

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 11, 2009

8:04 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Paul Seaton, Vice Chair
Representative Carl Gatto
Representative Craig Johnson
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 31

Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act.

- MOVED CSHJR 31(MLV) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 72(STA)

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

- MOVED HCS CSSB 72(STA) OUT OF COMMITTEE

SENATE BILL NO. 58

"An Act establishing February 2 of each year as Marmot Day; and providing for an effective date."

- MOVED SB 58 OUT OF COMMITTEE

HOUSE BILL NO. 106

"An Act relating to village public safety officers and regional public safety officers."

- MOVED CSHB 106(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HJR 31

SHORT TITLE: SUPPORT SOLDIERS' BURIAL DESIGNATIONS

SPONSOR(s): REPRESENTATIVE(s) THOMAS

04/01/09 (H) READ THE FIRST TIME - REFERRALS
04/01/09 (H) MLV, STA
04/07/09 (H) MLV AT 1:00 PM BARNES 124
04/07/09 (H) Moved CSHJR 31(MLV) Out of Committee
04/07/09 (H) MINUTE(MLV)
04/08/09 (H) MLV RPT CS(MLV) 3DP 2NR
04/08/09 (H) DP: OLSON, BUCH, GATTO
04/08/09 (H) NR: KAWASAKI, LYNN
04/09/09 (H) STA AT 8:00 AM CAPITOL 106
04/09/09 (H) Heard & Held
04/09/09 (H) MINUTE(STA)
04/11/09 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 72

SHORT TITLE: CHILD SAFETY SEATS & SEAT BELTS

SPONSOR(s): SENATOR(s) FRENCH

01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) TRA, STA
02/10/09 (S) TRA AT 1:00 PM BUTROVICH 205
02/10/09 (S) Moved SB 72 Out of Committee
02/10/09 (S) MINUTE(TRA)
02/11/09 (S) TRA RPT 5DP
02/11/09 (S) DP: KOOKESH, MENARD, DAVIS, MEYER,
PASKVAN
02/19/09 (S) STA AT 9:00 AM BELTZ 211
02/19/09 (S) Moved CSSB 72(STA) Out of Committee
02/19/09 (S) MINUTE(STA)
02/20/09 (S) STA RPT CS 5DP SAME TITLE
02/20/09 (S) DP: MENARD, FRENCH, MEYER, PASKVAN,
KOOKESH
02/25/09 (S) TRANSMITTED TO (H)
02/25/09 (S) VERSION: CSSB 72(STA)
02/27/09 (H) READ THE FIRST TIME - REFERRALS
02/27/09 (H) TRA, STA, FIN
03/17/09 (H) TRA AT 1:00 PM CAPITOL 17
03/17/09 (H) Heard & Held
03/17/09 (H) MINUTE(TRA)
03/19/09 (H) TRA AT 1:00 PM CAPITOL 17
03/19/09 (H) Moved HCS CSSB 72(TRA) Out of
Committee
03/19/09 (H) MINUTE(TRA)
03/23/09 (H) TRA RPT HCS(TRA) 3DP 2NR
03/23/09 (H) DP: DOOGAN, GRUENBERG, WILSON

03/23/09 (H) NR: JOHANSEN, MUNOZ
04/09/09 (H) STA AT 8:00 AM CAPITOL 106
04/09/09 (H) <Bill Hearing Rescheduled to 04/11/09>
04/11/09 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 58

SHORT TITLE: MARMOT DAY

SPONSOR(S): SENATOR(S) MENARD

01/21/09 (S) PREFILE RELEASED 1/16/09
01/21/09 (S) READ THE FIRST TIME - REFERRALS
01/21/09 (S) STA, RES
03/03/09 (S) STA RPT 4DP
03/03/09 (S) DP: MEYER, FRENCH, KOOKESH, PASKVAN
03/03/09 (S) STA AT 9:00 AM BELTZ 211
03/03/09 (S) Moved SB 58 Out of Committee
03/03/09 (S) MINUTE(STA)
03/13/09 (S) RES AT 3:30 PM BUTROVICH 205
03/13/09 (S) Moved SB 58 Out of Committee
03/13/09 (S) MINUTE(RES)
03/16/09 (S) RES RPT 1DP 3NR
03/16/09 (S) DP: MCGUIRE
03/16/09 (S) NR: WIELECHOWSKI, WAGONER, STEVENS
03/25/09 (S) TRANSMITTED TO (H)
03/25/09 (S) VERSION: SB 58
03/27/09 (H) READ THE FIRST TIME - REFERRALS
03/27/09 (H) STA, JUD
04/09/09 (H) STA AT 8:00 AM CAPITOL 106
04/09/09 (H) <Bill Hearing Rescheduled to 04/11/09>
04/11/09 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 106

SHORT TITLE: VILLAGE & REGIONAL PUB.SAFETY OFFICERS

SPONSOR(S): REPRESENTATIVE(S) JOULE

02/02/09 (H) READ THE FIRST TIME - REFERRALS
02/02/09 (H) CRA, STA
02/26/09 (H) CRA AT 8:00 AM BARNES 124
02/26/09 (H) Moved CSHB 106(CRA) Out of Committee
02/26/09 (H) MINUTE(CRA)
02/27/09 (H) CRA RPT CS(CRA) NT 6DP 1NR
02/27/09 (H) DP: CISSNA, HARRIS, GARDNER, MILLETT,
HERRON, MUNOZ
02/27/09 (H) NR: KELLER
04/09/09 (H) STA AT 8:00 AM CAPITOL 106
04/09/09 (H) Heard & Held
04/09/09 (H) MINUTE(STA)

04/11/09

(H)

STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

JOSH TEMPEL, Staff
Joint Veterans' Caucus
Senator Charlie Huggins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of the Joint Veterans' Caucus during the hearing on HJR 31.

SENATOR HOLLIS FRENCH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the prime sponsor of SB 72.

ANDY MODEROW, Staff
Senator Hollis French
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of Senator French, prime sponsor of SB 72.

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

POSITION STATEMENT: Testified during the hearing on SB 72.

TIM BUNDY, Chief
Injury Prevention & Emergency Medical Services
Division of Public Health
Department of Health and Social Services

POSITION STATEMENT: Testified in support of SB 72.

CINDY CASHEN, Administrator
Highway Safety Office
Division of Program Development
Department of Transportation & Public Facilities (DOT&PF)

POSITION STATEMENT: Answered questions during the hearing on SB 72.

