTPONED

PREVIOUS COMMITTEE ACTION

BILL: HB 126

SHORT TITLE: DRIVER'S LICENSES AND PERMITS

SPONSOR(S): REPRESENTATIVE(S) JOHANSEN

02/12/07	(H)	READ THE FIRST TIME - REFERRALS
02/12/07	(H)	STA, JUD
02/15/07	(H)	TRA AT 1:30 PM CAPITOL 17
02/15/07	(H)	<Bill Hearing Canceled>
02/20/07	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 88

SHORT TITLE: TVS AND MONITORS IN MOTOR VEHICLES

SPONSOR(S): REPRESENTATIVE(S) GATTO, GRUENBERG

01/16/07	(H)	PREFILE RELEASED 1/12/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD, FIN
01/29/07	(H)	BILL REPRINTED 1/29/07
02/08/07	(H)	STA AT 8:00 AM CAPITOL 106
02/08/07	(H)	Scheduled But Not Heard
02/13/07	(H)	STA AT 8:00 AM CAPITOL 106
02/13/07	(H)	Heard & Held
02/13/07	(H)	MINUTE(STA)
02/15/07	(H)	STA AT 8:00 AM CAPITOL 106
02/15/07	(H)	Heard & Held

02/15/07 (H) MINUTE(STA)
02/20/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 117

SHORT TITLE: PROCLAMATION CALLING A SPECIAL SESSION
SPONSOR(S): REPRESENTATIVE(S) HARRIS

02/01/07 (H) READ THE FIRST TIME - REFERRALS
02/01/07 (H) STA, JUD
02/20/07 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

RANDY RUARO, Staff
to Representative Kyle Johansen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 126 on behalf of
Representative Johansen, prime sponsor.

KERRY HENNINGS, Driver Licensing Manager
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments and responded to
questions during discussion of HB 126.

AVES THOMPSON, Executive Director
Alaska Trucking Association, Inc. (ATA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 126.

MARTHA MOORE, Public Health Specialist II
Injury Prevention & Emergency Medical Services
Division of Public Health
Department of Health and Social Services

POSITION STATEMENT: Testified in support of HB 88.

CINDY CASHEN, Administrator
Highway Safety Office
Division of Program Development
Department of Transportation & Public Safety
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 88.

MARY SIROKY, Legislative Liaison
Office of the Commissioner

Department of Transportation & Public Facilities (DOT&PF)
Juneau, Alaska

POSITION STATEMENT: Offered a comment during the hearing on HB 88.

REPRESENTATIVE CARL GATTO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as joint prime sponsor of HB 88.

TOM WRIGHT, Staff
House Majority Office
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 117 on behalf of Representative John Harris, prime sponsor.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [7:59:26 AM](#). Representatives Roses, Coghill, Johnson, and Lynn were present at the call to order. Representatives Johansen, Gruenberg, and Doll arrived as the meeting was in progress.

SUBCOMMITTEE REPORT

[7:59:26 AM](#)

REPRESENTATIVE COGHILL reported on the latest progress of the State Affairs ethics subcommittee.

HB 126-DRIVER'S LICENSES AND PERMITS

[8:01:38 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 126, "An Act relating to driver's licenses and permits, commercial driver's licenses, and other motor vehicle laws; relating to the driver's license compact; and providing for an effective date."

[8:01:51 AM](#)

RANDY RUARO, Staff to Representative Kyle Johansen, Alaska State Legislature, introduced HB 126 on behalf of Representative Johansen, prime sponsor. He said the language of nine-tenths of

the bill would bring Alaska's Division of Motor Vehicles' regulations in compliance with federal mandates related to commercial driver's licenses (CDLs). He related that the state faces incurring a financial penalty [which would result in the loss of] federal highway aid funds, estimated to be \$7 million in fiscal year 2008 (FY 08), and up to \$14 million in FY 09, with continued penalties thereafter. He said it is not possible to determine what those future amounts would be because [funds from] the [Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)] run out in FY 09 and it is unknown what the federal appropriation amounts will be after that. He said additionally there are some penalties imposed on the state's ability to issue CDLs in the future. He said there are representatives from the Division of Motor Vehicles available to answer questions.

