

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

February 28, 2008  
8:08 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Kyle Johansen

**COMMITTEE CALENDAR**

HOUSE BILL NO. 54

"An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature, or any of the present functions of state government."

- MOVED CSHB 54(STA) OUT OF COMMITTEE

HOUSE BILL NO. 269

"An Act requiring the state to procure United States and Alaska flags manufactured in the United States; and requiring state buildings and schools to display only United States and Alaska flags manufactured in the United States."

- MOVED CSHB 269(STA) OUT OF COMMITTEE

HOUSE BILL NO. 353

"An Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 54

SHORT TITLE: CONSTRUCTION OF LEGISLATIVE HALL

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

01/16/07 (H) PREFILE RELEASED 1/5/07  
01/16/07 (H) READ THE FIRST TIME - REFERRALS  
01/16/07 (H) STA, FIN  
02/21/08 (H) STA AT 8:00 AM CAPITOL 106  
02/21/08 (H) Heard & Held  
02/21/08 (H) MINUTE(STA)  
02/28/08 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 269

SHORT TITLE: REQUIRE AK/US FLAGS BE MADE IN USA  
SPONSOR(S): REPRESENTATIVE(S) LYNN

01/04/08 (H) PREFILE RELEASED 1/4/08  
01/15/08 (H) READ THE FIRST TIME - REFERRALS  
01/15/08 (H) STA  
01/17/08 (H) STA AT 8:00 AM CAPITOL 106  
01/17/08 (H) <Bill Hearing Postponed to 01/19/08>  
01/19/08 (H) STA AT 11:00 AM CAPITOL 106  
01/19/08 (H) <Bill Hearing Rescheduled to 01/24/08>  
01/24/08 (H) STA AT 8:00 AM CAPITOL 106  
01/24/08 (H) Heard & Held  
01/24/08 (H) MINUTE(STA)  
02/14/08 (H) STA AT 8:00 AM CAPITOL 106  
02/14/08 (H) <Bill Hearing Postponed to 02/28/08>  
02/28/08 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 353

SHORT TITLE: PUBLIC LIBRARY INTERNET FILTERS  
SPONSOR(S): REPRESENTATIVE(S) KELLER

02/06/08 (H) READ THE FIRST TIME - REFERRALS  
02/06/08 (H) STA, FIN  
02/28/08 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE MARK NEUMAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, explained the changes made in a committee substitute to HB 54.

PAUL D. KENDALL  
Anchorage, Alaska

**POSITION STATEMENT:** Testified on behalf of himself in support of HB 54.

REX SHATTUCK, Staff  
Representative Mark Neuman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Offered information regarding the FRANK Initiative during the hearing on HB 54, on behalf of Representative Neuman, prime sponsor.

NANCY MANLY, Staff  
Representative Bob Lynn  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Reviewed changes made in Version K of HB 269 on behalf of Representative Lynn, prime sponsor.

VERN JONES, Chief Procurement Officer  
Division of General Services  
Department of Administration  
Juneau, Alaska

**POSITION STATEMENT:** Responded to questions during the hearing on HB 269.

DENNIS BAILEY, Attorney  
Legislative Legal Council  
Legislative Legal and Research Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 269.

REPRESENTATIVE WES KELLER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 353 as prime sponsor.

JIM POUND, Staff  
Representative Wes Keller  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered a question during the hearing on HB 353, on behalf of Representative Keller, prime sponsor.

#### **ACTION NARRATIVE**

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at [8:08:50 AM](#). Representatives Roses, Coghill,

Johnson, Gruenberg, Doll, and Lynn were present at the call to order.

HB 54-CONSTRUCTION OF LEGISLATIVE HALL

8:10:02 AM

CHAIR LYNN announced that the first order to business was HOUSE BILL NO. 54, "An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature, or any of the present functions of state government."

[Before the committee as a work draft was the committee substitute (CS) for HB 54, Version 25-LS0284\E, Cook, 2/20/08.]

8:10:11 AM

REPRESENTATIVE ROSES moved to adopt the committee substitute (CS) for HB 54, Version 25-LS0284\M, Cook, 2/25/08, as a work draft.

REPRESENTATIVE DOLL objected.

8:10:44 AM

REPRESENTATIVE MARK NEUMAN, Alaska State Legislature, as prime sponsor of HB 54, offered an explanation of the changes made in Version M, as shown on a handout in the committee packet. He said the changes were made in response to concerns expressed by the House State Affairs Standing Committee. He explained the deletion of the language in Section 3 of Version E, lines 5-15, which was replaced with a new Section 3 of Version M, lines 5-24, the topic of which was the review and approval of proposals for a legislative hall. The new language would add a second chance for proposals.

8:15:21 AM

REPRESENTATIVE DOLL directed attention to a sentence on page 4, lines 16-19, which read:

If the proposal selected is submitted by a municipality and includes a site wholly or partially on state land, the legislative council shall take all action necessary to arrange for the transfer of the

land to the municipality at no cost, including introducing legislation to accomplish that purpose.

REPRESENTATIVE DOLL asked if that means there would be no cost for a municipality to acquire state land.

