

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

March 30, 2011

1:07 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Peggy Wilson, Vice Chair
Representative Alan Dick
Representative Neal Foster
Representative Bob Herron
Representative Cathy Engstrom Munoz
Representative Berta Gardner
Representative Scott Kawasaki

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S): COMMERCIAL FISHERIES ENTRY COMMISSION

- HEARD

CONFIRMATION HEARING(S): BIG GAME COMMERCIAL SERVICES BOARD

- HEARD

HOUSE BILL NO. 173

"An Act amending the termination date of the licensing of sport fishing operators and sport fishing guides; and providing for an effective date."

- MOVED OUT OF COMMITTEE

HOUSE BILL NO. 106

"An Act extending the termination date of the Alaska coastal management program and relating to the extension; relating to the review of activities of the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 22, ch. 31, SLA 2005; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 173

SHORT TITLE: SPORT FISHING GUIDING SERVICES

SPONSOR(s): FISHERIES

02/25/11	(H)	READ THE FIRST TIME - REFERRALS
02/25/11	(H)	FSH, RES
03/08/11	(H)	FSH AT 5:00 PM CAPITOL 120
03/08/11	(H)	Moved Out of Committee
03/08/11	(H)	MINUTE(FSH)
03/09/11	(H)	FSH RPT 2DP 2NR
03/09/11	(H)	DP: AUSTERMAN, THOMPSON
03/09/11	(H)	NR: MILLER, PRUITT
03/09/11	(H)	FIN REFERRAL ADDED AFTER RES
03/25/11	(H)	RES AT 1:00 PM BARNES 124
03/25/11	(H)	Heard & Held
03/25/11	(H)	MINUTE(RES)
03/30/11	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 106

SHORT TITLE: COASTAL MANAGEMENT PROGRAM

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	RES, FIN
03/07/11	(H)	RES AT 1:00 PM BARNES 124
03/07/11	(H)	Heard & Held
03/07/11	(H)	MINUTE(RES)
03/11/11	(H)	RES AT 1:00 PM BARNES 124
03/11/11	(H)	Heard & Held
03/11/11	(H)	MINUTE(RES)
03/16/11	(H)	RES AT 1:00 PM BARNES 124
03/16/11	(H)	Heard & Held
03/16/11	(H)	MINUTE(RES)
03/18/11	(H)	RES AT 1:00 PM BARNES 124
03/18/11	(H)	Heard & Held
03/18/11	(H)	MINUTE(RES)
03/23/11	(H)	RES AT 1:00 PM BARNES 124
03/23/11	(H)	Heard & Held
03/23/11	(H)	MINUTE(RES)
03/25/11	(H)	RES AT 1:00 PM BARNES 124
03/25/11	(H)	Heard & Held
03/25/11	(H)	MINUTE(RES)
03/28/11	(H)	RES AT 1:00 PM BARNES 124
03/28/11	(H)	Heard & Held

03/28/11 (H) MINUTE(RES)
03/30/11 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

BEN BROWN, Appointee
Commercial Fisheries Entry Commission (CFEC)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of the confirmation hearing for the Commercial Fisheries Entry Commission (CFEC).

KELLY VREM, Master Guide Number 102
Sutton, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearing.

REPRESENTATIVE STEVE THOMPSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as prime sponsor and recapped the provisions of HB 173.

CHARLES SWANTON, Director
Division of Sport Fish (DSF)
Alaska Department of Fish & Game (ADFG)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 106.

JOE BALASH, Deputy Commissioner
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 106.

ACTION NARRATIVE

[1:07:32 PM](#)

CO-CHAIR PAUL SEATON called the House Resources Standing Committee meeting to order at 1:07 p.m. Representatives Seaton, P. Wilson, Kawasaki, Munoz, Foster, and Feige were present at the call to order. Representatives Dick, Herron, and Gardner arrived as the meeting was in progress.

1:07:45 PM

CO-CHAIR SEATON announced that the first order of business would be the confirmation hearing on Ben Brown, Appointee to the Commercial Fisheries Entry Commission (CFEC).

