

SENATE FINANCE COMMITTEE
April 13, 2009
9:27 a.m.

9:27:55 AM

CALL TO ORDER

Co-Chair Stedman called the Senate Finance Committee meeting to order at 9:27 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Charlie Huggins, Vice-Chair
Senator Johnny Ellis
Senator Donny Olson
Senator Joe Thomas

MEMBERS ABSENT

None

ALSO PRESENT

Senator Hollis French; Sue Stancliff, Special Assistant, Department of Public Safety; Anne Carpeneti, Assistant Attorney General, Legal Services Section-Juneau, Criminal Division, Department of Law; William Streur, Deputy Commissioner, Medicaid & Health Care Policy, Department of Health and Social Services; Senator Kevin Meyer; Deborah Bitney, Director, Permanent Fund Division; Christine Marasigan, Staff, Senator Kevin Meyer; Darwin Peterson, Staff, Co-Chair Stedman; Charles Swanton, Director, Division of Sport Fish, Department of Fish and Game; Andy Szczesny, Owner Alaska Fish and Float, Kenai; Reuben Hanke, Self, Soldotna; Steve McClure, self, Kenai; David Goggia, self; Ricky Gease, Executive Director, Kenai River Sport Fishing Association.

PRESENT VIA TELECONFERENCE

Orin Dym, Forensic Lab Supervisor, Crime Lab Supervisor, Department of Public Safety; Bill Oberly, Alaska Innocence Project; John Lucking, Police Chief Soldotna; Gary Turner, chair, Kenai College; Beverly Minn, Self; Melvin Grove, Matsu, Self.

SUMMARY

SB 10 "An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials

designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association; and providing for an effective date."

SB 10 was SCHEDULED but not HEARD

SB 110 "An Act relating to the preservation of evidence."

SB 110 was HEARD and HELD in Committee for further consideration.

SB 133 "An Act creating a statewide electronic health information exchange system; and providing for an effective date."

SB 133 was REPORTED out of Committee with a "do pass" recommendation and a new fiscal impact note from the Department of Health and Social Services.

SB 171 "An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

SB 171 was HEARD and HELD in Committee for further consideration.

SB 177 "An Act repealing the termination of licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

SB 177 was HEARD and HELD in Committee for further consideration.

#sb10

SENATE BILL NO. 10

"An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health

Insurance Association; and providing for an effective date."

SB 10 was SCHEDULED but not HEARD

[9:28:08 AM](#)

#sb110

SENATE BILL NO. 110

"An Act relating to the preservation of evidence."

[9:29:13 AM](#)

SENATOR HOLLIS FRENCH,

The American system of justice is founded on balancing the twin protections of the rights of those harmed by crimes, and the rights of the accused. Criminal convictions are guided by evidence of innocence or guilt, and no one in the criminal justice system wants innocent people to be convicted of crimes they did not commit. The availability and use of physical evidence at trials and during appeals is a critical piece of a meaningful justice system.

Modern DNA technology, coupled with today's comprehensive information and communications technologies, has exponentially increased the power of preserved evidence. Preserved evidence can solve cold cases and prove or disprove claims of innocence in ways unimaginable just a few years ago. The problem is, however, that evidence collection and preservation policies have not always kept pace with these new technologies.

Senate Bill 110 begins to address this issue by requiring that biological evidence in murder and sexual assault cases is properly retained while cases are unsolved and during the period after conviction that an offender is imprisoned or required to register as a sex offender. The bill still provides for police departments to return or dispose of evidence too large to keep after portions of the material likely to contain biological evidence have been removed and preserved. The bill provides for a notice process in cases where evidence will be destroyed, and it establishes a temporary task force to look at other issues involved in this emerging field of technology and make recommendations on standards and practices in cataloging and handling evidence.