REPRESENTATIVE NEUMAN responded, "Absolutely." He offered further details. He stated, "That is just one way that we're trying to make sure that this includes all of Alaska."

[8:17:21 AM](#)

REPRESENTATIVE NEUMAN, in response to a comment by Chair Lynn, confirmed that Juneau, as well, would have the opportunity to come up with a proposal. If the municipality of Juneau did not have sufficient land, it could encompass any available state land surrounding the municipality.

REPRESENTATIVE NEUMAN directed attention page 4, line 21, which sets "the First Regular Session of the Twenty-Eighth Alaska State Legislature" as the first time the legislature would convene in the legislative hall. He said he would like to see that language changed so that the first time the legislature convenes in the legislative hall would be "after completion of the project".

CHAIR LYNN called an at-ease from 8:19:08 AM to 8:19:21 AM.

[8:19:39 AM](#)

REPRESENTATIVE ROSES noted that the language on page 1, line 8, calls for "a new legislative hall". He asked if it is the sponsor's intention to disqualify any attempts the City & Borough of Juneau may make to upgrade the current capitol, renovate the [Scottish Rite Temple] across the street, and build a foot bridge between the two.

REPRESENTATIVE NEUMAN replied that since the building across the street is nothing more than a frame and would have to undergo substantial construction, he would consider that new construction. He talked about the aspects of the capitol building that would necessitate major construction, for example, its insufficient wheelchair access. He said new construction would mean new uniform codes to be met.

[8:21:23 AM](#)

REPRESENTATIVE DOLL asked Representative Neuman to clarify whether his proposal is that municipalities would donate land and build the legislative hall at no cost to the state.

REPRESENTATIVE NEUMAN answered as follows:

It is my intent to allow communities to see if they can come up with a proposal - to allow communities to do all they can to come up with a proposal and submit that. And whatever types of factors they have to use, then that's what they have to use. If it involves state land, we'll give them the state land, if that's what it takes.

... However a municipality gets there, they can get there. Now, if a municipality owns buildings, or whatever, and they want to throw that in on the deal, that's fine. That's certainly up to the communities. It's just trying to make sure ... that we reach all Alaska communities - all citizens of the state. This isn't about any certain area; it's about all of Alaska.

REPRESENTATIVE DOLL said she presumes new facilities would need bonding, and she said she thinks that would put smaller communities at a disadvantage.

REPRESENTATIVE NEUMAN suggested that, for example, smaller communities could partner with Native corporations. He said there are people who would love to have the opportunity to come up with an idea for economic development in their communities. He concluded, "This doesn't say we're moving the legislative hall; this just says, 'Let's see if communities can come up with a good proposal and offer that to the legislature.'"

[8:25:54 AM](#)

REPRESENTATIVE GRUENBERG noted that the Alaska Supreme Court has held, in Thomas v. Bailey 595 P.2d 1, 1979, that the transfer of state land is an appropriation and therefore is not within the power of the initiative process. He directed attention to page 4, lines 16-19, [of Version M], which read:

If the proposal selected is submitted by a municipality and includes a site wholly or partially on state land, the legislative council shall take all action necessary to arrange for the transfer of the

land to the municipality at no cost, including introducing legislation to accomplish that purpose.

REPRESENTATIVE GRUENBERG asked the bill sponsor to confirm that a second bill - a type of appropriation bill - would be necessary in order for such a transfer of land to be possible.

REPRESENTATIVE NEUMAN confirmed that's what the bill language anticipates.

[8:28:12 AM](#)

REPRESENTATIVE JOHNSON said, "A community couldn't petition to do this, but we could certainly do that."

[8:29:00 AM](#)

REPRESENTATIVE ROSES echoed Representative Neuman's response that the bill covers that possibility in the language on page 4, lines 18-19 [text provided previously].

[8:29:11 AM](#)

REPRESENTATIVE JOHNSON returned to the issue of the interpretation of the word "new". He offered a hypothetical situation in which Anchorage donated the Eagan Center to be remodeled into a capitol building, and he said that may not technically be considered new construction. He suggested that the language [on page 1, line 8] should read: "specifications of a legislative hall".

[8:30:16 AM](#)

REPRESENTATIVE NEUMAN said he would consider the Eagan Center "a new place for us to meet." Notwithstanding that, he said he thinks the bill language would be fine without the word "new".

[8:30:53 AM](#)

REPRESENTATIVE JOHNSON said he wants to give Juneau every opportunity to remodel to meet the needs of the legislature.

REPRESENTATIVE NEUMAN reiterated that deleting the word "new" would not be problematic. In fact, he pointed out that the bill title simply refers to "**construction of a legislative hall**".

[8:32:16 AM](#)

CHAIR LYNN announced that he was reopening public testimony.

