

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 3, 2009

8:03 a.m.

MEMBERS PRESENT

Representative Bob Herron, Co-Chair
Representative Cathy Engstrom Munoz, Co-Chair
Representative John Harris
Representative Wes Keller
Representative Sharon Cissna

MEMBERS ABSENT

Representative Charisse Millett
Representative Berta Gardner

COMMITTEE CALENDAR

HOUSE BILL NO. 74

"An Act relating to the Alaska coastal management program; and establishing the Alaska Coastal Policy Board."

- MOVED CSHB 74(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 19

"An Act exempting the state and its political subdivisions from daylight saving time."

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 20

Urging the United States Congress to end daylight saving time.

- MOVED HJR 20 OUT OF COMMITTEE

HOUSE BILL NO. 153

"An Act exempting municipal boards, committees, commissions, or other similar bodies from the requirements of conducting meetings open to the public when a meeting is administrative or managerial in nature; and amending the definition of 'meeting' as it relates to public governmental meetings."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 74

SHORT TITLE: COASTAL MANAGEMENT PROGRAM

SPONSOR(S): REPRESENTATIVE(S) JOULE, EDGMON, BUCH

01/20/09 (H) PREFILE RELEASED 1/16/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) CRA, RES, FIN
02/10/09 (H) CRA AT 8:00 AM BARNES 124
02/10/09 (H) Heard & Held
02/10/09 (H) MINUTE(CRA)
02/24/09 (H) CRA AT 8:00 AM BARNES 124
02/24/09 (H) Heard & Held
02/24/09 (H) MINUTE(CRA)
03/03/09 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 19

SHORT TITLE: ELIMINATE DAYLIGHT SAVING TIME

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) CRA, L&C
03/03/09 (H) CRA AT 8:00 AM BARNES 124

BILL: HJR 20

SHORT TITLE: REPEAL FEDERAL DAYLIGHT SAVING TIME

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH

02/23/09 (H) READ THE FIRST TIME - REFERRALS
02/23/09 (H) CRA, L&C
03/03/09 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 153

SHORT TITLE: OPEN MEETINGS: EXCEPTION AND DEFINITION

SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS BY REQUEST

02/25/09 (H) READ THE FIRST TIME - REFERRALS
02/25/09 (H) CRA, JUD
03/03/09 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE ANNA FAIRCLOUGH

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HB 19.

CRYSTAL KOENEMAN, Staff
Representative Anna Fairclough
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 19 on behalf of the sponsor,
Representative Fairclough.

LYNN WILLIS
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 19.

REPRESENTATIVE ANNA FAIRCLOUGH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the sponsor of HJR 20.

RENE BROKER, Attorney
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 153.

LUKE HOPKINS, Member
Fairbanks North Star Assembly;
Member
Alaska Municipal League
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 153.

ACTION NARRATIVE

[8:03:51 AM](#)

CO-CHAIR BOB HERRON called the House Community and Regional Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Herron, Munoz, Keller, and Cissna were present at the call to order. Representative Harris arrived as the meeting was in progress.

HB 74-COASTAL MANAGEMENT PROGRAM

[8:04:22 AM](#)

CO-CHAIR HERRON announced that the first order of business would be HOUSE BILL NO. 74, "An Act relating to the Alaska coastal

management program; and establishing the Alaska Coastal Policy Board."

[8:05:03 AM](#)

REPRESENTATIVE KELLER requested a moment of silence in observance of the death of Curt Menard, a former legislator.

[8:05:54 AM](#)

CO-CHAIR MUNOZ moved that the committee adopt Amendment 1 [to CSHB 74, Version E], as follows:

Page 7, line 21,
replace "contemporary" with "scientific"
delete "traditional"

REPRESENTATIVE CISSNA objected.

CO-CHAIR MUNOZ explained that the aforementioned amendment was offered by Representative Millet because the term "contemporary" leaves much opportunity for interpretation as it's not very well defined in law or in practice. Furthermore, the term "local knowledge" seems to cover "traditional knowledge" and "scientific" would seem to incorporate areas of science and specific criteria.

CO-CHAIR HERRON noted that the amendment is supported by Representative Joule, the sponsor of HB 74.

[8:08:35 AM](#)

CO-CHAIR MUNOZ, in response to Representative Cissna, explained that the terms "local" and "traditional" are considered very similar.

[8:09:21 AM](#)

REPRESENTATIVE CISSNA removed her objection. There being no further objection, Amendment 1 was adopted.