1:08:44 PM

BEN BROWN, Appointee, Commercial Fisheries Entry Commission (CFEC), stated that he has been appointed by the administration to serve on the CFEC. He said he born in Anchorage, went to school in Alaska, and graduated from Palmer High School. He then attended Georgetown University's School of Foreign Service and came back to Alaska. He worked for Senator Curt Menard and moved to Anchorage and for the Alaska Public Radio Network (APRN) prior to his staff work for Representative Cynthia Toohey, Senators Drue Pearce, and Tim Kelly. He said at the late Senator Kelly urging to get additional education, he attended Northeastern University Law School in Boston. He pointed out that Northeastern University mandates that its students work three months in alternating three-month coop blocks. His first coop was spent working for Senator Ted Stevens in Washington D.C., his next for the Office of Public Advocacy (OPA) as a criminal defense intern, and finally working for a private firm. He then wrapped up his law school education in New York City.

1:11:30 PM

MR. BROWN related that he returned to Juneau ten years ago to clerk for Judge Larry Weeks, who at the time was the presiding judge for the First Judicial District. He described this experience as an outstanding one. He related that he subsequently held a position with the Department of Revenue as a hearing officer working on appeals for the Child Support Enforcement office.

MR. BROWN stated that since then he has lived in Juneau year round. He has been a lobbyist for the Alaska State Chamber of Commerce for one legislative session. He worked on Lisa Murkowski's election during her first campaign. He also worked as the Legislative Liaison for the Department of Environmental Conservation (DEC), lobbying from the state's perspective. The department had a host of things it wished to accomplish, including working to have permits issued in the state under the Clean Water Act (CWA). The DEC was able to get the initial bill

through the legislature that year. He noted that the work on the CWA has not yet been completed.

1:14:08 PM

MR. BROWN explained for the past four years he has been in private practice in Juneau, first with Choate Law Firm and for the past three years with Baxter, Bruce, & Sullivan. He learned Frank Homan was leaving his position with the CFEC so he discussed the CFEC with people, including Judge Weeks and Judge Froehlich before deciding to pursue the job. Subsequently, the Governor appointed him to the CFEC position.

1:15:28 PM

REPRESENTATIVE P. WILSON noticed he does not have a background in fishing and inquired as to why he was pursuing this position.

MR. BROWN answered that he reviewed the CFEC's statutes. At statehood language written in the state's constitution strongly prevented limitation of access to Alaska's natural resources. The "common use clause" applies to all resources and the "no exclusive right of fisheries clause" is very specific to fisheries. He emphasized some felt the constitutional provisions were not working so voters amended the constitution in 1972 and by a three to one ratio to create an exception. In 1973, the legislature wrote the Limited Entry Act, which calls for Alaskans with a broad range of interests and professional experience to sit as commissioners. However, commissioners are not allowed to have any vested financial interest in a limited fishery for the obvious reason of conflicts of interest. He offered his belief that he possesses a wide-range of professional experience. He has known many commercial fishermen since he was raised in Alaska, although he acknowledged that he did not have any personal experience with fisheries. He said he discovered from speaking with Judge Froehlich and others that much of the CFEC's work was law-related work. He elaborated that the CFEC is a quasi-judicial agency and often must interpret its statutes and adopt regulations which comport with the statutes. This agency has done a pretty good job in doing so, since it has been overturned a relatively small number of times by the Alaska Supreme Court. He recalled one member of the court has referred to the CFEC's statutes as an arcane area of law which requires expertise. That interpretation appealed to him, as an attorney, to find a focused area and become somewhat of an expert at it. He found it more difficult for him to gain expertise in one area in private practice, in

particular, since he worked in general practice on a wide range of activities.

1:18:04 PM

MR. BROWN related another attractive attribute of this position was the narrow statutes and regulations. He thought the CFEC's work would be intellectually challenging, but at the same time is very important to the economic and social health of the State of Alaska. He remarked that he has a tremendous amount of respect for Chair Bruce Twomley, who has served on the CFEC since 1982 since he was appointed by Governor Hammond. He added that he has immensely enjoyed the CFEC's work during this past month.

1:19:09 PM

REPRESENTATIVE MUNOZ pointed out that certain fisheries have been dominated by nonresidents of Alaska. She inquired as to whether he had any ideas for local people to become more involved.