Senator French shared a story about a boy in Denver Colorado convicted of murder at age 15 that spent 10 years

incarcerated. Following the boy's release the deoxyribonucleic acid (DNA) evidence, retrieved and preserved from the crime scene revealed that he was in fact innocent. He informed that cases such as the one mentioned led him to sponsor the bill. He continued that this bill requires police officers to retain evidence in two categories, physical and DNA. Once a person is convicted of a crime and incarcerated, the small bits of biological evidence remain preserved in a crime laboratory. The bulky material is retained until the time of the trial. The bill only applies to the most serious of crimes. The idea is to retain evidence and ensure that incarcerated citizens are indeed guilty.

Chair Stedman asked for a sectional analysis. Senator French complied. He referred to Section 1, which creates a new provision in the criminal code for the preservation of evidence requiring state agencies and municipal law enforcement agencies to preserve all evidence that relates to unsolved cases of murder in the first degree, sexual assault, and first degree sexual assault of a minor. The section further requires that biological evidence in these crimes be retained while a person is incarcerated in the custody of the Department of Corrections (DOC).

[9:33:30 AM](#)

Senator French continued that if a piece of evidence is physically large, the portions likely to contain relevant evidence remain preserved. A notice procedure found on Page 2, Subsection D of the bill outlines the proper destruction of evidence. The Section further provides the method for court ordered remedies if evidence is destroyed in violation of the Section.

[9:34:48 AM](#)

Senator French continued with the Sectional analysis. Section 2, Page 4 and Section 3, Page 4 refer to the codas sections that the Department of Law (DOL) requested. The codas give DOL the ability to remove DNA data taken from a suspect found innocent. This allows prosecution of a person whose DNA is retained on the data base in the event of a subsequent crime. He provided an example.

[9:35:21 AM](#)

Senator French explained that the DOL has the ability to remove DNA data taken from a suspect who is later found innocent. The state is allowed to prosecute if the evidence is still on the database when a person is arrested for a subsequent crime. He continued that Section 5 establishes a task force for the preservation of evidence.

[9:37:10 AM](#)

Senator French expressed that the legislation will prove effective throughout all areas of the state. He mentioned a letter from Angela Long, chief of the police association opposing the bill. He stated that since changes were made in the judiciary committee, Ms. Long has withdrawn her opposition. He informed of the close contact between DOL and the Department of Public Safety. He opined that the collaboration provides a good piece of legislation.

[9:38:45 AM](#)

Co-Chair Stedman asked about the current process of DNA storage. Senator French answered that the DNA evidence is retained until a person is released from prison and removed from the registry. He mentioned that the state complies with the established legislation. He shared a story about a murder case during his time as district attorney. The police departments recognize the importance of retaining evidence and essentially perform already that which this bill mandates.

[9:40:43 AM](#)

SUE STANCLIFF, SPECIAL ASSISTANT, DEPARTMENT OF PUBLIC SAFETY, testified about data storage and use of DNA samples.

ORIN DYM, FORENSIC LAB SUPERVISOR, CRIME LAB SUPERVISOR, DEPARTMENT OF PUBLIC SAFETY (testified via teleconference). He spoke in reference to the question about DNA sampling and the current status of retaining samples of biological evidence indefinitely. He informed that this bill has an impact on the crime laboratory in the retention of biological evidence and the number of samples identified. He recognized that in order for an agency to dispose of evidence, they must sample it prior to disposal. Depending on the case, clothing and bedding might not be analyzed. With this legislation, all items are identified for biological importance in the crime laboratory. The change induces a dramatic increase in the number of samples retained and evidence submitted. He mentioned the additional funds required for storage space and an employee responsible for sample collection and additional workload associated with the bill.

[9:43:54 AM](#)

Co-Chair Stedman requested information regarding the attached fiscal note. He asked about integration of the crime laboratory. Mr. Dym responded that additional storage space is necessary regardless of when the new crime laboratory is constructed. He explained the need for additional personnel to aid in sampling the evidence prior

to disposal. He opined that the provided fiscal note offers the best estimate with the best vision of the future.

Co-Chair Hoffman asked for justification of the travel request. Mr. Dym explained the travel request was for agency training regarding proper storage of evidence. The requirements for an accredited laboratory include the proper storage and handling of evidence. He stressed the importance of sharing the knowledge with the state's user base, which requires travel.

