

HOUSE FINANCE COMMITTEE

April 18, 2009

8:44 a.m.

[8:44:36 AM](#)

CALL TO ORDER

Co-Chair Stoltze called the House Finance Committee meeting to order at 8:44 a.m.

MEMBERS PRESENT

Representative Mike Hawker, Co-Chair
Representative Bill Stoltze, Co-Chair
Representative Bill Thomas Jr., Vice-Chair
Representative Allan Austerman
Representative Harry Crawford
Representative Anna Fairclough
Representative Les Gara
Representative Reggie Joule
Representative Mike Kelly
Representative Woodie Salmon

MEMBERS ABSENT

Representative Richard Foster

ALSO PRESENT

Senator Linda Menard; Jay Livey, Staff, Senator Lyman Hoffman; Ron Kreher, Chief of Field Services, Division of Public Assistance, Department of Health and Social Services; Jeff Stepp, Staff, Senator Joe Paskvan; Representative Kyle Johanson; Ginger Blaisdell, Director, Division of Administrative Services, Department of Revenue; Senator Hollis French; Tim Lamkin, Concerned Parent; Mary Siroky, Special Assistant, Department of Transportation and Public Facilities.

PRESENT VIA TELECONFERENCE

Bob Charles, Association of Village Council Presidents; Dale Nash, Chief Executive Officer, Alaska Aerospace Development Corporation; Ronnie Sullivan, Emergency Medical Service Provider; Jane Fellman, Coordinator, Safe Kids, Kenai; John Cook, Legislative Director, Alaska Auto Dealers

Association; Margaret Hayashi, Emergency and Critical Care Nurse; Janice Tower, Alaska Chapter of the American Academy of Pediatrics; Gordon Glaser; Gordon Glaser.

SUMMARY

HB 36 "An Act prohibiting initiatives that are substantially similar to those that failed within the previous two years; relating to financial disclosure reporting dates for persons, groups, and nongroup entities that expend money in support of or in opposition to initiatives, initiative information contained in election pamphlets, initiative petitions, initiative petition circulators, and public hearings for initiatives; and requiring a standing committee of the legislature to consider initiatives scheduled for appearance on the election ballot."

HB 36 was HEARD and HELD in Committee for further consideration.

HB 157 "An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

CS HB 157(FIN) was REPORTED out of Committee with a "do pass" recommendation and with attached new indeterminate fiscal note by the Department of Revenue, zero note 2 by the Department of Natural Resources, and zero note 4 by the Department of Administration.

CS SB 72(STA)

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

HCS CSSB 72 (FIN) was REPORTED out of Committee with no recommendation and attached zero note 1 by the Department of Transportation and Public Facilities.

CS SB 116 (FIN)

"An Act making a special appropriation for energy assistance for Alaska residents; and providing for an effective date."

CS SB 116 (FIN) was REPORTED out of Committee with a "do pass" recommendation.

SB 125 "An Act changing the name of the Alaska Aerospace Development Corporation to Alaska Aerospace Corporation."

SB 125 was REPORTED out of Committee with a "do pass" recommendation and with attached fiscal note 1 by the Department of Commerce, Community and Economic Development.

#sb116

CS FOR SENATE BILL NO. 116 (FIN)

"An Act making a special appropriation for energy assistance for Alaska residents; and providing for an effective date."

[8:47:24 AM](#)

JAY LIVEY, STAFF, SENATOR LYMAN HOFFMAN, stated that SB 116 required a one-time appropriation of \$9 million to assist Alaskans in paying for energy costs. Although the amount of fuel was abundant, the cost of fuel has forced families to make difficult budgetary choices, and has been compounded by lower than average yearly incomes. In 1990, fuel costs in Bethel were 45 percent higher than fuel costs in Anchorage, by 2007, the differential was 92 percent. The one-time appropriation would be divided between the Low Income Home Energy Assistance Program (LIHEAP), and the Alaska Heating Assistance Program (AKHAP). Both programs provide state-wide assistance. Approximately 162 communities are served. Communities with recipients include; Anchorage, Palmer, Wasilla, North Pole and Homer. He added that some areas of rural Alaska are served by tribal programs as well.