[8:03:48 AM](#)

MR. RUARO, in response to a question from Representative Roses, said the other portion of the bill [in Section 1] offers language to revoke the September 1 expiration date for school bus drivers. He offered his understanding that that change was requested by the DMV because it cannot handle all the expirations occurring at one time. He said there is a portion of the bill [in Section 3] that would, under certain conditions, exempt those operating snow removal equipment from CDL requirements. He said, "That's a discretionary piece under the federal law that the state DMV has chosen to accept."

[8:05:38 AM](#)

MR. RUARO, in response to Representative Johnson, provided a sectional analysis [included in the committee packet].

[8:06:32 AM](#)

REPRESENTATIVE JOHNSON, regarding Mr. Ruaro's previous statement about federal funds that would be lost, noted that sometimes federal monies are not lost, but are [redirected]. He asked if that may be the case.

[8:06:53 AM](#)

MR. RUARO confirmed that the federal money, if withheld, would not subsequently be available to the state. He referenced 49 U.S.C. 31314(c).

[8:07:22 AM](#)

REPRESENTATIVE ROSES directed attention to page 5, lines 6-7, and noted that the expiration date was deleted, but has not been replaced with a new one.

[8:08:18 AM](#)

KERRY HENNINGS, Driver Licensing Manager, Division of Motor Vehicles (DMV), Department of Administration (DOA), explained that removing the aforementioned expiration date for the bus drivers would allow the DMV to add the endorsement to the CDL and bring the division into compliance. She said the division had not done that previously because there was a law in the books about tuberculin testing; however, the Department of Education repealed that law in 2005.

[8:10:05 AM](#)

CHAIR LYNN, after ascertaining that there was no one else to testify, closed public testimony.

[8:10:16 AM](#)

REPRESENTATIVE COGHILL said he always bristles when the federal government dictates what the state must do, although he said he understands the need for compliance. He directed attention to a letter in the committee packet, [dated January 31, 2007], from John H. Hill [to Governor Sarah Palin], and he stated that the letter "sounds a little bit more like an extortion letter." He said he would not vote against the bill, but he would be signing with a "no recommendation." Representative Coghill added that he plans to ask about the fact that there is no fiscal note when the next committee of referral hears the bill.

[8:11:29 AM](#)

CHAIR LYNN said it sounds like the state can get free money if it votes to do so, but there are strings attached. He said, "I don't care for it either."

[8:11:52 AM](#)

REPRESENTATIVE ROSES observed how long it has been since [the Motor Carrier Safety Improvement Act of 1999 (MCSIA)] was enacted. He continued:

It sounds as though one of the stipulations that we had trying to correct this in the past was part of the issue over the [tuberculosis (TB)] test that the bus drivers had to take and trying to move that over under the CDL license. So, it looks like there's a number of things in place that we've sort of pushed ourselves into a corner to where it's become a little bit more imperative that we act now than it would have if we'd have reacted in '99 or 2000. ... But I'm like you: that anvil hanging over your head is one [approach] I've never particularly appreciated ..., but I understand the necessity.

[8:12:41 AM](#)

CHAIR LYNN reopened public testimony.

[8:13:21 AM](#)

AVES THOMPSON, Executive Director, Alaska Trucking Association, Inc. (ATA), testified in support of HB 126. He paraphrased his written testimony, which read as follows [original punctuation provided]:

The Alaska Trucking Association is a state wide organization representing trucking interests from Barrow to Ketchikan. In another three weeks, we will conduct our 49th Annual Meeting celebrating over 49 years of representing our industry in Alaska. Our more than 200 members represent all of the diverse trucking operations in the state and many associate members who provide goods and services to our industry. On behalf of ATA, I thank you for the opportunity to testify in support of HB126. HB 126 is an important bill relating to commercial drivers licenses, DMV operations and other driver issues.