JANE FELLMAN, Coordinator
Safe Kids Coalition
Soldotna, Alaska

POSITION STATEMENT: Testified in support of SB 72.

MARGARET HAYASHI
Chugiak, Alaska

POSITION STATEMENT: Testified in support of SB 72.

DAVID WALLACE
Chugiak, Alaska

POSITION STATEMENT: Testified in support of SB 72.

ARLENE PATUC
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 72.

JILL HODGES, Alaska Brain Injury Network (ABIN)
(No address provided)

POSITION STATEMENT: Testified in support of SB 72.

GORDON GLASER
Booster Seat Task Force
Injury Prevention & Emergency Medical Services
Division of Public Health
Department of Health & Social Services
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on SB 72.

JANICE TOWER, Executive Director
Alaska Chapter
American Academy of Pediatrics
(No address provided)

POSITION STATEMENT: Testified on behalf of the chapter in support of SB 72.

JODYNE BUTTO, M.D., President
American Academy of Pediatrics (AAP) Alaska Chapter
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 72.

TIM LAMKIN
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on SB 72.

MICHAEL ROVITO, Staff
Senator Linda Menard
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 58 on behalf of Senator Menard, prime sponsor.

SENATOR LINDA MENARD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 58, as prime sponsor.

REPRESENTATIVE REGGIE JOULE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, offered remarks and answered questions during the hearing on HB 106.

ELIZABETH SAGALAQ HENSLEY, Intern
Representative Reggie Joule
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 106 on behalf of Representative Joule, prime sponsor.

ACTION NARRATIVE

[8:04:25 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Seaton, Johnson, Petersen, and Lynn were present at the call to order. Representatives Gatto, Wilson, and Gruenberg arrived as the meeting was in progress.

^#hjr31

HJR 31-SUPPORT SOLDIERS' BURIAL DESIGNATIONS

[8:05:11 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE JOINT RESOLUTION NO. 31, Urging the United States Congress to pass the Honor the Written Intent of our Soldier Heroes Act. [Before the committee was CSHJR 31(MLV).]

[8:05:51 AM](#)

JOSH TEMPEL, Staff, Joint Veterans' Caucus, Senator Charlie Huggins, Alaska State Legislature, stated that the proposed resolution relates to Congressional legislation, H.R. 1633, which pertains to a soldier's ability to designate [someone other than a family member] to receive his/her remains in the event he/she dies in active duty. In response to Chair Lynn,

Mr. Tempel directed attention to a "fact sheet" [included in the committee packet], and he indicated that the \$100,000 death gratuity payment would still be made to the parent, blood relative, or adoptive relative, but a soldier could select anyone for direct disposition of remains - the two factors would be separate. Mr. Tempel also indicated that the result of this separation would prevent those with low scruples from taking advantage of a soldier, would appease an estranged parent who would still get the \$100,000, and would allow the soldier's body to be placed in the care of the person he/she chose for such an event.

[8:08:46 AM](#)

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

[8:09:00 AM](#)

REPRESENTATIVE SEATON moved to report CSHJR 31(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 31(MLV) was passed out of the House State Affairs Standing Committee.

^#sb72

SB 72-CHILD SAFETY SEATS & SEAT BELTS

[8:09:42 AM](#)

CHAIR LYNN announced that the next order of business was CS FOR SENATE BILL NO. 72(STA), "An Act relating to use of child safety seats and seat belts."

[Before the committee was HCS CSSB 72(TRA).]

The committee took an at-ease from [8:10:15 AM](#) to [8:11:49 AM](#).

[8:11:51 AM](#)

SENATOR HOLLIS FRENCH, Alaska State Legislature, introduced SB 72 as prime sponsor. He said the proposed bill would [protect] children who are too big for a "child" safety seat, but still too small to wear a regular seatbelt. He explained that the leading cause of death for children between the ages of 3 and 14 is motor vehicle accidents. Children between those ages need to be boosted up in a car seat about four inches so that the seatbelt lies across their sternum, not across their neck. The device that frequently is used to do so is "a little block of

plastic." He relayed that the U.S. Department of Transportation would give \$200,000 in federal funds

[8:13:41 AM](#)

CHAIR LYNN expressed concern that a smaller than average teenager would be upset by being told he/she had to use a booster.

SENATOR FRENCH responded that a child who is more than 4' 8" and weighs more than 80 pounds [would not have to use the device].

[8:15:18 AM](#)

ANDY MODEROW, Staff, Senator Hollis French, Alaska State Legislature, testified on behalf of Senator French, prime sponsor of SB 72. He stated that he would have been "one of the children in a booster seat" without [Section 2, subsection (b), paragraph (5)], which read as follows:

(5) eight years of age [FOR A CHILD SAFETY DEVICE FOR INFANTS. IF THE CHILD IS FOUR] but **less than** [NOT YET] 16 years of age **who does not exceed the height and weight requirements in (3) of this subsection** [THE CHILD] shall be properly secured in a child safety device approved for a child of that [AGE AND] size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

[8:16:11 AM](#)

NANCY MANLY, Staff, Representative Bob Lynn, Alaska State Legislature, testified that her son is in 10th grade and weighs less than 80 pounds. She stated, "I mentioned to him about ... maybe having to use a booster seat, and ... it's just a big laugh; he's not going to wear a booster seat" She added, "And there is ... an exemption that says ... you don't have to do it, but if you don't have to do it, why is it in the bill?"

[8:16:46 AM](#)

SENATOR FRENCH directed attention to [paragraph (5)] on page 2, lines [18-23], [text provided previously], and said the term "child safety device" used here refers to "essentially a shoulder harness."

[8:17:13 AM](#)

MS. MANLY again questioned providing an "option," as follows:

But what I'm saying is, why is it even in the bill if ... it's already up to the parents, just take it out of the bill.

[8:17:47 AM](#)

SENATOR FRENCH suggested that at this point in the hearing, it may be helpful to hear from the experts available to speak. He stated that the main intent of the bill is to access the \$200,000, not to "ticket and fine parents." He concluded, "No one is out to harass children or harass high school kids. We're really just trying to make the state a little bit safer and qualify for some federal money."

[8:18:47 AM](#)

REPRESENTATIVE JOHNSON asked what provisions must be in the bill in order to qualify for the federal money.

[8:19:04 AM](#)

SENATOR FRENCH deferred to other people present who could better answer that question.