Mr. Livey detailed the criteria set out for residents to establish enough points to qualify for assistance under the two programs. The applicant must be a state resident and must live in the home in which the heating costs occur. Set income guidelines must also be met. Each applicant would be assigned a number of points based on the climate in the area in which they live, which would be assessed by degree days in the area. The number of disabled and elderly in the household would also be considered. The requirements determine that the assistance would be rewarded to those with the highest need. In addition, the assistance money, determined by the application points, would be distributed directly to the vendor and not the individual applicant.

[8:52:27 AM](#)

Mr. Livey noted that The Department of Health and Social Services (DHSS) would initiate a final check run in April of 2009. This would allow enough time for the appropriated funds to become available to those with established vendor accounts, or who become eligible before April 2009. This would assist families with fuel debts from the winter of 2009 in paying existing debts and continue to afford heat through the spring.

Mr. Livey furthered that based on the amount of federal and state funds DHSS had to spend on heating assistance, he could calculate that \$220 was spent per applicant point. The average number of points is 15, which equals \$3300 for heating assistance in 2009. If the resident pays \$6.50 per gallon for 84 gallons per month, or 507 gallons total during the winter months, and uses 150 gallons per month, the existing program will only pay 56 percent of the heating need. He thought that the additional assistance was not extravagance for the state.

[8:55:37 AM](#)

Representative Fairclough wondered if one household could receive assistance from both LIHEAP and AKHAP simultaneously. Mr. Livey replied that it would depend on the family's income. The qualification would be based on the federal poverty level. He added that AKHAP was funded through general state funds and LIHEAP was funded federally.

Representative Fairclough requested further clarification.

Mr. Livey explained that the funding for LIHEAP cannot be used to fund AKHAP, but the funds for AKHAP can be used for LIHEAP. If a family of four earns under \$40,000 per year, funding may be combined from both programs, but would be distributed under LIHEAP. If the family's income exceeds \$40,000, general funds must be used under AKHAP.

Representative Fairclough asked how many families under each program receive combined funds. Mr. Livey guessed that 13,000 families in the state are served by both programs; 90 percent of the families are under the poverty line.

[8:58:22 AM](#)

Representative Joule queried what percentage of a family's available income, throughout the state, is spent on energy costs. Mr. Livey replied that he did not have the exact percentages. He believed that the percentages were significantly higher in rural Alaska.

Representative Joule thought that the elderly and disabled should be the first to qualify for assistance. He told story of two elderly people who needed assistance but did not qualify for AKHAP. He worried that the funds were not going to those who needed the assistance most. He wondered if the point system could be negatively manipulated.

[9:01:36 AM](#)

Mr. Livey responded that the program used to assign points has a component that provides extra points to the elderly and disabled. He added that income does factor into the determination of points.

Representative Joule asked about CITGO, which provides fuel assistance to Alaska Native families. He wondered how long the program had been in effect, what was the cost, and who was eligible. Mr. Livey understood that CITGO had provided some fuel to a few communities in 2008, and was expected to again in May 2009. Through regional corporations, some communities had accepted the fuel, some did not.

Representative Joule asked if the cost of the program was known. Mr. Livey replied no.

Representative Crawford questioned the ratio of federal to state dollars for the individuals under the federal poverty level. Mr. Livey explained that the money is melded and a dollar value is assigned per point. A family under \$40,000 would receive one dollar, which would be combination of both federal and state money, per point. A family above \$40,000 per year would receive only state money.

[9:05:02 AM](#)

Representative Crawford asked for further clarification on the ratio of melded state and federal funds. Mr. Livey thought that the ratio was 2/3 federal dollars and 1/3 state dollars.

Vice-Chair Thomas asked if two families, living together in one household, could qualify for assistance. Mr. Livey understood that one application was allowed per house.

Vice-Chair Thomas said that when AGIA was moved out of committee in 2007, intent language had been written into the bill that would have allocated \$60,000 per year into LIHEAP. The Senate Finance Committee removed the intent language. He felt that that action may be connected to the funding problems the programs currently face.

RON KREHER, CHIEF OF FIELD SERVICES, DIVISION OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, explained that families below 150 percent of poverty receive 100 percent federal funds, and families above receive 100 percent state funds. The appropriation of \$10 million for FY 2008, stipulated that the funds be used for heating assistance programs. At the end of the program year the department examines the number of households served by the programs. Surplus funds are used as supplemental payments. The \$10 million would be spread out between LIHEAP recipients and AKHAP recipients. The amount of state versus federal funds distributed would depend on where families fell on the poverty line.