In reviewing the bill, we are in agreement with the intent of the bill to reduce the number and severity of commercial motor vehicle related fatalities and injuries. Alaska has had an admirable commercial vehicle safety record over the years and we support efforts to continue to improve safety for commercial vehicles. One of the elements of our mission statement is to "...promote highway and driver safety."

Provisions of the bill will bring Alaska into compliance with Federal Motor Carrier Safety Administration regulations which will eliminate the possibility of federal sanctions against our federal-aid highway funds. These funds are currently in jeopardy due to Alaska's non-compliance.

Exemptions are included to expand the military exemption language to include more service members and to allow a non-CDL holder to operate snow removal equipment in case of emergency.

In line with FMCSA [Federal Motor Carrier Safety Administration] regulations, this change also allows a non-resident to operate a CMV [commercial motor vehicle] using their home state license.

Bill language clearly states that 19 year old drivers may be issued a CDL to operate in intra state commerce. This clears up some previous ambiguities.

Many of the changes update penalties for drivers for disqualifying offenses. This will assist in keeping bad or unfit drivers off our highways thereby improving the safe driving environment.

In closing, Mr. Chairman and members of the committee, we support HB126 and urge the committee to move the bill with do pass recommendations.

[8:16:10 AM](#)

CHAIR LYNN closed public testimony.

[8:16:18 AM](#)

REPRESENTATIVE JOHANSEN moved to report HB 126 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 126 was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:17:03 AM](#) to [8:19:16 AM](#).

HB 88-TV5 AND MONITORS IN MOTOR VEHICLES

[8:19:31 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 88, "An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; and providing for an effective date."

[Before the committee was HB 88; left pending on 2/13/07 was a motion to adopt the committee substitute (CS) for HB 88, Version 24-LS0312\C.]

[8:19:37 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt the committee substitute (CS) for HB 88, Version 25-LS0312\E, Luckhaupt, 2/19/07, as work draft. There being no objection, Version E was before committee.

[8:20:07 AM](#)

REPRESENTATIVE GRUENBERG [moved to adopt] Amendment 1, labeled 25-LS0312\E.1, Luckhaupt, 2/19/07, which read as follows [with some handwritten changes]:

Page 1, line 1, following "Act":

Insert "**relating to provisional driver's licenses and instruction permits and the use of wireless telephones by those licensees and permittees;**"

Page 1, following line 4:

Insert new bill sections to read:

"* **Section 1.** AS 28.15.051(a) is amended to read:

(a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. **The permittee may not use a wireless telephone or wireless personal digital assistant while operating a motor vehicle.** The permittee shall be accompanied by a person at least 21 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and

who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

* **Sec. 2.** AS 28.15.057(b) is amended to read:

(b) A person authorized to drive a motor vehicle under a provisional driver's license issued under AS 28.15.055 may not

(1) operate a motor vehicle that is carrying any passengers

(A) except a passenger who is a parent, legal guardian, sibling, or a person at least 21 years of age; or

(B) unless at least one of the passengers is a parent, legal guardian, or person at least 21 years of age; [OR]

(2) operate a motor vehicle between the hours of 1:00 a.m. and 5:00 a.m., except when the person is

(A) accompanied by a parent, legal guardian, or a person at least 21 years of age who is licensed to drive the type or class of vehicle being used; or

(B) driving to or from the person's place of employment or within the scope of the person's employment and the driving is along the most direct available route; or

(3) use a wireless telephone or wireless personal digital assistant while operating a motor vehicle."

Page 1, line 5:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill sections accordingly.

CHAIR LYNN objected for discussion purposes.

REPRESENTATIVE GRUENBERG opined that young people who have just received their driver's permit should not be distracted while driving. He noted that a number of states have adopted this legislation.

[8:21:52 AM](#)

REPRESENTATIVE JOHNSON asked Representative Gruenberg if it is his intent to ban the use of cell phones in this circumstance, even if, for example, the permittee were to use one with "adaptive equipment."