[8:20:00 AM](#)

TIM BUNDY, Chief, Injury Prevention & Emergency Medical Services, Division of Public Health, Department of Health and Social Services(DHSS), read a statement as follows:

Motor vehicle related injuries are the leading cause of death in the U.S. of children between the ages of 2 and 14. In Alaska, motor vehicles crashes are the second leading cause of hospitalization of children who are prenatal to 14 years of age, and the leading cause of fatality In 2006, seven children were severely injured in motor vehicle crashes, and from 2002-2006, 63 children have been injured in ... motor vehicle crashes in Alaska per the Alaska Trauma registry.

Children who are restrained in booster seats are 59 percent less likely to be injured in a crash than

children restrained by a lap belt only. Nationally, voluntary seatbelt inspections report 80-85 percent of the children are improperly restrained and one-third of the children under the age of 14 use the wrong type of restraint. According to the Alaska Trauma registry, greater than 85 percent of the children hospitalized were improperly restrained with lap belts, shoulder harnesses, or were not restrained at all.

Current statute that references child safety devices is confusing about specific standards for age and weight-based restraints. The bill is designed to eliminate the confusion about which restraints are appropriate for each age and weight level. The bill clarifies the type of passenger restraints required by children of various ages and size to prevent and minimize vehicle injuries. Currently, 43 states have passed booster seat legislation, qualifying them for U.S. Department of Transportation highway safety grants.

[8:22:30 AM](#)

REPRESENTATIVE GATTO indicated that he finds the language of the bill confusing, and he asked, "How many kids will be unhurt because we passed this legislation compared to if we don't pass it?"

MR. BUNDY said he thinks the bill will clarify the types of child safety seats and restraints that should be used based on a child's height and weight. He mentioned rear-facing seats. In response to Representative Gatto, he said many people use the seats improperly. He said that Injury Prevention & Emergency Medical Services has an expert who trains trainers throughout the state on the proper use of the child safety seats and restraints, and those trainers then relay that information to parents and caregivers. Mr. Bundy said the biggest problem has been that adults are unclear regarding the child safety seat laws, and offered his understanding that SB 72 is an attempt to clear up the confusion.

[8:25:23 AM](#)

MR. BUNDY, in response to Representative Gatto, said the Alaska Trauma registry would have statistics showing any reductions in the number of motor vehicle-related injuries to minors. He said

he could try to get that information. He specified that fatalities are usually looked at nationally, while serious injuries are listed in the aforementioned registry.

[8:26:19 AM](#)

REPRESENTATIVE GRUENBERG said he wants to see a copy of any statute, regulation, or policy that specifies exactly what Alaska's state law must say.

CHAIR LYNN asked Ms. Cashen to provide that information to his staff.

[8:27:02 AM](#)

REPRESENTATIVE WILSON referred to [paragraph (5), text provided previously], and interpreted the language to mean that a child who is between the age of 8 and less than 16 would be required to be in a child safety [device] "if they are not 80 pounds." She offered her understanding that Ms. Manly had said the law was optional; however, she said it would be law - not optional.

[8:28:35 AM](#)

MR. BUNDY read through the bill to highlight its specifications. He interpreted [paragraph (5)] as meaning that "if you're under 16 and you're over 8, you still have to be in a seatbelt, and you have to be restrained."

UNIDENTIFIED SPEAKERS indicated disagreement.

[8:31:47 AM](#)

CHAIR LYNN suggested that a graph chart showing heights and weights may be helpful.

[8:32:10 AM](#)

REPRESENTATIVE WILSON asked where in statute a definition of "child safety device" exists.

[8:32:25 AM](#)

CINDY CASHEN, Administrator, Highway Safety Office, Division of Program Development, Department of Transportation & Public Facilities (DOT&PF), offered her understanding that the

description is in Anton's Law [S.980, 107th Congress, 2D Session, a copy of which is included in the committee packet].

REPRESENTATIVE WILSON noted that Ms. Manly had approached her and questioned why the cut-off of 65 pounds, which is used in federal law, is not incorporated in SB 72 so that teenagers would not have to use a child safety device.

MS. CASHEN responded that SB 72 would exempt anyone over the age of eight from having to [sit in] a booster seat. In response to disagreement, she directed attention to the language [on page 2, lines 15-16], which read: "or in a safety belt, whichever is appropriate for the particular child."

[8:34:54 AM](#)

REPRESENTATIVE GRUENBERG opined, "This is one of the most confusingly drafted statutes I have seen in a long time." He opined that the federal regulations should have been incorporated.

[8:37:53 AM](#)

MS. CASHEN, in response to Representative Gruenberg, explained that the provision in [paragraph (5)] of SB 72 is not language that is found in federal regulation, but is language that is supported by the federal government.

[8:38:31 AM](#)

REPRESENTATIVE SEATON directed attention to page 2, lines 3-4, regarding the standards of the U.S. Department of Transportation. He mentioned the National Highway Traffic Safety Administration (NHTSA) and asked if there are any differences between the standards set by "the [U.S.] Department of Transportation and the language you're proposing in this bill."

MS. CASHEN asked Representative Seaton to clarify if he wants to know whether NHTSA standards have changed "between our law and this bill."

REPRESENTATIVE SEATON responded, "No, I believe that what you're doing here is just incorporating NHTSA standards."

MS. CASHEN said that is correct.

REPRESENTATIVE SEATON stated the following:

When we dealt with this before, we ... cited the DOT standards, so that we would not have to come back and redo them when NHTSA ... will change the standards at some point in time and we wouldn't have to create a new law. So, that's what our current law says. And apparently the Department of Public Safety cannot interpret or cannot somehow figure out what the national standards are - even though they're on the DOT web site. And the purpose for having this whole law here is to come in and -- parents aren't going to read this. I mean, parents don't go to the statute books and read the statutes. This is solely here so that the police can more easily understand what the statute is, because it's the same statute as we're currently enforcing; these are the DOT standards, there's no change.

I think it's very confusing. You know, we tried to get around it two years ago when we passed the law establishing the DOT standards. We do have those standards enforced. I don't know why we're not getting the \$200,000, because that should have taken care of it. But apparently we have the government saying that they don't want to enforce it.

So, my question again is: what we're putting here, whether it's up to 16 and all of those things, those are the currently required ... standards on line for here, and they're the U.S. Department of Transportation. Is that correct?

MS. CASHEN answered that is correct.

REPRESENTATIVE SEATON said he wants everyone to understand "we're not changing anything in the law." He continued:

This has nothing to do with these [regulations]. The standards are published ... in the Department of Transportation, and if you go to their web site, you'll find all this exact same stuff that we're putting in here. And the only reason we're putting it in here - we're changing our law - is because the Department of Public Safety cannot go to the DOT web site and see what is required for them to enforce.

