

SENATE FINANCE COMMITTEE  
April 4, 2008  
9:07 a.m.

CALL TO ORDER

Co-Chair Stedman called the Senate Finance Committee meeting to order at [9:07:37 AM](#).

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair  
Senator Bert Stedman, Co-Chair  
Senator Charlie Huggins, Vice-Chair  
Senator Donny Olson  
Senator Kim Elton  
Senator Joe Thomas  
Senator Fred Dyson

MEMBERS ABSENT

ALSO PRESENT

Senator Hollis French; Alyson Biastock, Staff, Senator French McHugh Pierre, Legislative Liaison, Department of Military and Veterans Affairs; Senator Hollis French

PRESENT VIA TELECONFERENCE

Peggy Hayashi, Registered Nurse, Childhood Injury Prevention State-side Coordinator, Chugiak; Gordon Glaser, Staff, State of Alaska, Division of Public Health and Committee Member Booster Seat Legislative Coalition, Anchorage

SUMMARY

SB 218 "An Act relating to use of child safety seats and seat belts."

CSSB 218 was REPORTED out of Committee with a "do pass" recommendation and an accompanying previously published fiscal note by the Department of Transportation.

SB 226 "An Act relating to litigation brought by a vexatious litigant; amending Rules 3, 4, 12, and 41, Alaska Rules of Civil Procedure; and providing for an effective date."

SB 226 was REPORTED out of Committee with no recommendations and a previously published fiscal note from the Department of Law.

CSHB 326(FIN)

"An Act authorizing the governor to order the organized militia into active state service to fight wildland fire, authorizing the governor to delegate to the adjutant general the authority to order the organized militia into active state service to fight wildland fire, and authorizing the payment of Alaska National Guard called into active state service to fight wildland fire at rates of pay established for certain emergency fire-fighting personnel; and providing for an effective date."

CSHB 326 (FIN) was REPORTED out of Committee with a "do pass" recommendation and previously published fiscal notes from the Department of Administration, the Department of Military Affairs and the Department of Natural Resources.

[9:07:44 AM](#)

SENATE BILL NO. 218

"An Act relating to use of child safety seats and seat belts."

Co-Chair Stedman presented an overview of three bills on the agenda. He commented that this was the first hearing of SB 226 and, after taking the sponsor testimony, the Committee would hear public testimony.

Co-Chair Hoffman MOVED to ADOPT Committee Substitute for SB 218, work draft 25-LS1273\C as the working document before this committee.

Co-Chair Stedman OBJECTED for discussion purposes.

[9:09:34 AM](#)

SENATOR HOLLIS FRENCH presented an overview of the Committee Substitute changes. He explained that the Committee Substitute clarified the booster seat age requirements. Under the original bill a small fifteen year old child would be required to use a booster seat, but this proved unrealistic. The bill now clarified that a child over eight years old, who did not meet the height and weight requirement, can use a booster seat or a seat belt, whichever is appropriate. He noted this would also help law enforcement who could simply inquire about a child's age without trying to determine their height and weight.

Co-Chair Stedman WITHDREW his OBJECTION. There being NO further OBJECTION, work draft 25-LS1273\C was adopted.

[9:11:08 AM](#)

Senator French presented an overview of the bill. This bill notes that when children try to use adult seat belts in place of proper child restraint devices, injuries occur. The use of a proper child restraint or booster seat can prevent injuries. Current Alaska law states that children under the age of four must be secured in a safety device, meeting U.S. Department of Transportation standards. The bill places the Department of Transportation guidelines into the statute. Senator French noted a chart describing the age, height and weight requirements for various safety devices (SB 218 Child Safety Seats and Seat Belts, copy on file). The American Academy of Pediatrics declared that booster seats are sixty percent safer than seat belts alone and thirty eight states now mandate booster use. He outlined that the object is not to punish. The first offense is just a citation that disappears once the booster seat is obtained.

[9:12:58 AM](#)

Senator French referred to the fiscal note showing that Alaska would be eligible for \$200,000 a year in federal funds.

[9:13:28 AM](#)

Senator Thomas questioned if federal standards or guidelines provided information regarding the proper heights and weights for the children using booster seats or seat belts.

Senator French acknowledged that the information was obtained from the U.S. Department of Transportation guidelines based on their research and studies. He indicated that on Page 2, Subsection 3, lines 3-8 is the new addition to the law.