[8:32:42 AM](#)

PAUL D. KENDALL, testified in support of himself in support of HB 54. He said the legislature must be "in the midst of" its people and be accountable and engaging. He said he would like to see a legislative hall in the Point MacKenzie area. He opined that "Juneau's time has come and gone," and said the only reason to support having a legislative hall in Juneau would be for use during a 45-day retreat or to be maintained as a "backup facility in case of an unexpected catastrophic event." He stated, "So, I just wonder why you folks don't see it the same as I do." He said cameras allow communication. He stated, "I think that those cameras - the broadcasting capacity and facility - should be under the control of our people and you people - our leaders, as opposed to some ... corporation in Juneau or elsewhere." He spoke of enhancing the brightness of Alaska's future by bringing [the legislature] to "the center of the people" as opposed to an isolated area such as Juneau.

[8:37:21 AM](#)

CHAIR LYNN closed public testimony.

[8:37:31 AM](#)

REPRESENTATIVE DOLL removed her objection to the motion to adopt the committee substitute (CS) to HB 54, Version 25-LS0284\M, Cook, 2/25/08, as a work draft. There being no further objection, Version M was before the committee.

[8:37:47 AM](#)

CHAIR LYNN moved to adopt Amendment 1, which read as follows:

Page 3, following line 5:  
Insert "(20) a child care facility;"

Re-number the following paragraph accordingly.

REPRESENTATIVE GRUENBERG objected to suggest that Amendment 1 be offered as a conceptual amendment to allow the bill drafter to place it in the appropriate order within the bill.

CHAIR LYNN withdrew Amendment 1.

CHAIR LYNN moved to adopt Conceptual Amendment 2, the language of which is identical to the withdrawn Amendment 1, but for the fact that it would be called conceptual [text provided previously].

[8:39:14 AM](#)

REPRESENTATIVE NEUMAN said the bill drafter had requested that [the language regarding a child care facility] be inserted as [paragraph (20)].

CHAIR LYNN said he would maintain the language as a conceptual amendment. There being no objection, Conceptual Amendment 2 was adopted.

[8:39:52 AM](#)

CHAIR LYNN moved to adopt Conceptual Amendment 3, which would require that there be no pillars blocking the view between the public in the gallery and the legislators on the floor.

[8:40:30 AM](#)

REPRESENTATIVE ROSES objected. He said from a construction standpoint, he would rather have pillars blocking someone's view than a collapsed building.

[8:41:56 AM](#)

CHAIR LYNN withdrew Conceptual Amendment 3.

[8:42:28 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 4, as follows:

On page 1, line 8:

Delete "construction of" and "new"

REPRESENTATIVE JOHNSON said that would leave "specifications of a legislative hall". In response to Chair Lynn, he confirmed that the amendment would allow for a legislative hall whether or not it was newly constructed.

[8:43:06 AM](#)

REPRESENTATIVE ROSES objected to Amendment 4 to suggest the need to remove "**construction of**" from the bill title.

REPRESENTATIVE JOHNSON concurred.

REPRESENTATIVE ROSES removed his objection to Amendment 4.

REPRESENTATIVE ROSES moved to adopt an amendment to Amendment 4 to delete "**construction of**" from the bill title on page 1, line 1.

[8:44:51 AM](#)

REPRESENTATIVE NEUMAN said he fears that [removing the language from the bill title] may leave the reader to assume that the bill refers only to buildings that have already been constructed.

REPRESENTATIVE JOHNSON said he wants to ensure that any building in the state that could be remodeled into a legislative hall would qualify under the bill language.

REPRESENTATIVE NEUMAN suggested specifying that the building could be remodeled or constructed.

[8:46:50 AM](#)

REPRESENTATIVE ROSES noted that if a community does not have a building already in existence [that would work as a legislative hall], the only way it will meet the specifications of the bill is if they construct a building.

[8:47:00 AM](#)

REPRESENTATIVE JOHNSON said he thinks the decision would be made based upon the best location and the best building. He indicated that the Alaska Legislative Council may consider a new building to be superior to one that has been remodeled or refurbished.

[8:48:34 AM](#)

REPRESENTATIVE ROSES restated the proposed amendment to Amendment 4.

CHAIR LYNN announced that the amendment to Amendment 4 was adopted.

CHAIR LYNN asked if there was any objection to [Amendment 4, as amended]. No objection was stated, and Amendment 4, as amended, was treated as adopted.

[8:49:21 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 5, which read as follows:

Page 1, lines 1 - 3:

Delete all material and insert:

**"An Act repealing provisions commonly known as 'the FRANK initiative' relating to relocating the capital, the legislature, or any of the present functions of state government and to the public's right to know the cost of relocation and to vote on certain aspects of relocation; and relating to construction of a legislative hall."**

REPRESENTATIVES COGHILL, CHAIR LYNN, and [AN UNIDENTIFIED SPEAKER] objected.

REPRESENTATIVE GRUENBERG spoke to Amendment 5. He directed attention to Section 4 of Version M, which proposes to repeal three statutes: [AS 44.06.050, 44.06.055, and 44.06.060]. The repealer, he observed, is the only provision in the bill that would be immediately effective upon the effective date of the bill, and it would repeal [the Fiscally Responsible Alaskans Needing Knowledge (FRANK) Initiative of 1994]. Representative Gruenberg summarized the content of the three provisions, which read as follows:

Sec. 44.06.050. Purpose of AS 44.06.050 - 44.06.060. The purpose of AS 44.06.050 - 44.06.060 is to guarantee to the people their right to know and to approve in advance all costs of relocating the capital or the legislature; to insure that the people will have an opportunity to make an informed and objective decision on relocating the capital or the legislature with all pertinent data concerning the costs to the state; and to insure that the costs of relocating the capital or the legislature will not be incurred by the state without the approval of the electorate.