[8:09:35 AM](#)

CO-CHAIR MUNOZ moved to adopt CSHB 74, Version 26-LS0322\E, Bullock, 2/25/09, as amended, as the working document. There being no objection, Version E, as amended, was before the committee.

[8:10:04 AM](#)

CO-CHAIR MUNOZ moved to report CSHB 74, Version 26-LS0322\E, Bullock, 2/25/09, [as amended], out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 74(CRA) was reported from the House Community and Regional Affairs Standing Committee.

The committee took an at-ease from 8:10 a.m. to 8:13 a.m.

HB 19-ELIMINATE DAYLIGHT SAVING TIME

[8:13:07 AM](#)

CO-CHAIR HERRON announced that the next order of business would be HOUSE BILL NO. 19, "An Act exempting the state and its political subdivisions from daylight saving time."

[8:13:40 AM](#)

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, speaking as the sponsor of HB 19, related that over the past two years her community has raised the need to eliminate the use of daylight saving time.

[8:14:32 AM](#)

CRYSTAL KOENEMAN, Staff, Representative Anna Fairclough, Alaska State Legislature, informed the committee that daylight saving time (DST) began in 1918 in order to conserve resources for World War I. Congress placed the nation on DST for seven months. However, DST was so unpopular that it was repealed. During World War II Congress enacted the Wartime Act, which reinstated year round DST as a measure to conserve energy and it remained in effect until after the war. From 1945-1966, U.S. federal law didn't address DST, and therefore states and different localities were able to choose DST or not. Most [states and localities] chose to follow DST from the last Sunday in April until the last Sunday in September. During the 1950s many states and localities in the Northeastern U.S. extended DST until the last Sunday in October. Therefore, the lack of federal standardization resulted in a patchwork of time [zones] caused some difficulties with regard to trains and general travel. In 1966 the Uniform Time Act was instated. Although it doesn't require that states observe DST, if it is observed it must be done uniformly. In response to the 1973 energy crisis,

DST in the U.S. began earlier in 1974 and 1975, commencing on the first Sunday in January to the last Sunday in February 1975. The extension of DST wasn't continued due to public opposition to the last sunrise times during the winter months. In 1976 the nation reverted back to the Uniform Time Act. Ms. Koeneman related that the last change to DST took place on March 11, 2007, at which point there was an extension to begin on the second Sunday of March to the first Sunday of November.

[8:17:31 AM](#)

REPRESENTATIVE FAIRCLOUGH clarified that in 1983 Alaska Standard Time was created, which all but a remote area of the Aleutian Chain followed. She then informed the committee that when Alaska goes on and off DST, particularly the northern latitudes are three hours off of their biological clocks and sun time. Northern Alaska communities are off cycle all the time. Furthermore, within a week of going on or off DST, the light [and the time] are in sync in the Interior and mid latitude areas. Daylight saving time doesn't achieve in Alaska what it is intended to do on a national level. She noted that the multiple attempts to repeal DST since 1983 have not been successful.

REPRESENTATIVE FAIRCLOUGH, referring to a letter her office produced seeking comments from Alaskans regarding DST, said that she received 364 responses of which 264 supported the repeal of DST while 68 opposed the repeal of DST, 12 supported year round DST, 15 respondents didn't care, and 5 preferred to be three hours different from the East Coast. The responses from the Northern regions related that there were disruptions for the schools in terms of student behavior and testing. The responses from Southeast Alaska related the desire to stay the same and remain in sync with Seattle, Washington. She told the committee of a study performed in Sweden, which found that the heart attack rate in hospitals increases during the transition on and off DST. The aforementioned is attributed to the disruption in sleep, the circadian rhythms, when the time change occurs. Representative Fairclough reiterated that Alaska's northern communities are typically off of sun time by three hours for most of the year. Still, the northern communities are asked to function like everyone else who is close to the equator. There were also concerns related regarding safety issues with schools and students coming to school in the dark. The largest issue in support of not repealing DST is that businesses won't be able to communicate on a regular basis with the East Coast and the rest of the world. However, many believe technology can be

successful in communicating across the world. She then mentioned a chart that shows the progression of DST across the world. This chart illustrates that the world is seeing the need to repeal DST. Representative Fairclough related that she believes the biggest issue for folks is the need to be consistent. In conclusion, she highlighted that although there has been some opposition from businesses in Southeast, there is overwhelming support for the repeal of DST. In fact, one of the presidents of a major bank in Alaska is in support of the repeal of DST.