REPRESENTATIVE GRUENBERG answered, "Just during the period of the provisional license." He noted that there are several people from the Department of Administration willing to testify.

[8:22:36 AM](#)

MARTHA MOORE, Public Health Specialist, Department of Health and Social Services, testified in support of HB 88. She relayed that it is difficult to get crash victims from the many rural areas of the state to medical care facilities, thus prevention is much more critical. She said the Department of Transportation and Public Facilities reported that in 2005, there were just over 13,000 motor vehicle crashes, about 20 percent of which were listed as being caused by "driver inattention." That cause was responsible for 25 percent of "driver injury crashes" and 16.5 percent of the 67 fatalities. She noted that ten years ago, driver inattention was only mentioned in 15 percent of the traffic accidents.

[8:24:34 AM](#)

MS. MOORE stated that a national survey was conducted in 2002, which was called, "The Gallop Survey of Distracted and Drowsy Driving Attitudes and Behaviors." The survey found that "22 percent of causes that led to a crash were the result of the driver dealing with technology in the vehicle." She continued:

The development of electronic devices for use in motor vehicles is a rapidly growing field, and manufacturers have been working to develop safety features and to minimize driver distraction in relation to these devices. However, the research and development for these safety features is lagging behind customer demand. Consequently, consumers do install their own entertainment systems or they bypass or disengage the safety devices. Currently, 38 states have introduced front seat entertainment systems, and 12 states have laws pertaining to television and monitors in motor vehicles.

[8:25:37 AM](#)

REPRESENTATIVE JOHNSON said driver distraction is a broad term. He asked if there is any information showing that the number of distraction incidents resulting from cell phone use has increased or decreased.

8:26:07 AM

MS. MOORE said she does not know; however, she said that a third of the accidents caused by cell phone use resulted in injury.

REPRESENTATIVE JOHNSON asked Ms. Moore if she knows how many of those accidents involved drivers operating vehicles with a provisional driver's license.

MS. MOORE said she has no idea.

8:27:22 AM

CINDY CASHEN, Administrator, Highway Safety Office, Division of Program Development, Department of Transportation & Public Safety, testified in support of HB 88. She said her office receives the federal funds for the programs it monitors; those programs are designed to encourage people to adopt safe driving practices. She offered information related to teenager driver fatalities and how they relate to the use of cell phones. She continued:

We have 196 million licensed drivers in the U.S., and of those 196 million, only 12.4 million are teenagers; it's not very many: 6.3 percent. ... Of the 196 million licensed drivers, the teenagers make up almost 25 percent of the driver deaths, which is -- those statistics don't add up. And they make up almost 24 percent of all road fatalities. What those numbers tell us is that the teenagers are not only killing themselves, but they're taking us down with them.

And the numbers are going up. The teen driver deaths have increased over the last 10 years by 5 percent. In 2004, in our nation, over 3,600 teen drivers were killed; 303,000 were injured; and over half a million lost their license in car crashes. Car crashes are the leading cause of death for teenagers, ... and [there are] three reasons why ..., and I'm probably not going to surprise any of you when I tell you it's

inexperience, it's risk-taking behavior, and it's greater risk exposure - like driving at night.

Now [the National Highway Traffic Safety Administration's (NHTSA's)] explanation for the responsibility of drivers is to operate a motor vehicle safely, and the task of driving requires our full attention and focus. The cell phone use, whether it's handheld or "headless," can distract drivers from this task, risking harm to themselves and others; therefore, the safest course of action is to refrain from using a cell phone while driving. When we're learning to drive - and this is with a learner's permit and the provisional driver's license - we need a period of time to get used to distractions, whether it's inside the car or outside the car. We have to focus; we have to train ourselves to learn to drive safely. We can't do that if we have any distraction around us.