[9:46:22 AM](#)

Co-Chair Stedman asked if a task force was necessary to the process of the legislation. Mr. Dym explained that he was not responsible for the requisition of a task force. Senator French stated the necessity of the task force because the obligation is new for both the crime labs and police departments across the state. He suggested a careful, considerate, and collaborative process for a beneficial beginning. Co-Chair Stedman asked if the task force was suggested at the request of the department or through the creation of the bill. Senator French answered that the creation of a task force existed in the initial language of the bill.

Senator Olson asked about private laboratories that might store and process the samples without the cost of a new facility. Senator French answered that state prosecution evidence must be housed in a state facility. He suggested that expanding the existing crime laboratory without building a new \$100 million facility may suffice.

[9:48:27 AM](#)

Senator Olson asked about the American Civil Liberties Union's (ACLU) standpoint regarding the proposed legislation. Senator French stated that the Department of Law (DOL) was in support of the bill because this process offers the ability to prove guilt versus innocence.

Co-Chair Stedman asked if the department supports the bill. Ms. Stancliff answered that yes the Departments of Law and Public Safety support the bill. Senator French clarified that ACLU also supports the bill.

[9:50:01 AM](#)

Senator Huggins asked about the detractors of the bill. Senator French responded that resistance, rather than outright detraction existed from agencies commanded to retain evidence. He stated that concerns of police chiefs across the state were since alleviated.

Senator Huggins asked about prisoners and the bill. He asked if prisoner's DNA was obtained. Senator French stated that the bill does not address prisoners. He understood that previous legislation addressed DNA obtained from prisoners.

Senator Huggins asked about Page 3, Line 21 and the term "unintentional." He asked why not substitute the term "intentional." Senator French understood the concern initially. He explained the meaning of the word "unintentional", as "only intentional destruction of evidence can result in civil liability." Anything short of intentional destruction of evidence can result in civil liability.

[9:52:26 AM](#)

Senator Thomas asked why the DNA retained in the record is retained while the paper record is destroyed.

Senator French explained that Senator Thomas is referring to the data base. He explained that a swab is obtained from a prisoner and analyzed in the laboratory which then takes the sequence of DNA genes for entry into a database where the information sits as a method of generating evidence. The data is then purged if the person is found innocent. He stated that the DNA is retained because it is personal and valuable information.

[9:54:16 AM](#)

ANNE CARPENETI, ASSISTANT ATTORNEY GENERAL, LEGAL SERVICES SECTION-JUNEAU, CRIMINAL DIVISION, DEPARTMENT OF LAW, explained that the adoption of the obligations for the state police required much work. She stated that the bill does not change the reasons for the DNA collection. She explained that the legislature adopted a provision that allowed police to obtain samples from those persons arrested for a felony. The legislature also adopted a procedure for people arrested for a felony not resulting in the collection of DNA. The legislature neglected to provide removal from the DNA database people who were arrested for a felony, charged with it and acquitted after trial. This bill adopts that procedure. The Federal Bureau of Investigation has recommended the adoption of the procedure for people acquitted of a crime for removal their DNA from the database.

Co-Chair Stedman asked if the criminal division is in support of the bill. Ms. Carpeneti answered yes.

[9:56:28 AM](#)

BILL OBERLY, ALASKA INNOCENCE PROJECT (testified via teleconference), spoke in support of the legislation. He

stated that the support of strong evidence management helps to solve cases. Regarding the task force, the data and information gathered by the task force will allow for necessary changes and improvements.

JOHN LUCKING, POLICE CHIEF SOLDOTNA (testified via teleconference), in support of SB 110. He spoke of an opposition letter, now null because Senator French and staff have worked with the Department of Public Safety to overcome initial concerns regarding liability of personnel and the maintenance of bulky evidence. He voiced support for the task force as an important component of the bill.

[9:59:20 AM](#)

Senator French concluded that he appreciated support for the legislation.

SB 110 was HEARD and HELD in Committee for further consideration.

#sb133

SENATE BILL NO. 133

"An Act creating a statewide electronic health information exchange system; and providing for an effective date."