Sec. 44.06.055. Relocation expenditures.

State money may be expended to relocate physically the capital or the legislature from the present location only after a majority of those voting in a statewide election have approved a bond issue that includes all bondable costs to the state of the relocation of a functional state legislature or capital to the new site over the twelve-year period following such approval. The commission established in AS 44.06.060 shall determine all bondable costs and total costs including, but not limited to, the costs of moving personnel and offices to the relocation site; the social, economic, and environmental costs to the present and relocation sites; and the costs to the state of planning, building, furnishing, using, and financing facilities at least equal to those provided by the present capital city.

Sec. 44.06.060. Commission.

The legislature shall establish a commission composed of nine members, including a chairperson and two persons from each judicial district, appointed by the governor and confirmed by the legislature, to determine the costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government.

REPRESENTATIVE GRUENBERG stated, "Not only ... is this repealing an important and fundamental act, but it's an act that was established by an initiative." He emphasized the importance of the legislature's being clear to the public when it changes or repeals an initiative, and he noted that the Constitution of the State of Alaska, Article II, Section 13, states: "The subject of each bill shall be expressed in the title." Representative Gruenberg directed attention to a relevant excerpt regarding the STATE v. A.L.I.V.E. VOLUNTARY court case, which read as follows:

[1] Article II, section 13 requires that every bill be confined to one subject and that there be a descriptive title. These requirements are designed "to prevent the inclusion of incongruous and unrelated matters in the same bill in order to get support for it which the several subjects might not separately command, and to guard against inadvertence, stealth and fraud in legislation."

REPRESENTATIVE GRUENBERG directed attention to a handout with a quote from [Sands, Sutherland Statutory Construction], which read:

Additionally, most state constitutions require a title which gives accurate notice of the contents of the act.

REPRESENTATIVE GRUENBERG stated that he does not believe Version M gives adequate notice of the most important provision in the bill: the proposed repeal of the FRANK Initiative. He said the FRANK Initiative "grew out of a concept" that began in Florida, called, "government in the sunshine," which opened government and committee deliberations and ensured the public's "right to know." He said, "And that's why I'm taking the unusual step ... of introducing an amendment that makes it crystal clear what we're doing."

[8:54:43 AM](#)

REPRESENTATIVE NEUMAN responded that the bill clearly indicates its proposed repeal of the FRANK Initiative on page 4, line 25, of Version M. He said he thinks the legislature should apply the FRANK Initiative to the cost of keeping the capital in Juneau, including the cost of moving legislators and staff back and forth twice a year. He described the FRANK Initiative as "a real double-edged sword." He said other government buildings are constructed throughout the state without the use of the FRANK Initiative. He said the fiscal note shows the cost of moving buildings and books, for example.

[8:58:00 AM](#)

CHAIR LYNN suggested that the words, "relating to the FRANK Initiative", could be added after the statutes listed on page 4, line 25.

[8:58:44 AM](#)

REX SHATTUCK, Staff, Representative Mark Neuman, Alaska State Legislature, on behalf of Representative Neuman, prime sponsor of HB 54, explained that the primary focus of the bill is related to construction of a legislative hall. He stated, "The Act is not to ... repeal the FRANK Initiative, as this amendment would suggest; the Act is to build a legislative hall or provide a facility for the legislature - and that may be in Juneau." He said the three sections of statute related to the FRANK

Initiative primarily address "some sort of clarity in terms of the cost." He echoed Representative Neuman's previous comments that the bill proposes a legislative hall at a minimal cost of \$1. Mr. Shattuck related another problem: "... to enact this would cause some complications with the FRANK Initiative; they don't mesh well together." He said the bill identifies the cost and offers a public process.

[9:00:56 AM](#)

CHAIR LYNN reiterated his suggestion.

[REPRESENTATIVE GRUENBERG nodded in concurrence.]

MR. SHATTUCK expressed concern that the result would be having more than one subject in the bill.

CHAIR LYNN said he does not understand what the difference would be between including the statute numbers and letting the reader know the subject of the statutes, in terms of one method versus the other adding a new subject to the bill.

MR. SHATTUCK said that would be a policy call of the committee. Notwithstanding that, he reiterated his concern that the bill not harbor more than one subject.

CHAIR LYNN remarked again on the similarity between providing only statute numbers and providing a description directly following those numbers.

MR. SHATTUCK responded by asking why, then, the bill sponsor would not [include descriptions for all the statutes referred to in the bill].

CHAIR LYNN responded, "I think the more transparent we are, the better."