[8:31:05 AM](#)

In 2005, Alaska teenagers were responsible for 416 of the 2,100 distraction-related crashes. Now, of those 2,100 distraction-related crashes, we know that 59 of the drivers were using their cell phone at the time of the crash. Of those 59 drivers, 23 of them were teenagers. I took a look at Alaska's time of day when the crashes occurred due to cell phone use, and it was between the hours of school getting out and dinner time. And those numbers are going up.

So, this is an opportunity to save some lives and prevent some injuries during the time that the novice and the new driver ... learn how to drive safely.

[8:32:13 AM](#)

MARY SIROKY, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), noted that there is a committee substitute available which includes language in Section 1 that was requested by the department.

[8:33:11 AM](#)

REPRESENTATIVE GRUENBERG noted that the language to which Ms. Siroky refers was added on page 2, lines 28-30, of Version E. That language read as follows [original punctuation provided]:

(H) information for use in performing highway construction, maintenance or repair, or data acquisition by the Department of Transportation and Public Facilities or a municipality.

[8:33:23 AM](#)

CHAIR LYNN, as a father of six, one-time teenagers, stated his need to speak in support of teenagers. He pointed out that many teenagers are on the combat zone of war, handling many distractions well. He revealed that he was in the air force flying school when he was a teenager, and he survived. He said he thinks sometimes people underestimate teenagers. He said teenagers don't have experience, but they have better reflexes and good coordination and "are not distracted by some of the things that the rest of us are distracted by." He concluded, "I support this, but almost reluctantly."

[8:34:44 AM](#)

MS. CASHEN, in response to a question from Representative Roses, said a teenager can get a learner's permit at 14, a provisional license at 16, and a regular driver's license at 18. She said statistics show that the number of crashes drops abruptly by the time a teenager reaches 18 years of age. She stated, "It's those ages between ... 14 to 18 that they're very dangerous on the road."

REPRESENTATIVE ROSES suggested it is the financial responsibility taken on by the age of 18 that has the greater impact on safe driving. He stated that he does not think the bill will change misbehavior. He said he supports the bill; however, he said his concern has to do with the level of consequence. He said a misdemeanor means nothing to teenagers, but having a license taken away does.

[8:37:11 AM](#)

MS. CASHEN responded that she couldn't agree with Representative Roses more. She said the bill would do just that through a point system. After so many points, the driver's license would be revoked. In response to a follow-up question from

Representative Roses, she said the department plans to get the message through to teenagers through its educational programs.

REPRESENTATIVE ROSES stated his understanding that the driver's manual gets reprinted every three to four months. He urged that the system of accumulated points leading to the loss of the provisional license be clearly stated in the manual.

MS. CASHEN said that responsibility rests with Ms. Hennings in the DMV; however, she said her department works closely with the DMV and she is "aware of the need for stressing that."

[8:38:21 AM](#)

REPRESENTATIVE JOHNSON asked if the amendment would disallow only permittees between the ages of 14 and 16 from operating wireless phones or if it would include up to age 18.

[8:38:45 AM](#)

MS. CASHEN, [modifying her previous statement], said a teenager can acquire a provisional license at the age of 16. He/she must drive violation-free for 12 months, thus, the earliest he/she could qualify for a regular license would be at age 17.

REPRESENTATIVE JOHNSON restated his question. He asked at what age a person could operate a cell phone "without a problem" if this amendment were to pass.

MS. CASHEN confirmed the age would be 17.

REPRESENTATIVE JOHNSON offered the following scenario:

If I am 17, and I'm delivering pizzas, I cannot use my cell phone while I'm driving to get instructions or anything else?

MS. CASHEN answered, "Not while you're driving." She clarified that the rule would apply while the vehicle was in motion; therefore, the driver could pull over to make the call.

[8:40:42 AM](#)

REPRESENTATIVE JOHNSON asked if there are any statistics about "people pulling over causing accidents."

MS. CASHEN said she could get those statistics.

REPRESENTATIVE JOHNSON responded, "I don't -- I think the point's been made."