[10:00:16 AM](#)

Senator Thomas MOVED to ADOPT Amendment 1.

Co-Chair Stedman OBJECTED for discussion purposes.

Senator Thomas explained that Amendment 1 deleted references to the state as the one that heads up the operation of the Health Information Exchange (HIE). Amendment 1 deletes the designation of the state as an option for fully implementing and operating the HIE system. He stated that it is not necessary to have a big government operation when private sector options exist, with the state acting in an oversight role. The amendment puts in statute the expectations that the designated entity must become self sustaining through a combination of user fees and other private and public funding sources.

Senator Paskvan stated that he supports Amendment 1. He explained that the fiscal note does reflect the change from the state as a potential operator of the program. He stated that once the federal stimulus dollars are gone this entity will be self sustaining operated through user fees. The state's involvement would then be as another supplier of user fees. He opined that the solution was modern and in

response to Alaska's growth in healthcare needs. He expressed full support of the Amendment.

Co-Chair Stedman explained the fiscal note reduced operating costs by \$389.4 million as a result of four fewer full time employees.

Senator Paskvan clarified that the plan reduced six full time employees to two full time employees. He understood that the fiscal note is a worst case scenario. The actual expenditures are less.

Co-Chair Stedman removed his objection. Amendment 1 was ADOPTED.

[10:04:24 AM](#)

Senator Huggins asked for further clarification of the administration's position on this bill as it pertains to the federal stimulus funds.

Co-Chair Stedman asked for representation from the administration to address Senator Huggins' question.

Senator Paskvan understood that the administration remained neutral regarding the bill.

WILLIAM STREUR, DEPUTY COMMISSIONER, MEDICAID & HEALTH CARE POLICY, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, introduced himself.

Senator Huggins asked about available stimulus funds and the intended use.

Mr. Streur answered that the total money available through the federal stimulus was \$19.2 billion. Each state must submit their particular needs. He stated that \$17.2 billion of the \$19.2 billion is for the providers submitting for assistance for electronic health record deeds and related efforts as part of a health information exchange system. This includes 100 percent funding for the next two years with the future ratio yet unstated.

Senator Huggins asked for an estimate of one hundred percent funding for two years. Mr. Streur answered \$17.2 billion for two years. For Alaska, the amount is yet unknown and depends on what the state submits.

Senator Huggins asked for an estimate of the cost to operate under this provision. Mr. Streur answered that the costs are anticipated at \$27 million about \$25 million of which will be federally funded. The cost for ongoing operation is lessened considerably after the first two years.

[10:07:25 AM](#)

Senator Huggins asked about the continuing operating costs? He understood that a user fee existed to defray a majority of the operating costs. Mr. Streur responded that following the first five years, the projection is for the collection of user fees. The process prohibits the collection of user fees at the onset of the program. The state must absorb the cost provided by user fees until the program is up and running with enough depth and spread across Alaska to deem the program usable.

Co-Chair Stedman informed that the fiscal note has \$24.8 million in federal receipts for FY10 and \$2.7 million in a General Fund match from the state. He continued that \$26 million in general fund match is also required in 2011. In 2012 \$1,760,000 is the anticipated general fund match. He stated that \$1,080,000 is the approximate general fund impact on the treasury.

[10:09:16 AM](#)

Senator Huggins intended to pass the legislation. The year the change takes place is the only question. He understood that alterations to the state's health information system are inevitable and mandatory. The efficiency of delivering medical maintenance is beneficial for the patient. Mr. Streur agreed with Senator Huggins. Medicare providers are required to have electronic health records by 2015.

Senator Huggins stated that his constituents communicated that he ought to vote affirmative for funds available through the federal government for the cost of transitioning to electronic health records by 2015. Mr. Streur agreed with Senator Huggins.

[10:11:16 AM](#)

Senator Olson discussed the rapid advancement of technology for electronic communication. He asked if the state subscribes now with possible advancement prior to 2015.

Mr. Streur explained that much of the new technology comes with built in updates. Updates for the state are provided as part of the core system for the next ten years. Health information exchange technology contains built in updates.