[9:02:24 AM](#)

REPRESENTATIVE COGHILL indicated his support for [Amendment 5], even though he said he is not a "big fan" of the FRANK Initiative. Regarding the initiative, he said, "Because what you do is you have the nine-member commission, you draw from all over the state, and it gets to pump up the cost and make it so untenable that the people of Alaska will choke on it." He said the FRANK Initiative could be transparent or could "very well be used the other way." He said the problem with the bill title is

that it is "a red flag that says, 'Come and make this bill more than it is.'" He said his opinion of the bill title differs from that of Representative Gruenberg, because he sees the language in the title as showing "what you are, in fact, doing." In response to Chair Lynn, he clarified that he has no objection to the bill title. He stated, "I think the people of Alaska, then, based on the title, get a real choice: Should we have our grandchildren pay for it or will somebody actually come and make it economically viable to have a legislative hall?"

9:05:02 AM

REPRESENTATIVE ROSES said other than putting the words "FRANK Initiative" in the bill, he cannot see how [Amendment 5] would change the meaning of the bill language, because the bill title includes, "and repealing provisions relating to relocating the capital". He said the only provision he knows of that fits that description is the FRANK Initiative. He said he thinks it is clear what is being repealed. He said the legislature chooses which initiatives to support and which ones to do away with. He said any other bill he has seen with statutes listed to be repealed has not spelled out the names of the statutes. The proposed amendment would require HB 54 "to go beyond what any of the other bills I've seen since I've been here have."

9:06:30 AM

REPRESENTATIVE DOLL said a year ago ethics were a big issue in the legislature, and the whole idea behind that discussion was to reinstate the public's trust. She said she thinks her constituents want transparency and openness in politics, and she does not think a statute number alone meets that desire for transparency. Representative Doll said she has received 20-25 e-mails, and counting, from constituents who relate that they do not want the FRANK Initiative repealed. She stated support of Amendment 5.

9:07:51 AM

REPRESENTATIVE JOHNSON stated for the record that HB 54 will repeal the FRANK Initiative, and he said he does not know how much more transparent it is possible to be. He explained that he opposes Amendment 5, not because he is concerned about hiding anything, but because of "the trend that we might be starting." He said there is no bonding being proposed by HB 54, just an annual cost of \$1 to the state for the lease of a legislative

hall. He characterized Amendment 5 as "going a little bit overboard."

[9:09:17 AM](#)

REPRESENTATIVE GRUENBERG cited a sentence from AS 44.06.055, "Relocation expenditures", which read as follows:

The commission established in AS 44.06.060 shall determine all bondable costs and total costs including, but not limited to, the costs of moving personnel and offices to the relocation site; the social, economic, and environmental costs to the present and relocation sites; and the costs to the state of planning, building, furnishing, using, and financing facilities at least equal to those provided by the present capital city.

REPRESENTATIVE GRUENBERG emphasized that the costs of moving personnel and offices is not bondable, many of the social, economic, and environmental costs are not bondable, and some of the costs to the state related to facilities are not bondable. The state constitution already requires that any general obligation bonds must be voted on by the people; however, the nonbondable costs are only known of and voted on by the people if the FRANK Initiative remains on the books.

REPRESENTATIVE GRUENBERG, in response to Representative Johnson's remark that "we all know that this repeals the FRANK Initiative," said everyone in the legislature knows because it is their job to know, but everyone in the public does not know. He said a lot of people weren't even born when the initiative was passed and "won't know what we're talking about until their right's taken away." He beseeched, "And if this is already known, what is the problem, for goodness sake, in letting the public know what we're doing?"

REPRESENTATIVE GRUENBERG said he supports Chair Lynn's suggestion to clarify within the text of the bill that the statutes to be repealed relate to the FRANK Initiative, and he would offer another amendment to propose doing just that. He said people don't read these laws and those that do may not get any farther than the title. He asked why the public should have to go back to the last page of the bill to find language hidden there, when they could find it right in the title. He suggested if the committee wants to repeal a statute, that it do so with transparency, otherwise, it will be contributing to the public's

lack of knowledge. He called Amendment 5 a "chicken soup" amendment that merely discloses the contents of the bill.

[9:13:57 AM](#)

REPRESENTATIVE GRUENBERG, in response to a question from Representative Roses regarding the language in AS 44.06.055, offered his understanding that it relates to "a permanent move of the legislative hall, not for special session."

[9:14:51 AM](#)

CHAIR LYNN moved to adopt a conceptual amendment to Amendment 5, to add "which include elements of the FRANK Initiative on repeal" on page 4, line 25, after the statute numbers.

REPRESENTATIVE GRUENBERG said he believes the repeal is of the entire FRANK Initiative.

REPRESENTATIVE COGHILL objected to the conceptual amendment to Amendment 5. He said based on Representative Gruenberg's logic there should be descriptions of what is going on in the rest of the bill in the title, as well. He said he may have almost been talked out of supporting Amendment 5.

[9:15:41 AM](#)

REPRESENTATIVE GRUENBERG responded that he has never done this before and probably will never do it again, but he emphasized the importance of the FRANK Initiative. He said he accepts the conceptual amendment to Amendment 5 that was moved by Chair Lynn.