[8:41:55 AM](#)

REPRESENTATIVE WILSON offered her understanding that Ms. Cashen had said that [paragraph (5)] is totally different from federal law and that Alaska had been commended by the U.S. Government for including that language.

MS. CASHEN confirmed that SB 72 goes beyond federal regulations by including language regarding children who weigh greater than 65 pounds. She said, "Chief Council ... supports states that provide a broader definition, ... but it's not a requirement."

REPRESENTATIVE WILSON clarified then that her conclusion is that "this indeed is not the same as the federal law."

MS. CASHEN answered that is correct.

REPRESENTATIVE WILSON offered her understanding that Ms. Cashen had previously told Representative Seaton that [SB 72] is the same as the federal law.

REPRESENTATIVE SEATON clarified that he meant that [SB 72] is the same as [Alaska's] current law, which requires that the state enforce the standards of the U.S. Department of Transportation. He proffered that for some reason, even with the current law in place, police departments are having trouble understanding what the Department of Transportation [& Public Facilities'] web site says.

[8:43:51 AM](#)

REPRESENTATIVE WILSON pointed to [the language in paragraph (5) that is written in upper case within brackets and is bold and underlined], and she concluded that the language of the law is being changed.

[8:44:24 AM](#)

MS. CASHEN clarified that current Alaska law requires the use of proper safety devices for children under the age of 16, but it does not specify which device must be used based on the child's age, height, and weight. In response to a request from Representative Wilson for further clarification, Ms. Cashen said she believes Representative Seaton is talking about the U.S. Department of Transportation's federal standards. She explained that when a booster seat meets the U.S. Department of

Transportation's standards, that approval is designated with a sticker, which then informs an enforcement officer whether or not a child is sitting in a DOT-approved booster seat. In response to Representative Wilson, she restated that [the language of paragraph (5) of SB 72] does not appear in federal law.

CHAIR LYNN asked if [paragraph (5)] must be in the language of SB 72 in order to qualify for the \$200,000.

MS. CASHEN answered no.

[8:46:27 AM](#)

REPRESENTATIVE JOHNSON directed attention to a [five-page list of child restraint laws in all 50 states and the District of Columbia, included in the committee packet], and offered his understanding that no other state requires a restraining device for children over the age of eight. He asked Ms. Cashen if that is accurate.

MS. CASHEN answered that since the list is a summary of the states' laws, she would have to read each state's law entirely to be able to answer that question with certainty.

REPRESENTATIVE JOHNSON, in response to Representative Wilson, explained that the information on which he was basing his observation is found in the column [marked, "Must be in a child restraint."] He asked Ms. Cashen if she would say that based on the information in the list, there are no states with the aforementioned requirement.

[8:48:44 AM](#)

MS. CASHEN responded that she believes that would be an accurate assessment based on the information in the list.

[8:48:57 AM](#)

CHAIR LYNN asked about the origins of the language in [paragraph (5)].

MS. CASHEN deferred to the bill sponsor.

MR. MODEROW indicated that [paragraph (5)] clarifies that "a child seat could be used for a parent who wants that added protection for their child."

[8:51:56 AM](#)

REPRESENTATIVE GRUENBERG reiterated that the drafting of SB 72 is problematic. He said that getting rid of [paragraph (5)] would mean deleting the entire paragraph - new and existing language. He said that Jerry Luckhaupt, the bill drafter, told him that he had been reading [paragraph (4)] as "between four and eight years of age," but Representative Gruenberg said that is not how it reads. He indicated that deleting "all the current language in the current law that's not even bracketed" in [paragraph (5)] would "achieve the result these folks are talking about." Representative Gruenberg said the federal regulations are slightly confusing. He referred to page 5112 of the aforementioned Federal Register, and noted that there are references made to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) "and some regulations." He said Alaska is enforcing child restraint laws that conform to the federal requirements, and he asked if the bill sponsor could provide the language of those statutes and regulations.

MR. MODEROW assured Representative Gruenberg that although the language of those statutes and regulations is not on hand for the committee, "federal counsel" has reviewed each draft of SB 72 and certified that the language in them fulfills the needs for the federal grant and meets certain standards. He said he cannot speak to those standards in particular.

[8:54:44 AM](#)

SENATOR FRENCH said he thinks some of the debate over [paragraph (5)] is a result of not focusing on the word "or" on page 2, line 22. He said the "or" means a [child eight years of age but less than 16] can be in a child safety device or wear a safety belt, "whichever is appropriate".

CHAIR LYNN said that seems rather simple.

[8:55:45 AM](#)

REPRESENTATIVE SEATON said he is confused because he thought the intent of [paragraph (5)] is to define what is appropriate for a child under 57 inches and under 80 pounds who is of a certain age, as stated previously. He added, "It seems like we're putting in a caveat that says ... but if you're under 80 pounds you're in violation of the other because it's not going to be

the appropriate device." He questioned whether this language would put parents and police in a quandary. He explained that he is trying to figure out what the police would do if they found someone who is 65 pounds wearing just a seatbelt.

SENATOR FRENCH said he thinks the point Representative Seaton is making is the same point as Ms. Manly was making, and is the reason for [paragraph (5)]. The language would, for example, give a parent the choice to put their "thin, little nine-year-old" into a seatbelt if he/she throws a fit at the idea of being put into a child safety device.

REPRESENTATIVE SEATON said he had thought it would be the police that would decide what is appropriate, however [it seems] the sponsor actually means what is appropriate in the view of the parents. He said if that is the case, then he thinks the language should be more specific "so that we don't have people getting citations for following what they think is the law."

[8:59:07 AM](#)

MR. MODEROW responded that the proposed bill deals with height, age, and weight, "and so when they start lining up there's some difficulty." Current statute reads like [paragraph (5)], but without the proposed new language regarding height and weight requirements from [paragraph (3)]. The "whichever is appropriate" language is already in statute.

[9:00:22 AM](#)

JANE FELLMAN, Coordinator, Safe Kids Coalition, told the committee that she has been a child passenger safety technician since 1998 and is currently a child passenger safety instructor. She indicated that [the proposed bill] is confusing. Regarding state law, she stated, "We've always had the law that said whichever is appropriate, but it has fallen out of the realm of ... NHTSA and the guidelines saying that we qualify as having ... a booster seat law. That's why we've gone through all this concern about updating ... and clarifying our current law." She recognized Representative Seaton's efforts in the past to improve the language of the law, but it is still necessary to include the correct wording so that the state does qualify.