[8:24:40 AM](#)

REPRESENTATIVE CISSNA related her understanding that originally the reason for DST had to do with conserving energy and fuel crises. She then opined that Alaska isn't really in touch with the impacts of the market crash on the Lower 48. However, Alaska is in touch with the enormous cost of fuel experienced within the state. She expressed the need for Representative Fairclough's study to include energy.

REPRESENTATIVE FAIRCLOUGH informed the committee that there are national studies that illustrate that DST costs more money. She reiterated that DST [correlates with the actual sun time] within a week. Typically, those in the northern communities overwhelmingly dislike DST.

MS. KOENEMAN pointed out that the committee packet should include a National Geographic article that specifies that in Indiana when the entire state implemented DST, the Spring 2006, the residential electricity bills of Indiana homeowners increased by almost \$7 million. The aforementioned can mainly be attributed to heating and air conditioning use. Some of the counties didn't use DST while others did, which afforded a comparison in costs.

[8:29:23 AM](#)

REPRESENTATIVE CISSNA noted that rural Alaska and Indiana are very different.

[8:29:47 AM](#)

REPRESENTATIVE KELLER related his understanding that in 1983 when Alaska went to Alaska Standard Time (AST) it was a federal act not a state act.

REPRESENTATIVE FAIRCLOUGH clarified that her understanding was that it was an Alaska issue that had to be cleared through the federal government.

REPRESENTATIVE KELLER remarked that he supports [a time zone] that makes more sense in Alaska. However, he opined that the only choice Alaska has is to go on or off DST. He then pointed out that there are two kinds of consistency, that is consistency with neighbors in Alaska and consistency with the East Coast. Therefore, he questioned what can be done to address both.

REPRESENTATIVE FAIRCLOUGH said she would follow-up regarding whether it was a federal decision. She then opined it would be optimum for everyone in Alaska to stop using DST.

[8:33:03 AM](#)

CO-CHAIR MUNOZ inquired as to the net impact of repealing DST on Alaskans.

REPRESENTATIVE FAIRCLOUGH explained that when Alaska goes on DST in spring, for seven months the time is three hours off. When Alaska goes off DST, then Alaska would be four hours different for five months. Hawaii and Arizona don't rotate on and off DST.

[8:35:39 AM](#)

REPRESENTATIVE CISSNA asked if Representative Fairclough's survey was a random sample or self-selecting responses.

REPRESENTATIVE FAIRCLOUGH explained that she put out a press release and then put out her email address to various communities. Therefore, it was a random survey that logged the community from which the response came. The results relate large differences in opinion depending upon the latitude of one's residence.

REPRESENTATIVE CISSNA suggested that sometimes the aforementioned doesn't result in a cross section of people. Therefore, she expressed interest in more of a random sample "by energy or by work."

REPRESENTATIVE FAIRCLOUGH informed the committee that two surveys that weren't random had results supporting the repeal of DST. In 2005 Helenthal performed a study showing 49 percent of people in Alaska favored repeal of DST. In 2004, Dittman

performed a study showing 58 percent [of Alaskans surveyed] supported a repeal of DST of which 70 percent of the respondents were from rural communities.

8:38:02 AM

CO-CHAIR HERRON asked if there are other states close to making a change similar to what's proposed in HB 19.

REPRESENTATIVE FAIRCLOUGH informed the committee that the National Conference of State Legislatures is tracking this issue, but no other states are addressing DST in the same manner as Alaska. Although 6-10 states are continually asking questions about DST, most of the matter comes back to asking Congress and the Department of Transportation & Public Facilities to perform a study.

8:40:26 AM

LYNN WILLIS related support for HB 19. Mr. Willis said, "I simply resent being subjected to such an invasive law that seems to have no compelling reason for its continued use." He noted that he maintains a web site relating to Alaska DST and was part of the effort to place this issue before voters via initiative. Mr. Willis, noting that the committee packet should include his written testimony, said that today he would focus on 3 of the 15 reasons to repeal DST in Alaska. With regard to the argument claiming that DST is necessary to do business in Alaska, he highlighted that advances in communication technology allows 24 hour contact. Furthermore, the purported benefit of never being more than one hour behind Seattle or four hours behind New York may not exist for all businesses. Alaska now has business relations with the Pacific Far East where DST isn't used, specifically China and Japan. He then suggested members consider the impact of DST on an air cargo operation. For example, in Anchorage a scheduled flight originating from Japan where DST isn't observed will arrive in Anchorage at noon. After the change to DST, the flight will then arrive in Anchorage at 1:00 p.m. He pointed out that since the flight must leave Anchorage for the Lower 48 at the same local time it left prior to the change to DST, valuable ground time in Anchorage for maintenance and cargo sorting will be shortened by one hour. Mr. Willis then turned to the second reason for the repeal of DST that being that energy savings is the official reason the federal government allows individual states to use DST. However, those at local energy utilities in Anchorage have related the length of day combined with ambient temperature