REPRESENTATIVE JOHNSON objected to the conceptual amendment to Amendment 5.

[9:17:03 AM](#)

A roll call vote was taken. Representatives Gruenberg, Doll, and Lynn voted in favor of the conceptual amendment to Amendment 5. Representatives Johnson, Roses, and Coghill voted against it. Therefore, the conceptual amendment to Amendment 5 failed by a vote of 3-3.

[9:17:33 AM](#)

A roll call vote was taken. Representatives Gruenberg and Doll voted in favor of Amendment 5. Representatives Roses, Coghill, Johnson, and Lynn voted against it. Therefore, Amendment 5 failed by a vote of 2-4.

[9:18:38 AM](#)

CHAIR LYNN moved to adopt Amendment 6, [a stand-alone version of the failed conceptual amendment to Amendment 5] as follows:

On page 4, line 25, following the statute numbers:

Insert ", which relate to the FRANK Initiative,"

There being no objection, Amendment 6 was adopted.

[9:19:23 AM](#)

REPRESENTATIVE GRUENBERG expressed his appreciation of the committee's adoption of Amendment 6.

[9:19:28 AM](#)

REPRESENTATIVE JOHNSON said he would not be concerned if the FRANK Initiative were not repealed as long as the costs involved were not inflated. If that were the case, he said, the people in his district would vote overwhelmingly to build a legislative hall. He clarified that he does not think leaving the initiative in the bill would have any effect on the outcome on HB 54.

[9:20:50 AM](#)

REPRESENTATIVE ROSES said, "I moved the CS."

CHAIR LYNN announced that a motion had been made to move CSHB 54, Version 25-LS0284\M, Cook, 2/25/08, as amended, out of committee, with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE DOLL objected.

REPRESENTATIVE JOHNSON, in response to Representative Doll, clarified that his previous statement had not been a suggestion for an amendment.

A roll call vote was taken. Representatives Roses, Coghill, Johnson, and Lynn voted in favor of moving CSHB 54, Version M,

as amended, out of committee. Representatives Doll and Gruenberg voted against it. Therefore, CSHB 54(STA) was reported out of the House State Affairs Standing Committee by a vote of 4-2.

The committee took an at-ease from [9:21:45 AM](#) to [9:26:06 AM](#).

HB 269-REQUIRE AK/US FLAGS BE MADE IN USA

[9:26:07 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 269, "An Act requiring the state to procure United States and Alaska flags manufactured in the United States; and requiring state buildings and schools to display only United States and Alaska flags manufactured in the United States."

[9:26:26 AM](#)

REPRESENTATIVE ROSES moved to adopt the committee substitute (CS) for HB 269, Version 25-LS1013\K, Bailey, 2/27/08, as a work draft. There being no objection, Version K was before the committee.

[9:26:42 AM](#)

NANCY MANLY, Staff, Representative Bob Lynn, Alaska State Legislature, on behalf of Representative Lynn, prime sponsor of HB 269, discussed the two main changes made in Version K. The first, she said, was the addition of a definition of "manufactured in the United States" as meaning that "the flag was assembled in facilities in the United States". The definition would be in new statute, AS 36.30.321. Ms. Manly explained the reason for the definition is because it is almost impossible to determine where raw materials come from. The second change, she noted, was the addition of the "TRANSITIONAL PROVISIONS", on page 2, lines 11-16, of Version K, which was incorporated into the bill after a recommendation from Representative Doll at the previous bill hearing.

[9:28:22 AM](#)

REPRESENTATIVE GRUENBERG thanked all involved for tightening up the language of bill, which he said is now constitutional. He noted for the record that the committee had received legal opinions from Dennis Bailey of Legislative Legal and Research Services, dated January 24, 28, and February 13, as well as an

e-mail from Jeff Freidman stating concerns, which he said have been addressed in Version K. He stated his desire that all those documents be included in the committee packet.

[9:29:56 AM](#)

MS. MANLY, in response to a question from Representative Doll regarding enforcement, said the bill proposes no penalties. She stated, "We're just going to assume that the State of Alaska will follow its own laws and the schools will also." In response to Representative Doll, she said that after doing research for the bill, she would estimate that there are four or five firms that manufacture flags in the U.S.

[9:31:12 AM](#)

REPRESENTATIVE ROSES said there are only four companies in the United States that have been certified to manufacture U.S. flags made solely of materials made in the U.S., but he does not know about certification for Alaska flags.

MS. MANLY related, "When we were working on a draft for the bill, we tried to use that certification, and [Legislative Legal and Research Services] said, 'No, you couldn't do that.' So, that's why we started getting off on a tangent for ... raw materials and stuff, and then we just kind of tightened that up in this version."

[9:32:00 AM](#)

CHAIR LYNN said he concurs with those who have called HB 269 a "feel good" bill. He said as a military veteran, when he dies there will be a flag on his coffin, and he certainly hopes it will have been manufactured in the U.S. He remarked that the suit he is currently wearing was made in China, but it is just a "thing." A flag, on the other hand, is not just a thing; it is an important symbol of what the nation stands for.