MR. BROWN responded that Representative Munoz raises one of the balancing acts, not only for the CFEC, but for the legislature as a whole. He acknowledged that it is important to Alaskans to have the fruits of the natural resources enjoyed mostly by Alaskans. However, the country's founders framed the U.S. Constitution to include the "privileges and immunities clause," which sharply curtails actions any state can take to help its own residents while it diminishes or harms nonresidents. He related a scenario in which vessel license fees were issued on a three to one ratio, so non-Alaskans were charged three times as much as Alaska's residents. The Carlson case ensued and addressed the issue, he said, noting that this case has been before the Alaska Supreme Court on several occasions. He acknowledged that it is not easy to craft a regulatory regime to be more beneficial to Alaskans as opposed to non-Alaskans. He reported that about 75 percent of the current permit owners are Alaskans and this has remained fairly constant over the years. He recalled a study done that indicated the biggest migration in permits has been from rural to urban Alaskans rather than Alaskans versus those residing outside of Alaska. He indicated that the permit ownership is somewhat difficult to tie down, so it is somewhat based on the honor system although penalty provisions do apply. He offered his view that the vast majority of the method in which permits are issued encourages Alaskan citizens since the farther a person lives from the fishery the

less likely it is that a person can use the permit to his/her advantage. He was unsure of whether the CFEC can solve the resident versus non-resident problem, but the CFEC could help the legislature and other solve it through other means such as enacting loan programs to encourage Alaskans to be more involved in the fisheries.

[1:22:47 PM](#)

REPRESENTATIVE HERRON recalled reading an op-ed in "The Alaska Observer" on Sarah Palin written by Mr. Brown. He inquired as to why Mr. Brown had selected the obscure paper and what type of reaction had he received from his column.

MR. BROWN responded that he has written a column for the Juneau Empire for about five years. He related that his column has been referred to as "The Alaska Observer." He said the newspaper changed hands several times and a few editors ago the newspaper quit referring to his column as "The Alaska Observer." He indicated he had selected the name from the New York Observer which was a weekly paper he read when he lived in New York while attending law school. He reflected on his role as a columnist, noting it brings up the dilemma of the columnist wanting to write something that people will read and be interested in, but it also means the content will also make some people unhappy. He mentioned he previously had written columns prior to law school. Out of all the columns he's written, "Saying nice things about Sarah Palin was a surefire way to get a response from Republicans and from Democrats," he said. He recalled that his family knew her parents, the Heaths, in Palmer but Ms. Palin was a few years ahead of him in school so he did not know her. He learned about Ms. Palin once she became part of the political process and he offered that she did some good things for Alaska while she was governor. He has stopped writing about her since she has moved on to other things. He also remarked that he has never written anything he did not believe to be true.

[1:25:14 PM](#)

REPRESENTATIVE HERRON asked whether he holds a proprietary title to "The Alaska Observer" since World News Network, wn.com, also has a subtitle called "Alaska Observer."

MR. BROWN answered that has never had any proprietary ownership to the specific name.

[1:26:02 PM](#)

REPRESENTATIVE MUNOZ commented that she has known Mr. Brown for many years and has been impressed by his intellect and community service in public radio and theatre. She said she is pleased to have him step forward for this position.

CO-CHAIR SEATON noted that many legislators have held conversations with Mr. Brown regarding various theatre groups or during his previous lobbying efforts. He recalled the lack of Alaskans participating in the scallop fishery due to the structure of the fishery. He thought that the discussions were in line with how to get more Alaskans involved in the fisheries. He looked forward to ongoing investigations to encourage more Alaskans to participate in all fisheries in Alaska.

[1:27:45 PM](#)

MR. BROWN clarified that Alaska's statutory authority to issue vessel-based permits for the weathervane scallops will sunset on December 30, 2013. He acknowledged the deadline will probably be coming back before the body before the sunset date. He pointed out that the ADF&G would also be reviewing this matter.

CO-CHAIR SEATON said he thought everyone could agree that the legislature would like to see the ability of more Alaskans to participate.

[1:28:57 PM](#)

REPRESENTATIVE DICK indicated that he was impressed Mr. Brown has asked others for wisdom, which speaks to him. He said he liked his willingness to speak to others which seems to be an indicator that Mr. Brown has an open mind.

CO-CHAIR FEIGE stated that the House Resources Standing Committee has reviewed the qualifications of Ben Brown for the Alaska Commercial Fisheries Entry Commission (CFEC). He moved to forward his name to the joint session of the House and Senate for confirmation. There being no objection, Mr. Brown's name was advanced from the House Resources Standing Committee.

CO-CHAIR SEATON noted that each member's signature on the committee's report in no way reflects the member's vote during the joint floor session.

[1:30:05 PM](#)

CONFIRMATION HEARING(S): Big Game Commercial Services Board

1:30:16 PM

CO-CHAIR SEATON announced that the next order of business would be the confirmation hearing on Kelly Vrem, appointee to the Big Game Commercial Services Board.