MS. FELLMAN related that her job is to educate the public as to the safest practice. She said part of that education includes talking about the law. Although there is one group of the population who will do the safest thing for their children

whether or not it is required by law, there is another group of the population who looks to the law for guidance.

MS. FELLMAN indicated that the purpose of SB 72 is to fill a gap. She explained that there are many children between the ages of 4 and 10 who are riding in vehicles unsafely. She said it is a simple process to put a child in a booster seat that will allow the child to then correctly wear an adult seatbelt. She related that at age 10, one of her children still had to ride in a booster seat in one of the family vehicles, but not the other. She opined that "we" owe it to children and the state of Alaska to "get children into these seats," which is why SB 72 is critical.

MS. FELLMAN said teenagers are another issue. It is important to ensure they wear seatbelts correctly and use a booster when necessary. She talked about the changes in manufacturing vehicles, and she said she has seen adults in booster seats. She warned, "But if we delete ... [paragraph (5)] and don't address the ages between 8 and 16, we're creating a whole new gap of children that aren't going to be protected." She concluded by encouraging the committee to support the proposed legislation. She added, "It will save lives and there are a lot of gray areas and I appreciate it."

[9:06:04 AM](#)

MARGARET HAYASHI told the committee that she has been an emergency nurse for 43 years and has seen the trauma resulting from improper use of child restraint devices. She said that as a child passenger safety instructor, she has checked hundreds of seats, and thousands of seats have been checked since "this program" began in 1997. She stated, "The reason that we've moved to do this is because there is a misunderstanding of our current law ... [by] not only policemen, but families." She indicated that "the clarification that you see before you today" resulted from the feedback of several parents. She said, "What we've done is in each category we've addressed what is necessary to restrain a child properly, and our current law does not do that - it says whichever is appropriate according to DOT's standards." Ms. Hayashi said unfortunately nobody ever goes back and looks at DOT's standards. She indicated that there is a drop in the number of children after age four who are being put in booster seats; instead they are being put in seatbelts.

MS. HAYASHI said vehicle manufacturers have said that seats and lap/shoulder belts are not configured for children or adults

under 4 foot 9 inches in height. She said what happens when children [under that height] use a seat belt [without benefit of a child safety device or booster seat] is they take the top portion of the harness and put it behind them, which leaves them restrained only by a lap belt, which is disastrous in the event of a crash. Ms. Hayashi said she has seen the result of that practice in emergency rooms over the years. She indicated that [because of providing education regarding the use of child safety devices] the percentage of misuse has dropped from 90 percent to approximately 85 percent. She noted that child safety devices are now made for children up to 100 pounds, because "it is the safest way for children to travel."

MS. HAYASHI opined, "As parents and as grandparents, if you deal with this on a day-to-day basis, you actually can read and understand what this says." She stated that [SB 72] is vital. She spoke of two children, seven and eight years of age, who died as a result of a catastrophic vehicle crash and not being properly restrained.

[9:10:05 AM](#)

DAVID WALLACE told the committee that he is a paramedic with the Anchorage Fire Department who spends time as a child passenger safety technician instructor, and he is testifying as a parent. Mr. Wallace said he has a six-year-old who is reaching the height requirements but is still under the weight limit, and a booster seat is still the most appropriate way for her to be restrained in the back seat of the vehicle. Mr. Wallace said SB 72 is not only important for law enforcement, but is also important to the education of parents. He said parents do look to the law for guidance on how to best take care of their children and on what the best practice is. Mr. Wallace said SB 72 would provide a defined criteria for each age group so that parents have a way to ensure that their children are safely restrained while riding in a vehicle. He encouraged the committee to support the proposed legislation.

[9:11:49 AM](#)

ARLENE PATUC testified that she is an RN and a child passenger safety technician for 10 years. She said she thinks parents who read the bill are confused and think that a child between four and eight years of age can be put in a lap/shoulder belt. She explained that the lap portion of a lap/shoulder harness seat belt, when used on a child, crosses the child's body above the hip bone. Therefore, in a vehicular accident, the first "strong

point" in the body that that belt hits is the spine, which would cause massive internal and spinal injury. Ms. Patuc said that as a discharge planner, she has had the opportunity to discharge children with complex medical conditions. The \$200,000 the state stands to gain by meeting federal standards is a "drop in the bucket" compared to the cost of spinal or head injuries. It is a massive impact on the family and community. She urged the committee to support SB 72.

[9:13:43 AM](#)

JILL HODGES, Alaska Brain Injury Network (ABIN), said people are not the same size and shape, but each person has a brain. She said the Centers for Disease Control and Prevention (CDC) states that traumatic brain injury is the leading cause of death and disability among children. Ms. Hodges said during past presentations by ABIN, many legislators have asked what the legislature can do to help decrease the numbers of traumatic brain injuries that occur. She stated that passing SB 72 today is one the things that can be done.

[9:14:59 AM](#)

GORDON GLASER, Booster Seat Task Force, Injury Prevention & Emergency Medical Services, Division of Public Health, Department of Health and Social Services (DHSS), told the committee that he is involved in child passenger safety training. He said, "I just want to echo the words that were said before me." Regarding a previous question as to whether passing legislation such as SB 72 would have an impact, Mr. Glaser noted that research conducted by Children's Hospital in Philadelphia indicates that those states that have passed such legislation saw an increase in the use of child safety restraints from 21 percent to 75 percent for children ages four to five. He said although there is no way to provide a definitive number of how many will be saved, of the 39 four- to eight-year-olds who were injured in Alaska over a five-year period, 15 were in safety belt harnesses, 9 were in lap belts only, and 11 were unrestrained - none were in boosters or [children's car seats]. Mr. Glaser stated that SB 72 will have a direct impact not only in terms of medical costs, but also in preventing injuries and securing some federal funds.

MR. GLASER said [paragraph (5)] would offer clarification. He commended Representative Seaton's past efforts to get a ruling from the attorney general to encourage compliance. He said, "It was sent to all the police chiefs," but "unfortunately, without

the clarifying legislation that you have before you, it was just not something that the police officers could enforce nor parents could easily understand."

[9:17:47 AM](#)

JANICE TOWER, Executive Director, Alaska Chapter, American Academy of Pediatrics, reported that a 2007 National Survey of the Use of Booster Seats, conducted by NHTSA's National Center for Statistics and Analysis revealed that booster seat use rate for children ages six and seven dropped from 36 percent in 2006 to 25 percent in 2007. The study concluded that there is a premature graduation of children from birth to age 12 to restraint types that are inappropriate for their height and weight.