[8:40:53 AM](#)

REPRESENTATIVE GRUENBERG clarified that Section 1 deals with learner's permits, which can be obtained at the age of 14 and last for up to two years, and must be used in the accompaniment of an adult 21 years of age or over. Section 2, he said, addresses the issue of the graduated license for those who are over 16. He stated, "We're adding the cell phone requirement to both parts of the law."

[8:42:10 AM](#)

REPRESENTATIVE COGHILL said he would like to divide the amendment. He said he supports Section 1, but is not sure about Section 2. He shared the following anecdote:

My daughter was 16 years old and had a job that she had to be to work at five in the morning. She opened up the shop. And somebody wanted her really bad, and they were trying to run her off the road. And she picked up her cell phone and made a phone call and had a police there that caught that person. And so, I often wonder about those who misuse it, and those who are forbidden because of those who misuse it. I just wonder if we're going down the right road.

REPRESENTATIVE COGHILL said he is not disagreeing with the statistics that say there are people between "the ages described here" that have accidents after school and before dinner. He named [eating] fast food [in the car] and [listening to] installed sound systems as other causes of distraction. He admitted that cell phones can be a problem for many adults and young people, but he said there are many positive aspects of having a cell phone. He stated, "One time my daughter was saved; it's going to be awfully hard for me to say other people don't get that same benefit."

[8:44:02 AM](#)

CHAIR LYNN remarked that if it were ever his choice whether to allow someone to run him off the road or to violate "this provision" he would use the cell phone.

REPRESENTATIVE COGHILL said he agrees, but clarified that if the amendment is adopted, then those who would use the cell phone would be "acting outside of the law."

REPRESENTATIVE COGHILL, in response to Chair Lynn, reiterated that he would like to divide the question for Amendment 1.

REPRESENTATIVE GRUENBERG stated his assumption that the committee had no objection to Section 1.

[8:44:56 AM](#)

CHAIR LYNN removed his objection to Amendment 1.

[8:45:21 AM](#)

REPRESENTATIVE JOHNSON objected to adopting Section 1. He stated, "I see this as something that's just terribly unenforceable. I agree with the concept, but I just don't know how we're going to enforce ... the penalties if you've got someone 21 years old [saying], 'It wasn't me, it was this person talking on the phone; I wasn't really doing it.'" He questioned whether it would be a primary offense, thereby allowing an officer to pull someone over [who is talking on a cell phone] because the officer thinks the person is driving with a provisional driver's license. He stated, "The last thing I want is another reason for police ... to pull over a car for any reason they see fit." In response to Chair Lynn, he said he would definitely want to "amend this amendment." He said he supports the concept of the bill and doesn't want to hold it up in committee; however, he said he thinks the committee is stepping over the line and "starting down a slope" that he said he is not prepared to go down.

[8:47:43 AM](#)

REPRESENTATIVE ROSES recalled that the bill started out addressing the issue of video monitoring devices, and then the issue of cell phone use was added. He said he thinks the committee is contemplating putting something in the bill that would be difficult to enforce and may kill the bill entirely.

CHAIR LYNN indicated that the practice of adding issues onto bills concerns him.

[8:49:24 AM](#)

REPRESENTATIVE CARL GATTO, Alaska State Legislature, testified as joint prime sponsor of HB 88. He offered an anecdote. He stated that everything that is added to the bill complicates it, thus, he asked the committee to narrow the bill down to its original purpose. In response to a question from Representative Johnson, he confirmed that he does not support any part of Amendment 1.

8:53:09 AM

REPRESENTATIVE GRUENBERG withdrew Amendment 1.

8:53:46 AM

REPRESENTATIVE COGHILL recommended that Representative Gatto look at the new committee substitute, because it includes "watching a program or reading from a visual display on a portable cellular telephone," which he said can be interpreted as using a cell phone. He said, "Certainly you don't want to be reading text messages, I agree, but when I answer my Blackberry, quite often I will have to click it, and I'll look to see who's calling me before I raise it up to my ear." He added, "It'll be a violation, I think."