1:30:42 PM

KELLY VREM, Master Guide Number 102, stated that he was born in Anchorage and was raised in Eagle River, Alaska. He moved to Bethel in 1979 for Chugach Aviation. He graduated from Chugiak High School and attended college in Colorado but quit to come back to Alaska to guide. He became an assistant guide in 1972 and a registered guide in 1977. He has been actively involved in guiding since 1972, but has also been a pilot and heavy equipment operator. He moved from Bethel to Chugiak in 1982 and in 2009 relocated to Sutton.

MR. VREM said he has attended the majority of the Guide Board's meetings since 1974 and has seen various permutations of the board. He emphasized that he has an active interest in guiding regulations and has been a strong advocate of regulating guides. He offered his belief that the legislature has far more important things to do and this board serves a useful function by regulating the guiding activities in Alaska and adjudicating any problems or correctional activities.

1:33:11 PM

REPRESENTATIVE HERRON asked whether Mr. Vrem still had an airstrip on the Salmon River off the Aniak.

MR. VREN answered no, that he left that specific area in 1984. He offered his belief that another guide, Bob Adams has it now.

1:33:39 PM

REPRESENTATIVE HERRON inquired about guiding sheep in McGrath area. He said he has heard complaints that the state should return to guides having an area rather than outfitters come through to vacuum up all the sheep before moving on to the next area.

MR. VREN answered that he supports guide-use areas because it has many benefits. He characterized it as similar to limited

entry in some respects since the areas provide guiding rights but not exclusive use of game. The guide can "farm the area" and work with ADF&G to determine optimum harvest levels. It would also provide resident hunters a change to go to an area with known hunting pressure. He reiterated that without guide areas some people will work an area for two weeks then move on to another area for moose season and on to yet another unit to hunt for brown bear. He offered his belief that without guide areas the game units are subject to wide fluctuations of hunting pressure. He elaborated that some areas of the state are under-utilized by guides and other areas have been over-utilized by guides.

[1:36:01 PM](#)

CO-CHAIR FEIGE advised members that he used to do business for Mr. Vrem by hauling clients to his camp from 1997-1999. He stated that Mr. Vrem "runs a good operation" and maintains high standards. He said he believe Mr. Vrem's heart is in this position. He asked him to discuss the letter in members' packets that outline three main events which changed guiding in Alaska. He further asked him to elaborate on the second point by describing how Alaska National Interest Lands Conservation Act (ANILCA) changed guiding.

MR. VREN answered that he had been guiding on the Andraefsky River and on the Kawalik River when the national wildlife refuges came into being. He related that the progression was not too bad although it was under the U.S. Fish & Wildlife Service (USFWS), which had stringent rules and operating parameters. Since ANILCA passed he has sensed that the federal agencies are increasingly managing the wildlife, which he thought should be reserved to the ADF&G. The federal government started regulating guides after the Owsichek decision was issued and the state delayed implementing re-implementing guide-use areas to accommodate the Alaska Supreme Court's decision. He offered his belief that the state could be "stuck" with a dual-guide system with both the federal and state involvement.

[1:38:45 PM](#)

CO-CHAIR SEATON related his understanding that the exclusive guiding area were thrown out by a court decision. He further understood that Mr. Vrem supports exclusive guide-use areas but he assumed Mr. Vrem was not in favor of trying to override the Owsichek decision.

MR. VREN agreed. He pointed out the Owsichek decision by the Alaska Supreme Court stipulated three things. It stipulated that the guide-use areas did not expire. It identified that the state did not receive any financial remuneration from guide activities. Finally, it identified that the initial criteria had been based on prior occupancy. Essentially, the judge said the state could resume using guide areas if it addressed those three issues but the state did not do so. The DNR Division of Mining, Land and Water have been developing guide-use area concepts but the BGCSB has not participated except in an advisory capacity. He related that public comment will be taken to determine what, if any, system should be in place for guide-use areas on state lands. He did not think many exclusive use areas, if any, would be established. He related a scenario in which one of the areas he was assigned sole use of has been divided into three parts and each of the three parts contains three guide-use areas. Thus, instead of one guide there will now be guides operating in the same land area.

[1:41:45 PM](#)

CO-CHAIR FEIGE inquired as to the size of the moose rack pictured on his website.

MR. VREN answered the one he thinks he is referring to is about 62 inches but he has taken a couple of 65 inch moose last year.