MS. TOWER said the chapter feels that SB 72 would help increase the use of booster seats and alleviate confusion [regarding their proper use]. She stated her belief that pediatricians are committed to counseling parents during doctor's visits.

[9:19:05 AM](#)

JODYNE BUTTO, M.D., President, American Academy of Pediatrics (AAP) Alaska Chapter, stated that AAP, in cooperation with NHTSA developed guidelines to fully spell out proper use of booster seats and "five-point" harnesses. She said it benefits children to be restrained properly while riding as passengers in motor vehicles, especially in the winter time when driving can be challenging. She stated that AAP fully supports SB.

[9:20:30 AM](#)

TIM LAMKIN told the committee that although he works for Senator Gary Stevens, he is testifying today on his own behalf as a concerned parent. He voiced concern that there is both a height and weight requirement. He remarked that a booster seat "makes you taller." He mentioned regulations and Anton's Law, and stated, "Nowhere in the literature does it require that you be a certain minimum weight to lawfully or safely transition to a standard seatbelt."

MR. LAMKIN urged the committee to consider amending the bill to reduce the proposed 80-pound requirement and delete [paragraph (5)]. He said he thinks the language of [paragraph (4)] - which states that those over four years of age who exceed the height and weight requirements **"in (3) of this subsection shall be**

properly secured in a seat belt" - "logically covers all the bases." He stated, "If we're trying to set the law up such that we can get these grant monies, there's already a loophole in existence and we're not changing that loophole. So, it seems to me that we continue to set ourselves up for being denied those funds."

MR. LAMKIN offered his understanding that "this law was passed in 2002 with \$5 million at the federal level for four fiscal years." He questioned whether the money is really still there. He further questioned the need to create law in which a mandate includes a choice.

[9:23:57 AM](#)

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

[9:25:14 AM](#)

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, as follows:

On page 2, line 23:

Following "child"
Insert "as determined by the driver"

[9:25:48 AM](#)

REPRESENTATIVE PETERSEN objected for discussion purposes.

REPRESENTATIVE SEATON said Conceptual Amendment 1 would clarify that the driver of the vehicle would be the individual to make the determination as to which child safety device is the most appropriate for children under 16 - not a police officer. He stated his understanding that that is what is currently in law, but it is not explicit.

[9:26:35 AM](#)

REPRESENTATIVE PETERSEN questioned whether Conceptual Amendment 1 would remove any course of action for a police officer who pulls over a driver and discovers a child in the vehicle improperly restrained.

[9:27:17 AM](#)

REPRESENTATIVE SEATON answered no. He explained that Conceptual Amendment 1 would clarify that a parent could choose whether it is more appropriate for his/her child to wear a child safety device or an adult seatbelt. However, it would not eliminate the requirement for a child to be secured in a seat.

[9:28:09 AM](#)

REPRESENTATIVE PETERSEN removed his objection. There being no further objection, Conceptual Amendment 1 was adopted.

[9:28:15 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 2, which read as follows [original punctuation provided]:

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

Page 2, Lines 18-23
Delete all material

[9:28:26 AM](#)

REPRESENTATIVE SEATON objected. He asked Representative Johnson if he would divide the question.

REPRESENTATIVE JOHNSON said he would have no problem with that.

[9:29:08 AM](#)

CHAIR LYNN moved to amend Amendment 2, such that it would read as follows:

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

[The remainder of Amendment 2 was considered Amendment 3, and read as follows:]

Page 2, Lines 18-23
Delete all material

[9:29:17 AM](#)

REPRESENTATIVE JOHNSON spoke to Amendment 2, as amended. He said it would bring Alaska into concurrence with every other state in the union and into compliance with federal regulations. He said he appreciates the accolades that have been received from the federal government for proposing language above and beyond federal requirements; however, he said he thinks Amendment 2, as amended, would eliminate many of the problems related to weight and height requirements and address the testimony of "a concerned parent here this morning."

[9:30:15 AM](#)

SENATOR FRENCH responded that after hearing from EMS responders, pediatricians, and other professionals, [Amendment 2, as amended] is not a step he would take without detailed analysis.

REPRESENTATIVE JOHNSON looked again at other states statistics and noted that none of the weight requirements exceed 60 pounds. He indicated that the studies and testimony that the committee has heard thus far "may only be dealing with those states in those areas where we're dealing with children under the ... weight of 65 pounds."

[9:32:22 AM](#)

SENATOR FRENCH explained that his reluctance is based on the related experience of those who have testified.

[9:32:38 AM](#)

REPRESENTATIVE GRUENBERG noted that both North Carolina and North Dakota have a weight requirement set at 80 pounds. He said he would like to hear Ms. Cashen's opinion regarding [Amendment 2, as amended].

REPRESENTATIVE JOHNSON pointed out that the age limit set by North Carolina and North Dakota are seven and six, respectively.

REPRESENTATIVE GRUENBERG offered his understanding that Wisconsin's child restraint law also goes to 80 pounds.

[9:33:10 AM](#)

MS. CASHEN prefaced her remarks by relating that the Office of Highway Safety is responsible for administering the aforementioned federal funds to programs based on the

requirements of NHTSA. She then stated that the 65 pounds is a federal requirement, while the 80 pounds is a recommendation from APA, CDC, and "all the Health & Social Services."

[9:33:59 AM](#)

REPRESENTATIVE SEATON offered his recollection that he had made an objection and he removed that objection.

[9:34:04 AM](#)

REPRESENTATIVE GRUENBERG objected [to the amendment to Amendment 2].

[9:34:12 AM](#)

REPRESENTATIVE WILSON moved to amend Amendment 2, as amended, to change "65" to "70".

[9:34:51 AM](#)

REPRESENTATIVE GATTO objected. He said he wants to stick with the federal limit of 65 pounds.

[9:35:19 AM](#)

A roll call vote was taken. Representatives Wilson and Gruenberg voted in favor of the amendment to Amendment 2, as amended. Representatives Petersen, Seaton, Gatto, Johnson, and Lynn voted against it. Therefore, the amendment to Amendment 2, as amended, failed by a vote of 2-5.

[9:35:55 AM](#)

[REPRESENTATIVE GRUENBERG maintained his objection to Amendment 2, as amended.]

[9:36:06 AM](#)

A roll call vote was taken. Representatives Gatto, Johnson, and Seaton voted in favor of Amendment 2, as amended. Representatives Wilson, Gruenberg, Petersen, and Lynn voted against it. Therefore, Amendment 2, as amended, failed by a vote of 3-4.