Representative Joule proposed that the department manipulate the point system to ensure assistance to the elderly and the disabled.

[9:10:14 AM](#)

Mr. Kreher felt that manipulation of the point system would require regulatory changes. With the creation of AKHAP, and the pushing up of income limits to 225 percent of poverty, any household that is income ineligible for the program has an income in excess of the limited amount. The income qualifications do not currently take into consideration how the income budgeted. He thought that the number of households at the higher end of the income bracket may be dropping of in assistance use because their gross income exceeds the limits set forth by the program. The program also requires seasonal incomes to be annualized, which can put a family above the income limit.

Representative Joule stated his support for the provision, but reiterated concerns regarding people in need who are denied assistance. Mr. Kreher replied that the department would work with the legislature to remedy the concerns regarding elderly and disabled persons with need. Representative Joule expressed excitement for the collaborative effort.

[9:14:37 AM](#)

Representative Gara asked if federal portion of the LIHEAP program was funded at \$10 million. Mr. Kreher replied that the program received \$22 million in federal funds, including emergency contingency funds, and an increased black grant amount.

Representative Gara asked if the federal portion would be closer to \$10 million, in a year without a federal stimulus package. Mr. Kreher replied yes.

Representative Gara asked how many LIHEAP applications were filed each year. Mr. Kreher shared that 2008 had been unusual, with 37 percent more applications filed than in previous years. This was because of the poor economy, but also marketing efforts by the department. Of the 9,000 applications that have been processed, the majority are well below poverty level.

Representative Gara asked how many applications the department expected to receive by the end of 2009. Mr. Kreher thought it could be 16,000.

Representative Gara asked how much assistance each applicant would receive. Mr. Kreher answered that in rural

Alaska the average household received \$4,000. A very low income household in an urban setting received \$900.

[9:17:53 AM](#)

Representative Salmon commented on the 15 point system. He wondered if 15 points was the maximum amount of points that could be received. Mr. Kreher answered that the maximum number of points that could be received was 32, the minimum was 2.

Representative Salmon what were the qualifications that would earn the applicant 15 points. Mr. Kreher said that the points were based on community heating points, calculated based on location and heating degree days. For example, heating points for Willow is 7; there are additional points for children, elderly, and disabled. The factor is also based on housing type, such as size. Where a family falls in the poverty income brackets also determines the percentage of points.

Representative Salmon asked if there were points given based on distance from urban centers. Mr. Kreher said that the points were based on heating degree days and where the community is located, including being on the road system.

Representative Kelly wondered how the effective date ending FY 2009 related to FY 2008.

Mr. Livey understood that the bill would provide a one-time appropriation to fund the department's last check run of FY 2009. The money would be obligated by June 30, 2009.

Representative Kelly asked how much state funding had been given to the program in 2008. Mr. Livey replied \$10 million.

[9:22:21 AM](#)

BOB CHARLES, ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS testified via teleconference, spoke in support of the legislation.

Representative Kelly expressed frustration with the bill. He opined that there had been significant discussion about the one-time nature of past appropriations. He considered it an entitlement that would be expected in perpetuity. He

understood the need, but was upset about provisions that purport to be one-time. He thought federal funding should only be used to help the truly needy. He cited statistics around the state regarding use of state and federal funds.

[9:28:28 AM](#)

Representative Salmon pointed out to the committee that state funds have been made available to urban areas for energy assistance in the past. He felt that the rural areas of the state had been treated unfairly. He felt that a long-term solution had been established in urban areas and he wanted the same solutions for rural areas.

Representative Gara recognized that the Healy coal plant had been heavily subsidized over the years. He surmised that the reason there was no road money in rural areas was because there are no roads. He emphasized that the assistance funds that were distributed in rural Alaska were necessary, not extravagant, and should not be limited to a one-time commitment. He stated that he did not vote for a one-time commitment.

[9:32:37 AM](#)

Representative Kelly countered that Fairbanks does not have a hydro plant. He maintained his position on the legislation.

Co-Chair Stoltze MOVED to report CS SB 116(FIN) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS SB 116(FIN) was REPORTED out of Committee with a "do pass" recommendation.