[1:42:24 PM](#)

CO-CHAIR FEIGE stated that the House Resources Standing Committee has reviewed the qualifications of Mr. Kelly Vrem for the Big Game Commercial Services Board (BGCSB). He moved that Mr. Kelly Vrem's name be forwarded to the joint session of the House and Senate for confirmation. There being no objection, Mr. Vrem's name was advanced from the House Resources Standing Committee.

CO-CHAIR SEATON noted that each member's signature on the committee's report in no way reflects the member's vote during the joint floor session.

[1:43:06 PM](#)

The committee took an at-ease from 1:43 p.m. to 1:44 p.m.

HB 173-SPORT FISHING GUIDING SERVICES

[1:44:14 PM](#)

CO-CHAIR SEATON announced that the next order of business is HOUSE BILL NO. 173, "An Act amending the termination date of the licensing of sport fishing operators and sport fishing guides; and providing for an effective date."

[1:44:44 PM](#)

REPRESENTATIVE STEVE THOMPSON, Alaska State Legislature, stated that HB 173 would provide a one-year extension of an existing program for sport fishing guides, fishing operators' licensing and log book. He offered that this program benefits both the state and industry. The program provides valuable economic data on sport fishing industry and critical harvest data for resource managers and also provides recognition and professionalism for sport fish guides and operators. This bill has a companion bill in the other body. The ADF&G supports the bill in its current form. He reiterated that this bill would provide a one-year extension of an existing program that is good for the state and the industry.

[1:46:22 PM](#)

CHARLES SWANTON, Director, Division of Sport Fish (DSF), Alaska Department of Fish & Game (ADFG), referred to the fiscal note and explained that the change would truncate the fiscal year 2013 to reflect the program's sunset date of January 1, 2013. The problem identified at the last hearing indicated that although the program operates on a fiscal year the actual program begins on January with the issuance of log books, licensing, and updating information for the upcoming season.

[1:48:04 PM](#)

REPRESENTATIVE P. WILSON offered her belief that sport fish guiding is needed. She inquired as to the reason for the legislature taking this action for only one year at a time.

CO-CHAIR SEATON related that over the interim a panel will meet to work out details on this program. Additionally, this bill coincides with a bill in the other body to avoid a conference committee.

[1:49:36 PM](#)

REPRESENTATIVE MUNOZ said she hoped the task force will recommend extending this program beyond one year because she thinks it is effective. She asked about previous testimony about a duplication of data.

[1:50:21 PM](#)

MR. SWANTON answered that the division has three primary data collection programs, including the comprehensive statewide harvest survey which has been conducted since 1977, the creel programs focused on certain fisheries, and the logbook program. He pointed out that there is some redundancy since anyone who buys a license is eligible to receive a survey so the chance of someone going out on a boat receiving a survey is high. Additionally, some redundancy exists since the department compares estimates using data from a subset of charter boat fishermen logbook reports as a verification tool. He offered his belief that the ADF&G's methods as well as the logbook program provide more than adequate data.

[1:52:55 PM](#)

REPRESENTATIVE KAWASAKI referred to the fiscal note which includes funds from the sport fish license sales. He inquired as to whether the sport fish license fee use is appropriate.

MR. SWANTON responded that the program was originally instituted in 2004. At that time sport fish guiding was voluntary. As soon as the program had fees the ADF&G saw a drop off of registered guides. The fees the department was collecting did not cover the cost of the entire program so the ADF&G supplemented the program costs from license fees, which are derived from resident and nonresident sport fishing licensees. He offered his belief the source represents a perfectly fine source of revenue to support this program.

[1:55:14 PM](#)

REPRESENTATIVE KAWASAKI recalled the original program sunset date was 2009, based on the program becoming digitized with fewer costs. Costs have not been reduced so he inquired as to whether progress has been made.

MR. SWANTON responded in 2011 the ADF&G reduced the logbook size and instituted scannable technology. He reported that some of the "bugs" still need to be worked out with the new reporting methods. He recalled any pencil marks that fall inside the

information box negate or "kick out" the data. The department has been working to address the technology issues. Additionally, the department anticipates the saltwater logbooks will tabulate the timely and sensitive data input currently required. The cost savings are difficult to project.

[1:56:49 PM](#)

REPRESENTATIVE HERRON referred to the fiscal note label on page one is different from the information on page two.

MR. SWANTON offered his belief that the label was a mistake.

[1:57:38 PM](#)

CO-CHAIR SEATON asked for further clarification.

MR. SWANTON answered that the information should read 3.7 fulltime positions in 2012 and 2.1 in 2013. He explained the division took a percentage calculation of half a year and reduced the fulltime equivalents by that figure.