Co-Chair Stedman asked the bill sponsor to testify.

[10:13:01 AM](#)

Senator Paskvan thanked the committee for hearing the bill.

Co-Chair Hoffman MOVED that the committee report out SB 133, as amended with attached fiscal note.

There being NO OBJECTION, it was so ordered.

SB 133 was REPORTED out of Committee with a "do pass" recommendation and a new fiscal impact note from the Department of Health and Social Services.

#sb171

SENATE BILL NO. 171

"An Act relating to the permanent fund dividend of an otherwise qualified individual who dies during the qualifying year; and providing for an effective date."

[10:14:36 AM](#)

SENATOR KEVIN MEYER informed that SB 171 would provide the issuance of a Permanent Fund Dividend (PFD) check to a personal representative of the estate or successor of the deceased during the qualifying year. He noted that SB 171 treats deceased Alaskans as living in terms of applying for their final PFD. in fulfilling all eligibility requirements as other Alaskan citizens under the current statute. Exceptions are that an individual cannot apply if deceased. The bill itself includes the application process. He noted that the director of the PFD division was present in the hearing for questions.

Co-Chair Stedman requested a chronological time span illustrating how a citizen may or may not qualify if the bill was enacted.

Senator Meyer answered that the issue was brought to his attention by long term constituents whose loved ones had lived to fulfill the requirements, yet had not received a PFD. The deceased has to meet the same requirements as any other Alaskan meaning that the deceased must live 180 days of the year for eligibility. Co-Chair Stedman clarified that the applicant must apply as required by statute, live in the state, but "just happen to pass away in July or later."

[10:17:29 AM](#)

Senator Olson asked if there was a difference if the applicant is buried in the state of Alaska. Senator Meyer answered that the place of burial makes no difference.

Co-Chair Stedman asked if the bill in question affects citizens in 2008 and 2009. He asked to know the bill's timeframe.

DEBORAH BITNEY, DIRECTOR, PERMANENT FUND DIVISION, DEPARTMENT OF REVENUE, answered Co-Chair Stedman's question. She stated that the legislation begins the qualifying year of 2009 and applies to Alaskans who pass away in the second half of 2009.

Senator Huggins asked what precludes the deceased from receiving the benefit currently. Ms. Bitney answered that current regulations allow for applicants who pass away during the application period only. The statute amended with this legislation states that a citizen must be a resident for the entire qualifying year. She stated that a resident was defined as someone living.

Co-Chair Stedman asked about proper notification to the department that the deceased "passed on."

[10:20:37 AM](#)

Ms. Bitney stated that the death certificate allows administration of the check.

Senator Thomas clarified that if a person had all qualifications from January to June of 2009 they qualify for a PFD. Ms. Bitney agreed.

Co-Chair Hoffman MOVED to ADOPT work draft for SB 171 LS0804\S.

Co-Chair Stedman OBJECTED for the purpose of discussion.

CHRISTINE MARASIGAN, STAFF, SENATOR KEVIN MEYER, explained the work draft. She explained that the work draft contained three major changes. One change ensured that individual applicants received a dividend at least one year prior. She stated that another change limits the dividend to residents of Alaska. The final change allows a person to be present for 180 days versus the entire year as was stated in the bill.

Co-Chair Stedman removed his OBJECTION. There being NO OBJECTION, it was so ordered.

Co-Chair Stedman addressed the fiscal note, which is reduced by \$50,000 in interagency receipts as a result of one less required position.

[10:24:51 AM](#)

SB 171 was HEARD and HELD in Committee for further consideration.