[9:33:39 AM](#)

RECESSED

[9:47:15 AM](#)

RECONVENED

#sb125

SENATE BILL NO. 125

"An Act changing the name of the Alaska Aerospace Development Corporation to Alaska Aerospace Corporation."

[9:47:36 AM](#)

JEFF STEPP, STAFF, SENATOR JOE PASKVAN, SPONSOR, explained that the bill was an act that would change the name of the Alaska Aerospace Development Corporation to the Alaska Aerospace Corporation.

Representative Austerman expressed support for the bill.

Co-Chair Stoltze asked if the funds reflected in the fiscal note were federal funds. Mr. Stepp replied that it was all federal receipts.

Representative Crawford wondered why the name change was necessary. Mr. Stepp explained that the facility has evolved, from when it was created in 1991, from a development facility, to fully functioning launch facility. The name change would reflect that evolution.

Co-Chair Stoltze opened public testimony.

DALE NASH, CHIEF EXECUTIVE OFFICER, ALASKA AEROSPACE DEVELOPMENT CORPORATION, testified via teleconference, he spoke in support of the legislation. He said the name change would add clarification as to the nature of the work performed at the facility.

[9:53:02 AM](#)

Co-Chair Stoltze closed public testimony.

Co-Chair Hawker MOVED to report SB 125 out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

SB 125 was REPORTED out of Committee with a "do pass" recommendation and with attached fiscal note 1 by the Department of Commerce, Community and Economic Development.

#hb36

HOUSE BILL NO. 36

"An Act prohibiting initiatives that are substantially similar to those that failed within the previous two years; relating to financial disclosure reporting dates for persons, groups, and nongroup entities that expend money in support of or in opposition to initiatives, initiative information contained in election pamphlets, initiative petitions, initiative petition circulators, and public hearings for initiatives; and requiring a standing committee of the legislature to consider initiatives scheduled for appearance on the election ballot."

[9:54:10 AM](#)

REPRESENTATIVE KYLE JOHANSON, SPONSOR, explained that the presentation was to allow a full vetting of the concepts in the bill, to be contemplated during the interim.

Representative Johanson reviewed sectional analysis (Copy on File). Section 1 refers to disclosure of money going into the initiative process. If more than \$500 is spent, the process of disclosure begins, which would inform the public who is contributing to the changing of state statute. Sections 2 and three contain conforming language. Section 4 removes initiative from AS 15.13.110e and moves it into Section 5. Section 6 reexamines contribution disclosure; how money is reported to the public after it is put into the system. Section 7 remains the same. Section 8 was included by the Judiciary Committee. Section 9 requires that all signature gatherers have a complete copy of the initiative on their person, at all times, while collecting signatures. Section 10 discusses the change in the \$1 per signature payment method to an hourly payment method. Research shows that the hourly method allows for honest signature collection and the possibility for discreditable bonuses. Section 11 discusses the requirement for two public hearings, in all four judicial districts, on the initiative, before the Lieutenant Governor announces that it will go to the ballot. This would allow for intention to be understood before an election takes place. He summarized that the intention of the bill was to allow for a better informed electorate.

[10:02:40 AM](#)

Representative Johanson urged members to look at the legislation in the interim. He looked forward to discussion and debate of the bill in the 2010 session.

SS HB 36 was HEARD and HELD in Committee for further consideration.

[10:05:00 AM](#) AT EASE

[10:19:45 AM](#) RECONVENED

#hb157

HOUSE BILL NO. 157

"An Act amending the State Personnel Act to place in the exempt service the chief economist and state comptroller in the Department of Revenue and certain professional positions concerning oil and gas within the Department of Natural Resources; relating to reemployment of and benefits for or on behalf of reemployed retired teachers and public employees by providing for an effective date by amending the delayed effective date for secs. 3, 5, 9, and 12, ch. 57, SLA 2001 and sec. 19, ch. 50, SLA 2005; and providing for an effective date."

[10:19:57 AM](#)

Co-Chair Hawker MOVED to ADOPT the CS for HB 157, Work Draft 26-GH1035\S, Wayne, 4/18/09, as a working document.

Representative Gara objected for discussion.

Co-Chair Hawker gave some history of the legislation. He reported that several amendments to the bill had been made in the Senate, which resolved contention between concerned parties. Expedition of the bill would allow the Department of Law to retain four attorneys, who would otherwise be laid off.