[9:14:47 AM](#)

Co-Chair Hoffman addressed the situation where booster seats may not be available in rural communities and questioned what would be the penalties for non-compliance. Senator French mentioned that the first fine would be a \$25 "fix-it" ticket that would go away when the proper safety device was purchased.

ALYSON BIASTOCK, STAFF, SENATOR FRENCH, interjected that the first ticket would be a \$50 "fix-it" fine; the second offense would not include the "fix-it" option. She responded to the question of booster seats not being available in some communities by mentioning they were available online. Co-Chair Hoffman asked how long it would take to order online. Senator French responded that he was not sure. Co-Chair

Hoffman advised that it would take at least a month to receive one online.

[9:15:52 AM](#)

Senator Olson revealed some villages have no state maintained roads or internet availability. Senator French responded that if booster child seats are ignored within the community, then he believed the requirement will also be ignored. He does not see this bill changing what the community has made a priority to the local law enforcement.

[9:17:53 AM](#)

PEGGY HAYASHI, REGISTERED NURSE, CHILDHOOD INJURY PREVENTION STATE-SIDE COORDINATOR, CHUGIAK testified via teleconference, and supported this bill. She witnessed childhood injuries among non-restrained children, both personally and professionally. She explained that the current law is difficult for many people to understand, therefore this revision is meant as a clarification. She voiced the concern of rural Alaska by mentioning that any high-risk or low income child needing a booster seat has access by calling a child care provider or educator who will ensure a booster seat gets to the child. She noted the wide range in booster seat costs and styles.

[9:21:25 AM](#)

Senator Thomas remarked that any car seat, whatever the price, is worth it for the safety of the child. Ms. Hayashi agreed and stated again that through grants and donations hundred of free seats have been available throughout Alaska for those that need them.

GORDON GLASER, STAFF, STATE OF ALASKA, DIVISION OF PUBLIC HEALTH AND COMMITTEE MEMBER BOOSTER SEAT LEGISLATIVE COALITION, ANCHORAGE testified via teleconference, and supported this bill. He mentioned this legislation is important because it does not add any new penalties only clarify any confusion. Motor-vehicle related injuries are the second leading cause of hospitalization and leading cause of fatalities for Alaska children. This bill would help parents and communities understand the law.

Co-Chair Stedman referred to the one fiscal previously mentioned from the Department of Transportation.

[9:24:59 AM](#)

Senator Elton questioned if an accident with injuries to the child occurred and the parent did not have the required seat by law would this elevate the accident to a crime.

[9:25:48 AM](#)

Senator French responded that "it depends." They would probably not elevate it to a crime if it was just the improper seat device for the child, but if this was coupled with alcohol, it could be considered reckless endangerment. Senator Elton wondered if this would implicate an individual's insurance policy. Senator French replied that the answer would probably be "no" and the insurance company would have a hard time denying coverage for a child who was injured.

[9:27:57 AM](#)

Co-Chair Hoffman MOVED to REPORT CSSB 218 out of Committee with individual recommendations and an accompanying fiscal note.

CSSB 218 was REPORTED out of Committee with a "do pass" recommendation and an accompanying previously published fiscal note by the Department of Transportation.

[9:28:52 AM](#)

SENATE BILL NO. 226

"An Act relating to litigation brought by a vexatious litigant; amending Rules 3, 4, 12, and 41, Alaska Rules of Civil Procedure; and providing for an effective date."

Co-Chair Stedman remarked that this bill was heard for the first time in the Senate Finance Committee on February 20, 2008. The bill was set aside to allow Committee members time to review public testimony and work with the bill's sponsor on any concerns.

SENATOR HOLLIS FRENCH, the bill's sponsor, presented a short overview of the bill. He explained that the bill was designed to give the court system a tool to view vexatious litigants as individuals who abuse the court system by filing repetitive cases against an ever expanding number of people. Vexatious litigants refuse to acknowledge the fact they have lost and continue to file new claims without any new facts. This results in higher costs to the system. The bill, modeled after a California law, allows judges to act as a gatekeeper.

Co-Chair Stedman reviewed one zero fiscal note.

[9:31:05 AM](#)

Co-Chair Hoffman MOVED to REPORT SB 226 out of Committee with individual recommendations and an accompanying fiscal note.

Senator Huggins OBJECTED.

Senator Huggins referred the definition of vexatious litigants on Page 3, line 12-13 and voiced his concern.

(3) "vexatious litigant" means a person acting without the assistance of an attorney, who

Senator Huggins remarked that a person, protected by an attorney, can still get away with being a vexatious litigant under this bill.