REPRESENTATIVE HERRON said he is fine with that.

[1:58:57 PM](#)

REPRESENTATIVE MUNOZ moved to report HB 173 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 173 was reported from the House Resources Standing Committee.

[1:59:34 PM](#)

The committee took an at-ease from 1:59 p.m. to 2:08 p.m.

HB 106-COASTAL MANAGEMENT PROGRAM

[2:08:44 PM](#)

CO-CHAIR SEATON announced that the final order of business is HOUSE BILL NO. 106, "An Act extending the termination date of the Alaska coastal management program and relating to the extension; relating to the review of activities of the Alaska coastal management program; providing for an effective date by amending the effective date of sec. 22, ch. 31, SLA 2005; and providing for an effective date."

[2:08:54 PM](#)

CO-CHAIR SEATON made a motion to adopt Amendment 6, labeled 27-GH1965\A.16, Bullard, 3/30/11, which read as follows:

Page 2, line 11, of the amendment:

Delete "are"

Page 2, lines 12 - 17, of the amendment:

Delete all material and insert:

"(1) are clear and concise as to the activities and persons affected by the policies;

(2) use prescriptive or performance-based standards that are written in precise and enforceable language; and

(3) address a coastal use or resource of concern to the residents of the coastal resource district as demonstrated by local knowledge or supported by scientific evidence"

Page 4, line 6, of the amendment:

Delete "board's"

Insert "department's"

Page 4, line 21, of the amendment:

Delete the quotation mark.

Page 4, following line 21, of the amendment:

Insert new material to read:

"* **Sec. 6.** AS 46.40.210(1) is repealed."

CO-CHAIR SEATON explained that Amendment 6 would amend the language in a previous amendment, Amendment 2, labeled A.2, which was previously adopted by the committee at an earlier meeting.

REPRESENTATIVE HERRON objected for the purpose of discussion.

[2:09:59 PM](#)

CO-CHAIR SEATON explained the purpose of Amendment 6. He referred to page 2, lines 12-17, the department wished to modify the three criteria laid out. Additionally, Amendment 6 would change the definition previously adopted by deleting the word, "board's" on page 4, lines 6, and substituting "department's" since the policy board has not yet been adopted. He

characterized this as a technical change. Section 6 repeals the definition that is adopted in Section 5.

[2:11:31 PM](#)

JOE BALASH, Deputy Commissioner, Department of Natural Resources (DNR), introduced himself.

CO-CHAIR SEATON asked Mr. Balash whether the department was comfortable with the amendment offered.

MR. BALASH asked for whether adopting Amendment 6 would effectively amend the previous amendment that was adopted, labeled A.2.

CO-CHAIR SEATON answered yes.

MR. BALASH answered yes the department was comfortable with Amendment 6.

[2:11:54 PM](#)

REPRESENTATIVE MUNOZ asked to speak to the language previously adopted. She referred to page 2, line 18 of the previous Amendment 2, labeled A.2. She noted that Amendment 6 appears to have deleted language which would have required no duplication or restatement of effort could be taken. She inquired as to whether that language has been preserved in other portions of the statute.

MR. BALASH agreed that she was correct. However, he indicated the department has been willing to take a leap of faith that a subsequent amendment would subsequently be adopted which would insert this language in another section of the bill.

REPRESENTATIVE MUNOZ asked for a specific reference.

MR. BALASH answered that a proposed amendment would be in the form of an amendment labeled A.4.

CO-CHAIR SEATON clarified that an amendment labeled A.4 would not be offered because the language would be modified. He assured members the language Representative Munoz referred to would be offered under a new amendment.

REPRESENTATIVE MUNOZ emphasized that the deleted language is very important language.

CO-CHAIR SEATON signaled his intention to maintain that language.

REPRESENTATIVE HERRON removed his objection.

[2:14:50 PM](#)

REPRESENTATIVE KAWASAKI objected to comment. He noted the awkward mechanics involved to amend an amendment. He deferred to the committee for its preference. He then withdrew his objection.

REPRESENTATIVE HERRON clarified that Amendment 6 was labeled A.16.

CO-CHAIR SEATON explained that Amendment 6, which is labeled A.16, would amend language the committee previously adopted when it passed Amendment 2 at a prior meeting. There being no further objection, Amendment 6 was adopted.

[2:15:44 PM](#)

[HB 106 was held over.]

[2:16:35 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:16 p.m.