[10:22:13 AM](#)

Representative Gara asked if the bill reflected the most current version in the Senate. Co-Chair Hawker replied yes.

Representative Gara removed his objection.

CS for HB 157, Work Draft 26-GH1035\S, Wayne, 4/18/09, was ADOPTED as a working document.

GINGER BLAISDELL, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF REVENUE, explained that she had been asked to carry the bill by three different departments; The Department of Administration (DOA), which does the retire/rehire portion of the bill, The Department of Revenue (DOR), which has requested two positions go into exempt status, and The Department of Natural Resources (DNR), which was requesting full time exemption for 23 part time exempt positions. The CS deleted Section 1 from the original bill, which amended AS 39.24.110, moving certain positions from one sub-section to another, changing what was called "special inquiry", and was a temporary exempt status, into a full-time exempt status. The positions would be retained within DNR. In the DOR, Section 2 was changed by eliminating the Chief Economist position. The position has been vacant for a year due to a lack of qualified applicants and the low salary offered for qualified applicants. The state comptroller position remains as originally requested. Changes in the retire/rehire sunset extension would require a person to be retired for 90 days, rather than 30, before rehire. Another change requires the teachers' retirement system and other government PERs participants to follow more rigorous recruitment efforts. A third change reduces a minimum of five eligible applicants to three eligible applicants, before considering a retiree for a position. The fourth request changes the sunset of the program from four years to one year.

[10:25:44 AM](#)

Vice-Chair Thomas asked who had requested the changes in the bill. Ms. Blaisdell replied that the bill originated from the governor's office, but several committees contributed to the changes.

Co-Chair Stoltze warned that care should be taken to not breaching bicameral prerogatives. He felt that this bill was the best vehicle to please both bodies.

Representative Gara asked if the bill allows for the rehire of retirees across the board without exempting any agencies. Ms. Blaisdell replied in the affirmative.

Representative Gara asked if the rehired retiree would be receiving pension benefits and medical insurance in addition to being a rehire. Ms. Blaisdell answered yes. Representative Gara asked if there was a cost to the state in those situations. Ms. Blaisdell said that the position would be filled either way, by a retiree or a new hire. A retiree would only be rehired if they were the most qualified applicant. She reiterated the sideboards in the bill that regulate the rehire of retirees.

[10:29:46 AM](#)

Representative Kelly asked if the intent of the original bill had been changes by the CS. Ms. Blaisdell explained that one major difference is the 90 day minimum retirement requirement before a retiree is eligible for rehire. Representative Kelly asked who generated the changes. Ms. Blaisdell replied that the changes were generated by the administration and the Senate State Affairs Committee.

Representative Kelly expressed support for the bill.

Representative Gara asked if the bill applied to Tier IV employees who retire. Ms. Blaisdell shared that she did not know of any Tier IV employees that had been eligible for retirement.

[10:31:55 AM](#)

Representative Joule interpreted that the bill encouraged local rehire. Ms. Blaisdell said that was correct.

Representative Kelly said that he had heard that some people "fell through the cracks", he wondered what that meant. Ms. Blaisdell answered that there were two provisions in the bill; the retire/rehire program, which includes all participants who are eligible to be retired under PERs or TERs, would be included as long as their municipality offered the program. The elimination of the positions considered under exempt status, are not retired individuals, but positions that have been difficult to fill, and do not fit within the classified service.

Co-Chair Stoltze opened public testimony. There being none, public testimony was closed.

[10:34:12 AM](#)

Co-Chair Stoltze commented on the three, zero fiscal notes.

Co-Chair Hawker stated he would not be supporting the bill at this time, were it not for the consequences on senior attorneys at the Department of Law. He felt it would be more detrimental to the state to not continue their employment, than to pass the bill at this time.

Co-Chair Stoltze expressed remorse that he had been uncommunicative with the department as of late.

Co-Chair Hawker MOVED to report CS HB 157(FIN) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CS HB 157(FIN) was REPORTED out of Committee with a "do pass" recommendation and with attached new indeterminate fiscal note by the Department of Revenue, zero note 2 by the Department of Natural Resources, and zero note 4 by the Department of Administration.