impacts energy use in the Railbelt region not changing the time of sunrise and sunset. Although nationwide energy grids show a reduction in consumption when DST is in use, regional variances aren't uniform. In fact, Arizona opted out of DST due to the increased need for air conditioning when the time of sunset is delayed during the summer months. The aforementioned is also being found in Indiana. Alaska isn't on any large power grid and can't benefit from large power grid energy savings attributed to the use of DST. Mr. Willis echoed the sponsor's earlier remarks that the Dittman survey found that 58 percent of Alaskans surveyed want to keep clocks the same year round while 37 percent favor changing clocks. The Helenthal survey found that 39.9 percent of those surveyed wanted to repeal DST and 36.6 percent wanted to keep DST. In conclusion, Mr. Willis urged the committee to vote for HB 19.

[8:44:28 AM](#)

REPRESENTATIVE KELLER expressed hope that there is resolution to this issue that provides consistency all around. He then thanked Mr. Willis for his work on the issue.

MR. WILLIS pointed out that the US Department of Transportation creates time zones. The merger of Alaska's three time zones in 1983 was done by the US Department of Transportation.

[8:45:32 AM](#)

MR. WILLIS, in response to Representative Cissna, specified that the Dittman survey asked respondents whether they wanted to keep their clock the same all year, repeal DST, or change their clocks. In that poll, 5 percent were unsure. He mentioned that this poll is on his web site, www.endalaskadst.com.

[8:47:03 AM](#)

CO-CHAIR HERRON announced that HB 19 would be held over.

[HB 19 was taken up later in this meeting.]

HJR 20-REPEAL FEDERAL DAYLIGHT SAVING TIME

[8:47:23 AM](#)

CO-CHAIR HERRON announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 20, Urging the United States Congress to end daylight saving time.

[8:47:44 AM](#)

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, speaking as the sponsor of HJR 20, explained that the reason for HJR 20 is to raise the issue of ending DST in Congress and to gather support from other states. The resolution highlights the concerns with DST, which were discussed earlier in the meeting when HB 19 was discussed.

[8:48:22 AM](#)

CO-CHAIR HERRON asked if other states have concerns with DST.

REPRESENTATIVE FAIRCLOUGH informed the committee that the National Conference of State Legislatures (NCSL) lists 5-10 states that have taken this issue up over the last few years. In fact, Florida and California have most recently been reviewing [the repeal of] DST. She specified that she is [through HJR 20] asking Congress to speak with the US Department of Transportation to end DST. She related her belief that enough support could be rallied nationally to take up the issue. She acknowledged that DST may or may not save energy and that current technology could better measure that. She then highlighted that doctors are engaging in the DST conversation because of the disruption of circadian rhythms and its impact on one's body. Those in northern latitudes are further out of sync than elsewhere in the world, she pointed out.

[8:50:27 AM](#)

REPRESENTATIVE HARRIS moved to report HJR 20 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE CISSNA objected.

[8:50:42 AM](#)

REPRESENTATIVE CISSNA emphasized the need to proceed with care, particularly due to the current energy situation.

[8:52:36 AM](#)

REPRESENTATIVE HARRIS pointed out that HJR 20 has another committee of referral, the House Labor and Commerce Standing

Committee, and suggested that the resolution be allowed to be heard in that committee.

[8:53:09 AM](#)

REPRESENTATIVE CISSNA reminded the members that this committee is charged with reviewing the impact of legislation on the citizens of the state.

[8:54:33 AM](#)

CO-CHAIR MUNOZ, referring to the question of energy, pointed out that in the fall when an hour is lost, houses are lit longer and more energy is used. She surmised that the aforementioned would have a negative impact on energy costs.

REPRESENTATIVE FAIRCLOUGH related her agreement with Co-Chair Munoz. She then related that the communities facing the most concern with energy consumption are the communities that are asking for the repeal more than any other region or area.

[8:55:50 AM](#)

CO-CHAIR HERRON encouraged Representative Cissna to remove her objection to HJR 20 and work with the sponsor on HB 19.

[8:56:27 AM](#)

REPRESENTATIVE CISSNA withdrew her objection.