REPRESENTATIVE GATTO reminded the committee that the original language is that the device "shall not be visible," and he said as soon as something is picked up it becomes within the person's line of sight. He said it is possible for someone to drive with both hands and look at the road while using attachments to a cell phone. He stated, "You cannot watch a movie without watching it."

8:55:21 AM

REPRESENTATIVE GRUENBERG directed attention to page 2, lines 4-5 of Version E, which read as follows:

(2) is watching a program or reading from the visual display on a portable cellular telephone or personal data assistant.

REPRESENTATIVE GRUENBERG emphasized that the prohibition would be in regard to that which is visual. He asked Representative Gatto, "Do you have a problem with that?"

REPRESENTATIVE GATTO replied:

You know, on this one-on-one conversation it sounds ... okay, but my basic feeling is we can address that on a separate issue. ... I'd really like to see this legislation pass in the purest form possible, without someone making yet another amendment on that one that can be had in any future committee.

CHAIR LYNN said three of the seven House State Affairs Standing Committee members also serve on the House Judiciary Standing Committee and will get a chance to "revisit this."

[8:56:28 AM](#)

REPRESENTATIVE ROSES, regarding Representative Coghill's previous statement pertaining to glancing at a Blackberry to see who is calling, said he does not think the bill "goes to that level."

[8:57:25 AM](#)

REPRESENTATIVE LYNN, in response to Representative Gatto, said new fighter planes have a "heads up" display, so there is not distraction in looking down in the cockpit. He added, "It works the same in an automobile." He said that may be a subject to explore in a bill in the future.

[8:58:10 AM](#)

REPRESENTATIVE JOHNSON said he has been in a car in which the speedometer shows in the windshield.

[8:58:33 AM](#)

REPRESENTATIVE GRUENBERG moved to report CSHB 88, Version 25-LS0312\E, Luckhaupt, 2/19/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 88(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:59:07 AM](#) to [9:01:50 AM](#).

HB 117-PROCLAMATION CALLING A SPECIAL SESSION

[9:02:03 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 117, "An Act relating to proclamations issued by the governor calling the legislature into special session."

[9:02:12 AM](#)

TOM WRIGHT, Staff, House Majority Office, Alaska State Legislature, presented HB 117 on behalf of Representative John Harris, prime sponsor. He said the proposed legislation would direct the governor or administration to give a 30-day notice in calling a special session rather than a 15-day notice. The exception would be at the end of a regular session or in the event that a disaster notice is given, he said.

[9:03:10 AM](#)

REPRESENTATIVE GRUENBERG said he supports HB 117. Notwithstanding that, he questioned whether there may be other possible reasons there may be a need to call a session more quickly.

[9:03:34 AM](#)

MR. WRIGHT said the two exceptions in the bill were pointed out to the sponsor by Legislative Legal and Research Services.

[9:04:17 AM](#)

CHAIR LYNN, after ascertaining that there was no one to testify, closed public testimony.

[9:04:24 AM](#)

REPRESENTATIVE GRUENBERG directed attention to a handout in the committee packet which shows an excerpt of AS 26.23.020. He pointed to the first part of subsection (k), which read as follows:

(k) The governor may expend more than \$500,000 of state funds to cope with an incident under (h) of this section or more than \$1,000,000 of state funds to cope with a disaster under (i) of this section under the following circumstances:

REPRESENTATIVE GRUENBERG pointed out that subsection (k) refers to subsection (h), which read as follows:

(h) The governor may expend during a fiscal year not more than \$500,000 of state funds per incident to prevent, minimize, or respond to the effects of an incident that may occur or occurs in the state and that, in the determination of the governor, poses a direct and imminent threat of sufficient magnitude and severity to justify state action. Before expending funds under this subsection to respond to an incident, the governor shall provide a financing plan to cope with the incident to the legislature in the same manner prescribed for disaster emergencies under AS 26.23.025(a).