[9:37:43 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 3 [text provided previously].

REPRESENTATIVE SEATON objected.

[9:37:55 AM](#)

REPRESENTATIVE WILSON observed that [paragraph (4)] would provide that any child over age four who exceeds the height and weight requirements "in (3) of this subsection" shall be "properly secured in a seat belt", while [paragraph (5)] provides that any child from age eight through fifteen "who does not exceed the height and weight requirements in (3) of this subsection" shall wear either the child safety device or a safety belt, "whichever is appropriate". She stated, "That makes more sense to me now than it did before; however, I feel that if we would have changed the weight to ... 70, then I would feel a lot more comfortable ... to keep this part in. But at 80 pounds, that's just too much." She said she also thinks the age is wrong, that the age of 13 should be the cut-off point. She explained, "I think the problem is that we're clear up into teenagers and that's just not going to fly."

[9:40:08 AM](#)

REPRESENTATIVE SEATON said eliminating [paragraph (5)] would result in lowering the state's current seatbelt standards. He said someone who is tall can have a slim build. He said, "I think with the addition that it's clarified that the driver gets to make the determination, if they're 15 I think that that gets us to where we ... can be. I also would have like to have seen a little less on the weight, but I think that this will take care of the circumstances that we need to take care of, and so, I won't support Amendment 3."

[9:41:10 AM](#)

REPRESENTATIVE GRUENBERG asked Representative Johnson if the current law would be eliminated if Amendment 3 was adopted.

REPRESENTATIVE JOHNSON replied that it is his intention to leave the law the way it is.

REPRESENTATIVE GRUENBERG offered his understanding that Representative Johnson means that if Amendment 3 were to be adopted, the language of [paragraph (5)] would read as follows:

[FOR A CHILD SAFETY DEVICE FOR INFANTS. IF THE CHILD IS FOUR] but [NOT YET] 16 years of age [, THE CHILD] shall be properly secured in a child safety device approved for a child of that [AGE AND] size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

REPRESENTATIVE GRUENBERG stated, "I don't think that that measures with the rest of the bill."

[9:42:43 AM](#)

REPRESENTATIVE JOHNSON responded that his concern is not with anyone under the age of eight, but with the proposed weight requirement, because there may be a person who is under 80 pounds and 15 years of age. He continued:

I think having them pulled over -- "as deemed by the parent or the driver" I think is what the actual amendment was goes a long way to satisfy what I want to do.

REPRESENTATIVE JOHNSON asked for the chair's permission to make Amendment 3 conceptual.

REPRESENTATIVE GRUENBERG asked for further clarification of what changes would be made by [Conceptual] Amendment 3.

CHAIR LYNN reminded the committee that the amendment was conceptual and should be worked out "in the conceptual form."

[9:44:19 AM](#)

REPRESENTATIVE JOHNSON withdrew Conceptual Amendment 3. He said he thinks "the driver amendment that we adopted earlier" makes Conceptual Amendment 3 moot.

[9:44:54 AM](#)

REPRESENTATIVE PETERSEN asked how parents might be informed of any changes made to the law.

CHAIR LYNN said he thinks the word will be spread as it is with other legislation.

[9:46:00 AM](#)

REPRESENTATIVE WILSON remarked that a person 14 years of age might be a driver, because at that age he/she is eligible to have a driver's permit.

[9:46:42 AM](#)

REPRESENTATIVE WILSON moved to adopt Conceptual Amendment 4, on page 2, line 19, to change "16" to an age that includes 13.

REPRESENTATIVE GRUENBERG objected to hear from Ms. Cashen.

[9:48:35 AM](#)

MS. CASHEN responded that Conceptual Amendment 4 would not disqualify the state [to receive the \$200,000], because [paragraph (5)] is not required.

[9:49:06 AM](#)

REPRESENTATIVE SEATON objected to Conceptual Amendment 4. He explained that a driver with a learner's permit has to be under the supervision of a licensed driver, which he said he thinks covers Representative Wilson's concern.

REPRESENTATIVE PETERSEN suggested clarifying that the driver must be licensed.

[9:50:34 AM](#)

SENATOR FRENCH said he does not support [Conceptual Amendment 4].

[9:50:46 AM](#)

REPRESENTATIVE WILSON clarified that Conceptual Amendment 4 would read "less than 14 years of age" in order to include those age 13.

[9:50:59 AM](#)

A roll call vote was taken. Representatives Johnson and Wilson voted in favor of Conceptual Amendment 4. Representatives Gatto, Gruenberg, Petersen, Seaton, and Lynn voted against it. Therefore, Conceptual Amendment 4 failed by a vote of 2-5.

[9:51:34 AM](#)

REPRESENTATIVE SEATON moved to report HCS CSSB 72(TRA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection HCS CSSB 72(STA) was reported out of the House State Affairs Standing Committee.

^#sb58

SB 58-MARMOT DAY

9:52:09 AM

CHAIR LYNN announced that next order of business was SENATE BILL NO. 58, "An Act establishing February 2 of each year as Marmot Day; and providing for an effective date."

The committee took an at-ease from 9:53:01 AM to 9:54:03 AM.

9:54:27 AM

MICHAEL ROVITO, Staff, Senator Linda Menard, Alaska State Legislature, introduced SB 58 on behalf of Senator Menard, prime sponsor. He said the proposed legislation would establish February 2nd of each year as Marmot Day, thereby creating a localized, Alaskan version of Groundhog Day. Mr. Rovito opined that the Wooley Marmot, abundant in Alaska, embodies the state's natural beauty.

MR. ROVITO pointed out that by creating Marmot Day, Alaska would have a new tradition. He emphasized the importance of traditions and symbols to a state. He spoke of the state's population and the number of students in Alaska, and opined, "Establishing traditions for these residents and students is important legislation." Mr. Rovito talked about the unique features of Alaska, and opined that a Marmot Day holiday would "uphold that uniqueness." Furthermore, he suggested, activities and events that would promote tourism could be stylized around Marmot Day. He named some supporters of SB 58, including the Alaska Zoo and the Matanuska-Susitna (Mat-Su) School District.

MR. ROVITO relayed that when he moved to Alaska from Ohio, he was impressed with the abundance of marmots and how amazing the creature is. He urged the committee to support SB 58.

9:57:23 AM

REPRESENTATIVE SEATON said he presumes that since there is a zero fiscal note, the proposed legislation would not establish a new state holiday.