#sb72

CS FOR SENATE BILL NO. 72 (STA)

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

[10:37:03 AM](#)

SENATOR HOLLIS FRENCH, SPONSOR, explained the legislation. He stated that he bill would bring in \$200,000 in federal funds to help people afford the booster seats that are necessary under law. He said that the current statute was in need of articulation. The bill breaks the statute into five parts. He referred to a handout with pictures explaining the different sections of the bill. Section 1 applies to children under one year; Section 2 applies to children one year to four years. Section 3 applies to children over four years, but under eight years. Section 4 applies to children who exceed the height/weight requirements in Section 3, and Section 5 is a catch-all provision, which allows the driver to determine whether a booster seat or a car seat should be used.

[10:39:39 AM](#)

Co-Chair Stoltze opened public testimony.

RONNIE SULLIVAN, EMERGENCY MEDICAL SERVICE PROVIDER testified via teleconference, spoke in support of the legislation. She felt that the bill would reduce confusion when deciding the best type of safety seat for a child.

JANE FELLMAN, COORDINATOR, SAFE KIDS, KENAI testified via teleconference, testified in support of the bill. She emphasized the importance of the safety of children in cars. She described the level of protection provided by boosters and car seats. She relayed a story of children who did not fit in the seat belts and who needed bolsters. She stated the need for both education and legislation.

[10:44:54 AM](#)

JOHN COOK, LEGISLATIVE DIRECTOR, ALASKA AUTO DEALERS ASSOCIATION testified via teleconference, urged passage of the legislation. He felt that the current law was vague and outdated and did not address the needs of children four to eight years of age. He stated that many states have updated child restraint laws. He described broad-based support for the legislation.

MARGARET HAYASHI, EMERGENCY AND CRITICAL CARE NURSE, testified via teleconference, spoke in support of the bill. She stressed that current law was outdated. She stated that two children in her community had died in the past year because they had not been properly restrained.

[10:49:26 AM](#)

JANICE TOWER, ALASKA CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS, testified via teleconference, testified in support of the legislation. Alaska's pediatricians are willing to educate citizens regarding the issue. She urged timely passage to receive the federal funds.

GORDON GLASER, CARSEAT TASKFORCE AND INJURY PREVENTION, testified via teleconference, urged committee support for the legislation. He shared that the single leading cause of death and the second leading cause of hospitalization of children four to eight years old is motor vehicle

accidents. None of the children who were hospitalized were properly restrained in booster seats.

[10:53:20 AM](#)

TIM LAMKIN, CONCERNED PARENT, spoke in opposition of the legislation. He felt that the bill was of being poorly written and was not good policy. He explained Anton's Law, which established improved safety ratings for manufacturers, and improved law enforcement of safety seat laws. He felt that it was important that no loopholes could be found in the legislation. He expressed confusion for the purpose of booster seats for eight year old children over 80 lbs. He felt that there could be situation where children over the required booster age limit, but under the weight requirement, would be expected to sit in a booster seat. He stressed that he supported the intent of the bill in keeping children safe, but felt that it was a poorly written policy.

[11:00:01 AM](#)

Co-Chair Stoltze closed public testimony.

Representative Kelly asked why the provision could not be simplified. Senator French stated that the intent was to work with experts from the American Academy of Pediatrics and the National Highway Transportation Safety Administration to adopt language that clearly expressed intent. He furthered that Section 5 is in the bill for a reason, to protect young people up to age 16. Dropping the section, without a major re-write of the bill, would make the bill unclear.

[11:03:56 AM](#)

Representative Kelly asked why the height requirement was insufficient. He wondered about the last line on page 2, "determined solely by the driver". Mr. French no objection to clarifying the language on page 2. He emphasized that the bill saves lives and raises money. He said that the experts think that the weight requirements should be on statute.

Representative Kelly asked if federal dollars would be lost if the weight requirement was removed from the bill. Mr. French replied yes. Representative Kelly clarified that the

weight limit was a federal requirement. Mr. French replied in the affirmative. Representative Kelly asked what the weight requirement was. Mr. French answered that it was 65 lbs.

[11:06:51 AM](#)

Co-Chair Hawker voiced concern about ambiguity in the language in Section 5. He thought that the provision could result in undue fear of police officers for children.

Vice-Chair Thomas shared a negative experience with money obtained for a seat belt law in his district. He also expressed concern for 15 year old children, who do not meet the weight requirements, but do meet the height requirements, being expected to ride in booster seats. He thought they would be unduly stigmatized.