There being no further objection, HJR 20 was reported from the House Community and Regional Affairs Standing Committee.

HB 19-ELIMINATE DAYLIGHT SAVING TIME

[8:56:53 AM](#)

CO-CHAIR HERRON returned the committee's attention to HB 19.

[8:57:03 AM](#)

CO-CHAIR HERRON highlighted that the committee packet includes written testimony from Wrangell Public Schools in opposition to HB 19. However, other Southeast communities support HB 19.

[8:57:23 AM](#)

REPRESENTATIVE ANNA FAIRCLOUGH, Alaska State Legislature, speaking as the sponsor of HB 19, said she didn't want to speak to that. However, she stated that Southeast overall has been the most energetic in wanting to keep DST. She reviewed some of the responses from Seward, Seward Chamber of Commerce, and Eagle River Chamber of Commerce.

[8:58:40 AM](#)

CO-CHAIR HERRON announced that HB 19 would be held over and that the sponsor and Representative Cissna should work together.

[8:59:02 AM](#)

REPRESENTATIVE FAIRCLOUGH asked if Representative Cissna's major concern is oil consumption and energy costs.

REPRESENTATIVE CISSNA expressed the need for solid scientific information rather than anecdotal and emotional information.

REPRESENTATIVE FAIRCLOUGH said that she doesn't have the resources to perform a scientific survey, and therefore she reached out in the manner that she could.

[9:01:15 AM](#)

REPRESENTATIVE CISSNA suggested that the Department of Commerce, Community, & Economic Development (DCCED) has resources that could perhaps address this. She also suggested that Homeland Security could be involved since it closely monitors fuel costs.

[9:02:21 AM](#)

CO-CHAIR MUNOZ opined that it's important to recognize that HJR 20 has an additional committee of referral. "And that it's appropriate, we believe, to move the bill in the near future," she related. She then suggested that Representative Cissna and Representative Fairclough could meet about this issue.

REPRESENTATIVE CISSNA indicated the possibility of tapping into information that already exists, and expressed interest in doing so.

REPRESENTATIVE FAIRCLOUGH said that she is happy to reach out to the Alaska Energy Authority (AEA) and the departments mentioned earlier in order to determine if there is a way to quantify those [energy] costs.

9:04:04 AM

CO-CHAIR HERRON announced his intent to schedule HB 19 for March 12th at which time further debate can occur. In response to Representative Fairclough, Co-Chair Herron said the next hearing would have invited testimony only.

HB 153-OPEN MEETINGS: EXCEPTION AND DEFINITION

9:05:14 AM

CO-CHAIR HERRON announced that the final order of business would be HOUSE BILL NO. 153, "An Act exempting municipal boards, committees, commissions, or other similar bodies from the requirements of conducting meetings open to the public when a meeting is administrative or managerial in nature; and amending the definition of 'meeting' as it relates to public governmental meetings."

9:05:50 AM

RENE BROKER, Attorney, Fairbanks North Star Borough, speaking on behalf of the Fairbanks North Star Borough, testified in support of HB 153 because it fixes two unintended consequences of the Open Meetings Act. The fixes don't affect the fundamental goals and intent of the Act. Ms. Broker relayed that [the borough] has no desire to undermine the public's right to know what it's government is doing and to participate in important policy decisions the government is making. She explained that the legislation adds a very narrow exception, which is limited to municipal boards when they're meeting solely to make administrative or managerial decisions. This change serves to make a distinction from governmental functions that already exist in the Open Meetings Act. The existing Act already recognizes that one can't effectively perform day-to-day administration functions and comply with the Act. The new language extends the existing narrow exemption to the situation when the administrative functions are performed by volunteer boards and commissions rather than municipal employees. For example, a borough public works department in charge of roads would receive funding from the local assembly, be given a budget, and municipal employees would make decisions about day-to-day administrative decisions regarding what potholes to fix and which intersections needed brushing for visibility. However, second class boroughs don't have public works but rather have road service areas that are subject to the Open

Meetings Act. Therefore, the legislation specifies that when the road service area staff are performing functions that municipal employees would otherwise perform, they should be exempt [from the Open Meetings Act as well]. The legislation also includes a change to address the anomaly in the Open Meetings Act, which includes two completely different definitions of what constitutes a meeting. The Open Meetings Act has a definition that applies to policy-making bodies, those bodies that are actually making decisions that bind the municipality. The aforementioned definition has a numerical standard with which everyone is likely very familiar. However, the definition in the Open Meetings Act that only applies to advisory bodies, which can't bind the municipality, but can only make a recommendation. The aforementioned definition lacks the numerical standard, and therefore results in a stricter standard of meeting for those advisory bodies. Ms. Broker opined that the aforementioned wasn't intended. In conclusion, Ms. Broker related that the proposed changes make the Open Meetings Act stronger, more workable, and more practical.