REPRESENTATIVE GRUENBERG offered a scenario in which imminent danger is outside the boundary of the state, but the governor may want to call a special session to prepare the state. He said, "I just want to give the governor the broadest possible ability to respond."

REPRESENTATIVE COGHILL said he thinks the language in subsection (h) includes preventative measures.

[9:07:30 AM](#)

MR. WRIGHT concurred with Representative Coghill. He also directed attention to the language of [subsection (k), paragraph (2), subparagraph (B)], which read as follows:

(B) the presiding officers of both the house of representatives and the senate agree that a special session should not be convened and so advise the governor in writing.

REPRESENTATIVE GRUENBERG noted that subsection (h) [text provided previously] refers to an incident "that may occur" in the state. He said he just wants on the record that the committee has discussed this issue and it believes the governor would have the power to call a special session more quickly in the event of "one of these incidents."

MR. WRIGHT said he thinks common sense will prevail.

[9:08:47 AM](#)

REPRESENTATIVE DOLL, returning to the issue of a 30-day notice, said she, as a freshman legislator, would like some historical

perspective as to whether "this has been a sufficient problem in the past to warrant this."

REPRESENTATIVE COGHILL related that in the 9 years he has served on the legislature, he has seen 13 special sessions. He said he can recall only one year during which he has gone home on time since 1998.

REPRESENTATIVE DOLL asked, "Would the 30 days have made a difference in this?"

REPRESENTATIVE COGHILL answered yes. He said most of the special sessions were called while the legislature was still in regular session, for considerations both economical and political. He continued:

The issue that we dealt with last year was that the governor, in trying to put together a pipeline deal, kept us ready to come back He expected any week that he would get some agreement. And there were many people who weren't able to get gainfully employed, because they couldn't guarantee their employers that they would be able to work for more than two weeks. And so, this would, at least, give some certainty to that, and I think that it's appropriate.

[9:10:51 AM](#)

MR. WRIGHT indicated that Representative Coghill's point is one of the main reasons for introducing HB 117. He said the bill would give legislators and their staff more time to find housing in order to prepare for the special session.

CHAIR LYNN said this issue affects legislators' families, as well. He said he agrees with the sponsor's proposed 30-day notice.

[9:11:44 AM](#)

REPRESENTATIVE COGHILL said the current option the legislature has to call itself in to a special session with a two-thirds vote would still remain.

MR. WRIGHT confirmed that is correct.

[9:12:02 AM](#)

REPRESENTATIVE GRUENBERG, regarding the language on page 1, lines 7-8, "or within one hour after the first house has adjourned", said he would be amenable to allowing 2 to 6 hours. He said the legislature has sometimes adjourned "at some ungodly hour" and giving more time would allow the governor to issue the proclamation before 1 a.m.

[9:12:57 AM](#)

REPRESENTATIVE COGHILL reminded Representative Gruenberg that there have been times the legislature has adjourned at 4 p.m. and legislators were on the airplane by 6 p.m. the same night. He said it is important, therefore, to make the proclamation within an hour - before anyone has a chance to get on an airplane. He said, "Once you get people scattered all over Alaska, it's very expensive to get them back."

[9:13:49 AM](#)

REPRESENTATIVE GRUENBERG said he can think of a circumstance in which a governor would want the legislature to reconsider a bill that either did not pass at the last minute or did, but not to the governor's liking. He said the governor might not know that a special session is necessary "until the presiding officer had gavelled out." The one hour time limit could be a crucial point. He said he won't offer an amendment or hold up the bill; however, he stressed the importance of further consideration of the issue.

[9:15:30 AM](#)

CHAIR LYNN encouraged Representative Gruenberg to explore that issue in the House Judiciary Standing Committee.

[9:15:41 AM](#)

CHAIR LYNN, after ascertaining that there was no one to testify, closed public testimony.

[9:15:53 AM](#)

REPRESENTATIVE COGHILL moved to report HB 117 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 117 was reported out of the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:16:31 AM](#).