[10:25:28 AM](#) AT EASE

[10:26:03 AM](#) RECONVENED

[10:26:22 AM](#) RECESSED
[1:42:23 PM](#) RECONVENED

#sb177
SENATE BILL NO. 177

"An Act repealing the termination of licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

[1:42:43 PM](#)

Senator Meyer introduced SB 177. This legislation addresses the licensing and regulation of sport fishing for operators and guides. The bill provides oversight of sport fishing operators and guides. For the protection of guides and clients, some minimum standards are necessary. The licensing and reporting program is beneficial to both the sport fishing industry and its resource managers. Legislation authorizing this program passed in 2004 with the intent of giving the Department of Fish and Game more comprehensive and credible information on the guide and the guiding activities. A need to create a basic standard existed for sport fish business operators and guides including liability insurance, first aid, Cardio Pulmonary Resuscitation (CPR), and in some cases, United State's Coast Guard licensing. The program increased the level of professionalism for the sport fishing industry across the state.

[1:44:52 PM](#)

Co-Chair Hoffman MOVED to adopt work draft LS0832\E, Kane, 4/13/09.

Co-Chair Stedman OBJECTED.

DARWIN PETERSON, STAFF, CO-CHAIR STEDMAN, gave an explanation of the Committee Substitute (CS). The CS addresses the need for in-season replacement of a fishing guide within the Kenai River special management area. Currently, in order to guide on the Kenai River a guide must have current first aid certification, a coast guard license, current Alaska sport fishing license, proof of enrollment in an approved drug testing program, park use permit, and must pass the Kenai River Guide Academy. This guide academy is administered by the Department of Natural Resources and is offered through the Kenai Peninsula College. The guide academy was created to educate fishing guides in the areas of habitat protection, state and federal fishing laws, river etiquette, etc. The CS addresses the problem of a sport fishing business losing an employee midseason. The guide academy is not offered during the summer, as most

instructors are professional guides themselves. The problem arises when a guide is terminated for misconduct, or is unable to finish the sport fishing season due to a major medical situation. A business cannot hire a replacement guide unless the person passes the academy, which can result in tremendous economic hardship to the business. The CS allows the State Division of Parks a replacement waiver for a business that loses a guide in season, allowing the hire of another guide on an emergency basis without meeting the guide academy requirement. The intent is that the replacement guide enroll in the guide academy at first available opportunity, otherwise the guide may not work in the subsequent season as the waiver only applies to the sport fishing season in which it was issued.

[1:47:48 PM](#)

Senator Huggins asked if a guide was qualified but had a medical problem that put him out of work for one year, would the waiver pertain to the remainder of the year. Mr. Peterson answered that the replacement guide must graduate from the academy if he or she wished to guide the following year.

Senator Thomas asked a question regarding the requirements of the waiver. Mr. Peterson answered that requirements apply only to the academy. The requirements other than that of attending the academy such as CPR, coast guard license, first aid, park permit, etc still stand as requirements. The potential guide may only obtain employment midseason without graduation from the guide academy.

Senator Thomas clarified the graduation from the guide academy is the single issue. Mr. Peterson answered yes, because all other requirements are available to the employee through the various divisions or departments except the academy because the course is not offered during the summer.

[1:50:09 PM](#)

Co-Chair Hoffman asked about the fiscal note and the \$344 thousand allocated for personnel services. He asked to know which positions are listed. Mr. Peterson deferred the question to the sponsor.

Co-Chair Stedman removed his OBJECTION

Version E of the work draft was ADOPTED

CHARLES SWANTON, DIRECTOR, DIVISION OF SPORT FISH, DEPARTMENT OF FISH AND GAME, answered the question about the fiscal note. He stated that there was no reference to the number of positions for personal services. He believed that

eight or nine positions are required for data entry and program managers.

Senator Thomas asked for the current fees for fish guide licensing as compared to hunting guides. Mr. Swanton answered that he was not aware of the current fees for hunting guides. The fee for owner operator guide among sport fishing is \$100 and for guides only \$50. Approximately \$10 dollars of the \$100 of the guide owner/operator fee is collected for licensing, while the remainder is utilized for the log book or data collection program. For the guides, \$4.50 is allocated toward licensing fees and the remainder toward logbook and data recording.

Senator Huggins asked about the logbooks and whether or not the department uses the data for better fisheries management.

Mr. Swanton stated that he required a more precise definition of "better fisheries management."

[1:53:58 PM](#)

Senator Huggins clarified his interest in enhancing the fish population. Mr. Swanton responded that previous venues listed the methods to utilize data. The information needed has not been collected by the department for this period of time. This remains the only means by which the harvest information is collected.