[9:11:56 AM](#)

REPRESENTATIVE HARRIS, recalling his time as a mayor and member of a city council, said that he understands the difficulties. He then inquired as to why there's no backup from the Alaska Municipal League (AML) or any other local governmental entities.

MS. BROKER answered that the matter is currently being considered by AML. As an active member and former president of the Municipal Attorneys Association, Ms. Broker said that she has had a lot of contact with others, the Mat-Su Borough and the Kenai Peninsula Borough, with the same problem.

REPRESENTATIVE HARRIS remarked that Valdez has the same problem as well. He then recalled that Cordova had the worst case in the state with this problem. Representative Harris related that he is fully in favor of [HB 153].

[9:14:16 AM](#)

REPRESENTATIVE CISSNA expressed the need to hear from other communities on this matter. She acknowledged that it isn't reasonable to have boards and commissions rise to a higher standard than larger more important [entities]. However, she expressed concern with the administrative aspect of the legislation as she didn't recall boards and commissions being administrative in function.

9:16:36 AM

REPRESENTATIVE KELLER inquired as to the intent of the co-chairs with HB 153.

CO-CHAIR HERRON related that he has some concerns that he would like to voice after the remaining witness, and then the committee could consider moving out the legislation later.

9:17:04 AM

REPRESENTATIVE KELLER inquired as to the legal definition of administrative or managerial.

MS. BROKER explained that the mayor and his/her staff are in charge of the administrative/managerial functions of the borough. She noted her agreement that it's unusual for boards and commissions to perform the administrative/managerial functions because they usually only make recommendations to the assembly or the mayor. In the Fairbanks North Star Borough, and most other boroughs, the [boards and commissions] that perform administrative/managerial functions are limited to road service areas and fire service areas.

9:19:20 AM

LUKE HOPKINS, Member, Fairbanks North Star Assembly; Member, Alaska Municipal League, spoke in favor of HB 153. He characterized the two changes to the Open Meetings Act embodied in HB 153 as reasonable. He then echoed earlier testimony that AML has a resolution on this matter that the AML board will hear in April. Mr. Hopkins related his understanding that the AML board member from the Anchorage Assembly is in favor of this as were almost all of the [members from the] Southeast communities.

9:22:54 AM

CO-CHAIR MUNOZ opined that the language "meetings of municipal boards, committees, commissions, or other similar bodies" seems to be broad. However, the intent is to address service area boards, specifically. She opined that amending the language to state "meetings by service area boards, committees, commissions, or other similar bodies ..." would provide clarity. The current language leaves open to interpretation such that it could include enterprise boards. Co-Chair Munoz said she understands Representative Cissna's concern, but related that she believes

more specificity could address the situation the Fairbanks North Star Borough faces.

[9:24:15 AM](#)

CO-CHAIR HERRON related that although he supports the intent of HB 153, he has some concerns with the Open Meetings Act. He recalled that when he was the city manager of Bethel there was litigation regarding open meetings. Co-Chair Herron then noted his agreement with Co-Chair Munoz that the language may be too broad such that an entity might inadvertently violate the Open Meetings Act. He suggested working with the borough, developing some amendments, and hearing the legislation again at the next meeting.

[9:25:43 AM](#)

REPRESENTATIVE HARRIS pointed out that [the legislature] tends to bend over backwards to regulate the law bodies, such as the legislature and city councils. However, he opined that more laws are implemented through regulation by the gubernatorial administration, municipal administrations yet these entities aren't governed by the Open Meetings Act. The laws passed by the legislature are governed by the regulations formed in a closed environment. He expressed concern with the aforementioned.

[9:29:17 AM](#)

CO-CHAIR HERRON concurred with Representative Harris' remarks, and then said he would work with the borough to develop some better language.

[9:29:43 AM](#)

REPRESENTATIVE CISSNA commented that specificity would clear up her concerns. She then expressed the desire to put this legislation before other communities.

[9:30:21 AM](#)

CO-CHAIR HERRON said he intends to deliver an improved piece of legislation to the next committee of referral, the House Judiciary Standing Committee.

[HB 153 was held over.]

9:30:45 AM

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:30 a.m.