[11:12:08 AM](#)

Senator French said that the example would fall under Section 5.

Representative Fairclough requested confirmation that the 65 lb limit would comply with federal law.

MARY SIROKY, SPECIAL ASSISTANT, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, replied that that was her understanding.

Representative Fairclough asked if the sponsor was in opposition to the amendment that would change the weight requirement from 80 to 65. Senator French replied no.

Representative Fairclough asked if there was a choice between the height and weight requirements. Ms. Siroky replied that the height and weight requirements must be included in statute in order to receive the federal funds.

[11:15:11 AM](#)

Representative Kelly asked if Section 5 gave parents control in determining the use of child restraints for children over eight and under 16 years of age. Ms. Siroky replied that that was correct. Representative Kelly requested further clarification. Ms. Siroky thought that federal height and weight requirements must be met.

[11:16:51 AM](#)

Representative Kelly asked if the language stated, "height and weight" or "height or weight". Mr. Lamkin interpreted that the requirement was for children to be over 65 lbs or over 4' 9".

Representative Fairclough queried the document Mr. Lamkin was reading information from. Mr. Lamkin replied that it was the grant requirement under federal law. Representative Fairclough pointed out that a grant requirement is different from federal law. She wondered if a federal code could be cited. Mr. Lamkin said that according to Anton's Law, there is no federal height or weight requirement.

[11:19:58 AM](#)

GORDON GLASER testified via teleconference, reported that the language states that both height and weight requirements must be met, under Anton's Law, in order to meet federal funding requirements.

Representative Austerman asked if the testifier was an attorney. Mr. Glaser said he was not.

11:22:00 AM

Vice-Chair Thomas MOVED to ADOPT Amendment 1:

Page 2, Line 11:
Delete: "80"
Insert: "65"

Co-Chair Stoltze objected for discussion.

Co-Chair Stoltze withdrew his OBJECTION. There being NO OBJECTION, it was so ordered.

[11:23:04 AM](#)

Vice-Chair Thomas MOVED Amendment 2:

Page 2, Lines 18-23
Delete all material

Co-Chair Stoltze objected for discussion.

Representative Gara thought that Lines 18 through 23 clarified the language of the bill.

[11:24:09 AM](#)

Senator French reported that the same amendment was voted down in another committee. He explained that the amendment has legal drafting problems.

[11:25:43 AM](#)

Co-Chair Hawker commented that deleting the lines would resolve the intent of the amendment.

Representative Kelly suggested a legal opinion from the Department of Law.

[11:26:36 AM](#)

Representative Gara asked the committee to consider moving the bill out of committee and resolving the semantic matter on the Floor.

Representative Gara maintained a continued OBJECTION to Amendment 2.

A roll call vote was taken on the motion to ADOPT Amendment 2.

IN FAVOR: Thomas, Hawker

OPPOSED: Gara, Kelly, Austerman, Crawford, Salmon, Stoltze, Fairclough

Representative Foster and Representative Joule were absent from the vote.

The MOTION FAILED (7-2).

[11:29:57 AM](#)

Representative Kelly MOVED to ADOPT Conceptual Amendment 3:

Page 2, Line 23:

In between "determined" and "by"

Insert: "solely"

There being NO OBJECTION, it was so ordered.

[11:30:17 AM](#)

Representative Fairclough pointed out the continued argument between "and" and "or", in the height and weight requirement language of the bill.

Vice-Chair Thomas revisited his comment concerning the money that had been theoretically going to his district for mandatory seatbelts laws. He expressed frustration with the negative impact of not receiving those funds. He felt that if the bill would force families in rural areas to buy boosters for their children, the state should help finance the booster seats.

Co-Chair Stoltze commented on the fiscal notes.

[11:32:41 AM](#)

Representative Gara MOVED to report HCS CSSB 72(FIN) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

HCS CSSB 72(FIN) was REPORTED out of Committee with no recommendation and attached zero note 1 by the Department of Transportation and Public Facilities.

[11:33:08 AM](#)

RECESSED TO THE CALL OF THE CHAIR

[10:15:37 PM](#)

RECONVENED

#

ADJOURNMENT

The meeting was adjourned at 10:16 PM.