[9:32:08 AM](#)

Senator Huggins WITHDREW his OBJECTION, there being NO further OBJECTION, it was so ordered.

SB 226 was REPORTED out of Committee with no recommendations and an accompanying previously published fiscal note by the Department of Law.

[9:32:37 AM](#)

CS FOR HOUSE BILL NO. 326(FIN)

"An Act authorizing the governor to order the organized militia into active state service to fight wildland fire, authorizing the governor to delegate to the adjutant general the authority to order the organized militia into active state service to fight wildland fire, and authorizing the payment of Alaska National Guard called into active state service to fight wildland fire at rates of pay established for certain emergency fire-fighting personnel; and providing for an effective date."

Co-Chair Stedman described this as a first hearing for the bill.

MCHUGH PIERRE, LEGISLATIVE LIAISON, DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, presented an overview of the bill. He remarked that the history of the bill started in 2004 when there were a record number of wild land forest fires in the state. When the fire fighting resources in the state are stretched thin, and extra help is needed, the Division of Forestry calls on the National Guard.

[9:35:07 AM](#)

Co-Chair Stedman asked how many times the National Guard is called to fight fires and wondered if this will have any effect on the civilian side. Mr. Pierre responded that it will not affect the civilian sector at all. The National Guard is the last line of defense called during a fire.

[9:36:14 AM](#)

Senator Thomas noted that this sounds like an equal pay for equal work situation.

[9:36:38 AM](#)

Senator Huggins noted that a Chief Warrant Officer 5 would have a higher daily rate than a Colonel (06), which seemed odd to him. Mr. Pierre agreed but noted that rarely would a Colonel or Lt. Colonel work the fire line. The usual crew staffing is one Blackhawk helicopter, one pilot in command, a second pilot and one Chief Engineer or crew officer. The highest ranking person on the fire line is usually the pilot, a Chief Warrant Officer 3 or 4. The civilians hired to do the same job may be receiving more than double the salary.

[9:38:24 AM](#)

Senator Huggins noted that "full timers" complicate the situation. The "full timers" may possibly be taking a pay cut from their civilian job to fight a fire. Mr. Pierre agreed but the goal of the bill is to make sure that there are traditional National Guard personnel responding to these fires. National Guard members under federal pay would move to a State pay rate when fighting fires resulting in a possible pay cut.

[9:39:39 AM](#)

Senator Huggins reported that often guardsmen have to take leave to fight a fire. Mr. Pierre agreed that can happen. He explained that within the National Guard only about fifteen percent of the personnel are full time. They are either a technician under federal pay or Active Guard and Reserve (AGR) on federal pay. If a National Guard member is asked to take on a mission, they would have to file for leave from their civilian job. He reiterated that at present the full-timers take most these jobs therefore part-timers have less opportunity to receive the training to be successful on missions. The part timers, who make up the majority of the National Guard, would love to be able to participate.

[9:41:08 AM](#)

Senator Huggins remarked that it is a worthy goal but it is unfortunate that many National Guard are mandatorily told to

report which requires them to take leave or a vacation from their civilian job.

[9:41:42 AM](#)

Senator Olson wondered if civilian employers would be adversely affected when National Guard employees leave work to fight fires. Mr. Pierre remarked that the department does not mandate National Guard personnel respond to a fire but has made it strictly volunteer. He revealed that there have been no complaints from employers in local communities so far.

[9:42:39 AM](#)

Senator Olson questioned what other states do in similar situations. Mr. Pierre responded that other states react in same way. The state would activate their members on a "state active duty rate" which varies from state to state. Alaska has not updated its active duty rates recently. The state has noticed that state active duty rates and National Guard federal rates do not match. Mr. Pierre expressed the importance of seeing that all are paid evenly across the board.

[9:43:38 AM](#)

Senator Elton asked if this bill requires the department perform specialized training for fire fighting. Mr. Pierre replied that the current bill does not require any additional training above the military training. He reported that those who respond to wild fires only respond in their trained capacity.

[9:44:35 AM](#)

Mr. Pierre appreciated the time of the Committee.

[9:45:05 AM](#)

Co-Chair Hoffman MOVED to REPORT CSHB 226 (FIN) out of Committee with individual recommendations and accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSHB 326 (FIN) was REPORTED out of Committee with a "do pass" recommendation and previously published fiscal notes from the Department of Administration, the Department of Military Affairs and the Department of Natural Resources.

#### ADJOURNMENT

The meeting was adjourned at 9:46 AM