SENATOR LINDA MENARD, Alaska State Legislature, speaking as the prime sponsor of SB 58, answered that is correct. She noted that Alaska has only been a state going on 50 years, thus other states that have existed for up to 230 years are ahead of Alaska in having symbols and traditions. She recognized that the legislature addresses vital issues; however, as a certified teacher who has served on a school board, she indicated how important [SB 58] would be to school children. She listed some other animals that are symbols for Alaska. She noted that almost 20 percent of the population of Alaska is comprised of school children, which Senator Menard explained is why she is promoting "a few symbolic things that we can add to our list."

[9:59:42 AM](#)

SENATOR MENARD, in response to Chair Lynn, confirmed that the Wooley Marmot is related to wood chuck and ground hog. In response to comments from Representatives Gatto and Johnson regarding any significance that the marmot might have in replacing the ground hog, Senator Menard related that her late husband had held a keen interest in having Alaska "use the marmot instead of the ground hog." She stated, "I think the intention, and what I'm trying to get through, is we have our own unique local hire, and that is the marmot. And so, that's why I chose to keep it at February 2nd."

[10:01:37 AM](#)

REPRESENTATIVE WILSON said she came to the meeting not liking SB 58, but has since changed her mind. She concurred that [the marmot] is unique and it would be "neat" for Alaskan children to be able to boast that they celebrate Marmot Day rather than Groundhog Day.

[10:01:52 AM](#)

REPRESENTATIVE JOHNSON asked if the state would prohibit the shooting of the Wooley Marmot if it were to be designated as an official state animal.

SENATOR MENARD offered her understanding that Wooley Marmots could still be hunted.

MR. ROVITO clarified that SB 58 would not establish the Wooley Marmot as a state animal, but rather it would simply create Marmot Day as a way to "honor" the marmot.

SENATOR MENARD noted that the moose is Alaska's official land mammal and it is hunted.

[10:03:22 AM](#)

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

[10:03:28 AM](#)

REPRESENTATIVE SEATON moved to report SB 58 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 58 was reported out of the House State Affairs Standing Committee.

#

[10:04:22 AM](#)

The committee took an at-ease from 10:04 a.m. to 10:05 a.m.

^#hb106

HB 106-VILLAGE & REGIONAL PUB.SAFETY OFFICERS

[10:05:57 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 106, "An Act relating to village public safety officers and regional public safety officers."

[Before the committee was CSHB 106(CRA).]

[10:06:09 AM](#)

REPRESENTATIVE SEATON moved to adopt the committee substitute (CS) for HB 106, Version 26-LS0402\W, Luckhaupt, 4/9/09, as a work draft.

[10:06:20 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes.

REPRESENTATIVE SEATON explained that Version W incorporates an amendment adopted at the last committee hearing, which changed

the word "and" to "or" between "corporations" and "municipalities", on page 1, line 6.

[10:06:38 AM](#)

REPRESENTATIVE GRUENBERG removed his objection. There being no further objection, Version W was before the committee as a work draft.

[10:06:54 AM](#)

REPRESENTATIVE REGGIE JOULE, Alaska State Legislature, indicated that he would like a member of the committee to offer an amendment to Version W.

[10:07:11 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, labeled 26-LS0402\W.6, Luckhaupt, 4/10/09, which read as follows:

Page 1, line 12, through page 2, line 6:

Delete all material and insert:

"* **Sec. 2.** AS 18.65.670(b) is amended to read:

(b) With funds appropriated for that purpose, the commissioner of public safety shall provide grants to nonprofit regional corporations for village public safety officers. If a nonprofit regional corporation for a rural area declines a grant under this subsection, the commissioner may provide the grant to a municipality with a population of less than 10,000 willing to administer the grant for the rural area. Before awarding a grant to a municipality, the commissioner shall consult with the nonprofit regional corporation that declined the grant. The commissioner of public safety shall coordinate with the commissioner of corrections when providing grants under this section, and the commissioners shall jointly execute an agreement with the nonprofit regional corporations or municipalities, as appropriate."

Page 2, following line 13:

Insert a new bill section to read:

"* **Sec. 4.** AS 18.65.670 is amended by adding a new subsection to read:

(d) In this section, "rural area" means a community with a population of less than 1,000 within

- (1) the unorganized borough; or
- (2) a borough, if the community is not connected by road to Anchorage or Fairbanks."

Renumber the following bill section accordingly.

[10:07:24 AM](#)

CHAIR LYNN objected for discussion purposes.

[10:07:31 AM](#)

REPRESENTATIVE SEATON said Amendment 1 is a response to concern that HB 106 should benefit all communities in the state. He said he worked with the bill sponsor to formulate the language. He said it would allow municipalities to administer grants for the Village Public Safety Officer (VPSO) program when it is more efficient for them to do so. Amendment 1 also provides a definition of "rural area". He noted that the definition includes all the communities that have had VPSOs.

REPRESENTATIVE JOULE said he supports Amendment 1.

[10:09:14 AM](#)

REPRESENTATIVE JOULE, in response to Representative Gruenberg, said there is no VPSO in Eklutna. Furthermore, he indicated that there would be no possibility [for Eklutna to have VPSOs].

[10:10:16 AM](#)

ELIZABETH SAGALAQ HENSLEY, Intern, Representative Reggie Joule, Alaska State Legislature, in response to Representative Wilson, confirmed that in the Northwest Arctic Region, there is a nonprofit [corporation] that does not wish to administer the [VPSO] program, whereas the borough in that region does.

[10:10:54 AM](#)

REPRESENTATIVE JOHNSON questioned if Chitna, which is connected by road, would be eligible for a VPSO under [Amendment 1]. He noted that that community's population is less than 1,000.

AN UNIDENTIFIED SPEAKER indicated that [Chitna] is an unorganized borough.

REPRESENTATIVE JOHNSON asked, "So, they would be eligible?"

[There was no audible answer.]

[10:11:52 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[10:12:14 AM](#)

REPRESENTATIVE JOHNSON expressed concern that [Version W, as amended] is inclusive rather than exclusive.

[10:12:41 AM](#)

MS. HENSLEY offered her belief that any eligible community that wishes to [administer a VPSO program] would not be excluded.

[10:13:07 AM](#)

REPRESENTATIVE WILSON moved to report the proposed committee substitute (CS) for HB 106, Version 26-LS0402\W, Luckhaupt, 4/9/09, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 106(STA) was reported out of the House State Affairs Standing Committee.

#

[10:14:18 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:14 a.m.