Senator Huggins asked when enough data is anticipated. Mr. Swanton answered that the anticipation is difficult because a wide array of applications for the information exist from stocks that may or may not be heavily exploited. He admitted reticence about answering the question of an exact amount of necessary data required to make good decisions in managing fisheries. He opined that increased data enriches the fisheries management decision making process.

Co-Chair Stedman asked if the department supports the bill. Mr. Swanton answered yes.

[1:56:49 PM](#)

GARY TURNER, CHAIR, KENAI COLLEGE (testified via teleconference). He explained that there is unanimous support for the change among the Kenai River Academy board members.

BEVERLY MINN, SELF (testified via teleconference), in opposition to SB 177. She stated that she would like to see the fees sunset or reduced considerably.

MELVIN GROVE, MATSU, SELF (testified via teleconference), in support of SB 177. He stated that he was in support of the legislation. He asked for data regarding restocks to reduce long lining near shore water. Data is not available. He opined that the fees must come from the fishing licenses as opposed to the captain's pocket.

[2:02:34 PM](#)

ANDY SZCZESNY, OWNER ALASKA FISH AND FLOAT, KENAI, testified in support of SB 177. He informed that he worked as a guide on the upper Kenai River. He noted the importance of data collection. He expected the agencies to employ the collected data.

REUBEN HANKE, SELF, SOLDOTNA, testified in support of SB 177. He spoke about the CS and the original task force by the Commissioner of DNR. He worked as a charter fishing guide. He thought that the information gathered would provide a spring board for decision making processes. He understood that there were difficulties with the original collection process. He believed that the data was helpful to the Board of Fisheries. He spoke in favor of the CS and SB 177.

[2:05:52 PM](#)

STEVE MCCLURE, SELF, KENAI, testified in support of SB 177. He thought it beneficial to gather more data. He stated that the board of directors for the guide academy were surprised to learn that the absent guide issue was not covered. He stated that the guide academy board taught him the importance of the academy's classes, but if a position remains vacant the business suffers.

DAVID GOGGIA, SELF, testified in support of SB 177. He stated that there are many hazards present in the sport fishing job, occasionally necessitating replacement guides. He spoke in support of the CS and SB 177.

[2:08:51 PM](#)

RICKY GEASE, EXECUTIVE DIRECTOR, KENAI RIVER SPORT FISHING ASSOCIATION, testified in support of the legislation. He stated that the guiding profession is risky. Emergencies are possible and substitute guides are occasionally required. The current law book program exempts Alaska from the new salt water angler registry. He stated the importance of the emergency language. He spoke in favor of extending the sunset. He believed in insurance, licensing and certification standards.

[2:10:53 PM](#)

Senator Huggins asked about the cost of a sport fishing license. He understood that the cost of business licenses was reduced.

Mr. Gease answered that the price reductions applied to general business licenses. A portion of the license cost is used for electronic data entry. He understood that the backlog a result of data input in paper fashion versus electronic data entry. He stated the frustration addressed was that the format was not user friendly. The log books can limit people's collection so that it is real time data. An efficient method of data collection and input is necessary.

Senator Huggins commented that he liked the data and the process, but "state government can always find a reason that they need local citizen's money to manage their bureaucracy."

[2:13:47 PM](#)

Co-Chair Stedman commented on the fiscal note for \$462.2 thousand, which exists in the Governor's FY10 budget.

Senator Meyer noted support of the CS.

Co-Chair Stedman commented that the committee was in the process of creating with the Department of Fish and Game a recording mechanism allowing the guiding industry to provide timely and usable data. He suggested that Alaska may end up like Oregon and Washington without the accurate reporting of data. He stated that the committee did not want to burden the populous with undue charges, but without the data regarding the fish caught in Alaska, the state may encounter an irreversible problem.

SB 177 was HEARD and HELD in Committee for further consideration.

[2:15:35 PM](#)

#

ADJOURNMENT

The meeting was adjourned at 2:15 PM.