[9:33:22 AM](#)

VERN JONES, Chief Procurement Officer, Division of General Services, Department of Administration, in response to a question from Representative Roses, stated his belief that most of the American manufacturers of U.S. flags also produce state flags, and the State of Alaska, as a practice, has been buying its state and U.S. flags from a source that buys its flags from a U.S. manufacturer. In response to a question from

Representative Johnson, he said the determination of whether or not to go through a competitive bidding process depends on the dollar amount, and the amount that the state spends on flags do not "rise to that level." He said the purchase of flags for the state is categorized as "small procurements." In response to a follow-up question from Representative Johnson, he confirmed that mandating a source for flags does not violate the state's procurement codes.

[9:35:03 AM](#)

MR. JONES, in response to a question from Representative Doll, explained that there are "various levels of competition" required in the state's procurement code. Procurements over \$5,000 must have competitive quotes, procurements over \$25,000 must have written quotes, and procurements over \$50,000 - "formal" procurements - must be done with full competition with public notice and a 21-day circulation period. He said he thinks the procurement of flags for the state only amounts to hundreds of dollars, not thousands.

REPRESENTATIVE DOLL stated, "It was interesting because we have \$15,000 just for the U.S. flags that you buy each year, and that doesn't include Alaskan. So, I would imagine if you put in the Alaskan along with the U.S., you're up to about ... \$30,000. So, it is not just a tiny little amount, but thank you for clarifying that."

[9:36:55 AM](#)

REPRESENTATIVE ROSES predicted that the school districts probably would be the most impacted [by HB 269]. He noted that there is a U.S. flag in every classroom, larger ones on display throughout the building, and flags flown outside the building. Most of the schools already have flags, but all the new buildings and classrooms have none, he noted.

[9:37:32 AM](#)

MR. JONES responded, "What we're talking about as far as the impacts of this bill is the difference you would pay for the lowest prize, presumably foreign-made flags and the U.S. flag, and I think our experience is there's not a great difference in the price."

[9:38:02 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that the proposed legislation would not require every flag in every classroom be American made - only the ones flying in the front of the building.

CHAIR LYNN stated for record that the bill pertains to official flags flown outside the building, not all the flags flown inside the school, even though he would like to see all the flags be American made.

9:39:20 AM

REPRESENTATIVE ROSES remarked that when students stand up to salute the flag, they are not saluting the flag flying outside the building, but the ones in their classrooms. In response to Chair Lynn, he said he does not have a problem with the bill as it is, he just wants the record to be clear regarding what the vote will be.

9:41:17 AM

REPRESENTATIVE GRUENBERG said Section 1 refers to AS 14.03.130. He read the first sentence [in subsection (a)] of that statute, which read as follows:

(a) United States and Alaska flags shall be displayed upon or near each principal school building during school hours and at other times the governing body considers proper.

REPRESENTATIVE GRUENBERG said he interprets that language to mean only the flag that is in front of the school. He asked Mr. Bailey if that is correct or if a clarifying amendment is needed.

DENNIS BAILEY, Attorney, Legislative Legal Council, Legislative Legal and Research Services, responded yes. He referred to the proposed amendment to AS 44.09.030, in Section 4 of the bill, and noted that [the current language of subsection (b) of that statute] lists where the flags of both the United States and the State of Alaska shall be displayed, weather permitting, and one of those places, [as shown in paragraph (2)], is "in or near every schoolhouse during school days." Mr. Bailey said he does not see a specific requirement that a flag be displayed in each classroom.

REPRESENTATIVE GRUENBERG asked if an amendment is necessary to clarify that "what we're talking about is the flag in front of the building - one flag per building - maximum," not the flags inside the building.

MR. BAILEY said the aforementioned statutes speak to a flag near a school building, whereas the bill would "apply to any flag under those sections that required would have to be purchased from a manufacturer in the U.S."

[9:43:50 AM](#)

MR. BAILEY, in response to Chair Lynn, confirmed that the bill would apply only to new flags that are purchased for display; the transitional provisions in Section 5 would allow flags that are already purchased to be used.

REPRESENTATIVE GRUENBERG said he understands that, but that is not his concern. He reiterated his previously stated concern regarding the need to specify to which flags in school districts the bill would apply.

[9:45:11 AM](#)

REPRESENTATIVE GRUENBERG moved Conceptual Amendment 1, "that we're, in each case, talking about the flag that's in the front of the building."

[9:45:23 AM](#)

CHAIR LYNN objected to Conceptual Amendment 1. He said when the flags currently shown in classrooms wear out, they will be replaced with a flag in a storeroom, and when there are no more flags in the storeroom, they will be replaced with a new flag that has been made in America. He said he does not see the need for Conceptual Amendment 1.

[9:46:19 AM](#)

MR. JONES, in response to Representative Johnson, said he is not sure how many flags the State of Alaska has in reserve, because the procurement system used is decentralized; each office or department that needs a flag makes its own purchase. However, he offered his understanding that Legislative Research generated a questionnaire and "had some results from that."

[9:47:22 AM](#)

REPRESENTATIVE DOLL said information she found shows that the State of Alaska has 563 flags on hand. She said, "We purchase 472 each year; we display 232."

[9:48:01 AM](#)

REPRESENTATIVE GRUENBERG, in determining whether or not to maintain his motion to adopt Conceptual Amendment 1, asked Mr. Bailey:

Is it your interpretation that AS 44.09.030 and AS 14.03.130 simply refer to the ... main flag that's flown in front of the building or on the building, rather than - in the case of schools particularly - in each classroom?

MR. BAILEY quoted AS 44.49.030(b) [language provided previously] and said he thinks it is reasonable to interpret that the bill would apply to flags flown in a schoolhouse.

[9:49:19 AM](#)

REPRESENTATIVE GRUENBERG maintained his motion to adopt Conceptual Amendment 1. He read from Mr. Freidman's e-mail as follows: "I believe this bill only applies to the primary display flags outside the front of each building - page 1. If applied to every classroom flag, the impact would be huge, as we have thousands of classrooms in the district." Even when only pertaining to future flags, Representative Gruenberg said, there would still be a cost to the school district.

[9:50:28 AM](#)

REPRESENTATIVE ROSES said he thinks that once the transitional amendment was made, that alleviated the greatest concern the school district had, because he said he thinks Mr. Freidman's concern was in anticipating having to buy thousands of flags at once. He said he thinks Conceptual Amendment 1 would water the bill down to the point where "it's absolutely not even a feel-good bill, it's a meaningless bill."

[9:51:43 AM](#)

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 1.

[9:51:50 AM](#)

REPRESENTATIVE ROSES moved to report CSHB 269, Version 25-LS1013\K, Bailey, 2/27/08, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE COGHILL objected. He said, "We start talking about national symbol over nationalism." He explained that the nationalism says, "We only can spend our money here," rather than really produce a symbol. He said he appreciates when money is spent in America. He added, "But then, under the "ism" that I just said, we're going to make a law that says you must do it that way. Then what ... we do is we put the symbol under a whole different type of scrutiny than I ever really ... wanted it to be."

A roll call vote was taken. Representatives Roses, Gruenberg, Doll, and Lynn voted in favor of moving CSHB 269, Version 25-LS1013\K, Bailey, 2/27/08, out of committee with individual recommendations and the accompanying fiscal notes. Representatives Coghill and Johnson voted against it. Therefore, CSHB 269(STA) was reported out of the House State Affairs Standing Committee by a vote of 4-2.

#### HB 353-PUBLIC LIBRARY INTERNET FILTERS

[9:54:08 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 353, "An Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants."

[9:54:16 AM](#)

REPRESENTATIVE WES KELLER, Alaska State Legislature, introduced HB 353 as prime sponsor. He said the bill is about controlling access to pornography by children. He noted that distributing electronic, indecent material to minors is a Class [C] felony. Indecent material is defined in [AS 11.61.128]. Representative Keller mentioned the Children's Internet Protection Act (CIPA), which he said was challenged and upheld by the U.S. Supreme Court in 2003. Currently in Alaska, he relayed, there are 89 public libraries. The issue before the committee is to decide whether or not there should be a filter on the Internet, so that children using Internet access in libraries will be protected. He reported that 40 percent of the computers in the libraries around the state do not have filters on them. Representative

Keller said the proposed legislation would require 100 percent of the computers in libraries to have filters, which he said "is in alignment with CIPA." The filters can be turned off by any authorized person in the library. He named three filters available: SquidGuard, Snort, and Websense. Two are free and the other costs \$50-\$100 per router, with a \$20 annual payment for a license. He stated, "A filter is only as good as the person installing and maintaining the filter." The bill does not get into a lot of details about how the libraries are supposed to install the filters, he said.

[9:58:21 AM](#)

REPRESENTATIVE KELLER, in response to a question from Chair Lynn, said the bill would pertain to any [library] that receives state and federal funding, including the 89 public libraries.

[9:59:10 AM](#)

REPRESENTATIVE DOLL said the librarian who runs the public libraries in Juneau told her the Juneau Public Libraries receive \$18,000 in grant money from the State of Alaska annually, but to implement the provisions of HB 353 would cost \$10,000 a year. She said she would like to take up discussion of that issue when the committee next hears the bill.

[10:00:11 AM](#)

REPRESENTATIVE GRUENBERG asked the bill sponsor to coordinate with his staff in getting feedback from librarians.

CHAIR LYNN warned that there are pornography web sites that, for example, use a well-known government web address and just change the domain name extension in order to lure unsuspecting computer users to their site.

REPRESENTATIVE KELLER said the word "filter" is not carefully defined. He indicated that there are usually two types of filters: one blocks web sites, while another looks for patterns. The proposed legislation presumes that libraries have the best interests of children at heart; it just asks that the computers be filtered to avoid children seeing that which is spelled out in AS 11.61.128.

[10:03:44 AM](#)

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, on behalf of Representative Keller, prime sponsor of HB 353, answered a question from Representative Gruenberg by relaying that the bill sponsor has not asked for a legal opinion concerning the proposed legislation.

[HB 353 was heard and held.]

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:04:08 AM](#).