

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 22, 2011

8:03 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 74

"An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

- MOVED CSHB 74(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 74

SHORT TITLE: INFO ON MATTERS IN ELECTION PAMPHLET

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/18/11	(H)	PREFILE RELEASED 1/14/11
01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	STA, FIN
02/17/11	(H)	STA AT 8:00 AM CAPITOL 106
02/17/11	(H)	Heard & Held
02/17/11	(H)	MINUTE(STA)
02/22/11	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

ALPHEUS BULLARD, Attorney at Law
Legislative Legal and Research Services
Legislative Affairs Agency
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74.

ACTION NARRATIVE

[8:03:45 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Keller, Seaton, P. Wilson, Johansen, Gruenberg, Petersen, and Lynn were present at the call to order.

HB 74-INFO ON MATTERS IN ELECTION PAMPHLET

[8:04:13 AM](#)

CHAIR LYNN announced that the only order of business was HOUSE BILL NO. 74, "An Act relating to election pamphlets; relating to information that must be provided for a bill under consideration by the legislature that authorizes the issuance of state general obligation bonds and to information that must be provided before the issuance of state general obligation bonds is submitted to the voters for ratification; and providing for an effective date."

[Before the committee was the committee substitute (CS), Version 27-LS0008\O, Bullard, 2/16/11, adopted as a work draft on 2/17/11.]

[8:04:30 AM](#)

REPRESENTATIVE KELLER moved to adopt the committee substitute (CS) for HB 74, Version 27-LS0008\U, Bullard, 2/21/11, as a work

draft. There being no objection, Version U was before the committee.

8:04:51 AM

REPRESENTATIVE GRUENBERG, as sponsor of HB 74, reviewed the changes made in Version U. First, on page 3, lines 24-26, the date for submission of material for the general election pamphlet was changed from July 22 to the day following the primary election. Next, on page 4, line 1, the date for submission of material for the primary election pamphlet was changed from June 1 to June 2. Representative Gruenberg relayed that the director of the Division of Elections said those were the latest dates that could still work. The next change, he said, on page 4, lines 1-2, is that the date for submission for material for a special election is set by the lieutenant governor, because a special election could be called at any time. Another change, on page 5, lines 11-14, is a new Section 9, which requires that the report on state public debt, created in AS 37.07.045, be published on the state's web site. He related that that necessitated a change in the title, which is found on page 1, lines 4-5.

REPRESENTATIVE GRUENBERG said the next change, on page 6, line 4, [in Section 11], is to remove primary elections from the requirement to post a notice for bond issues, because bond issues are never on primary election ballots. He noted that another change, [also in Section 11], pertains to [paragraph (1), page 6, lines 12-13, which read as follows]:

(1) the current general obligation [TOTAL] bonded indebtedness of the state and the effect of the proposed bonding on that indebtedness;

REPRESENTATIVE GRUENBERG said the words "and other", which appeared in Version O following "general obligation", were deleted from Version U. He explained, "The reason is because the disclosure is of general obligation bonds; not all other bonded indebtedness is set out. We simply are going to be referencing the state's web site, and people can look at the other indebtedness to find that and get the bond report." Representative Gruenberg then directed attention to a new Section 7, added to Version U, [on page 6, lines 27-30], which read as follows:

(7) a brief description of the report relating to the state's bonded debt prepared by the

Department of Revenue under AS 37.07.045 and the Internet address where the full report is available to the public under AS 37.07.045(b).

REPRESENTATIVE GRUENBERG emphasized the importance of directing the public to the Internet for further information, because not everything can be published in the election pamphlet.

[8:11:41 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1, labeled 27-LS0008\U.1, Bullard, 2/21/11, which read as follows:

Page 3, line 18, through page 4, line 5:

Delete all material and insert:

"* **Sec. 4.** AS 15.58.030(b) is amended to read:

(b) An [NO LATER THAN JULY 22 OF A YEAR IN WHICH A STATE GENERAL ELECTION WILL BE HELD, AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative under AS 15.25.030 or 15.25.180 may file with the lieutenant governor a photograph and a statement advocating the candidacy. For a primary election, the photograph and statement shall be filed with the lieutenant governor not later than June 2. For the general election, the photograph and statement shall be filed with the lieutenant governor not later than the day following the date of the primary election, except that an [AN] individual who becomes a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate. For a special election, the photograph and statement shall be filed by a date specified by the lieutenant governor. A candidate whose photograph and statement appeared in the primary election pamphlet may file a different photograph and statement to appear in the general election pamphlet."

CHAIR LYNN objected for discussion purposes.

REPRESENTATIVE GRUENBERG said Amendment 1 reorders the sentences in Section 4 to make them chronological.

[8:12:35 AM](#)

CHAIR LYNN removed his objection. There being no further objection, Amendment 1 was adopted.

[8:12:48 AM](#)

REPRESENTATIVE KELLER related that he had contacted [Legislative Legal and Research Services] to find out the feasibility of incorporating the issue of the state's unfunded liability with legislation addressing bonded debt, and he was told that doing so could be problematic. He said another issue he had inquired about was general obligation bonds on the ballot. [Included in the committee packet are two memorandums, dated 2/21/11, from bill drafter Alpheus Bullard of Legislative Legal and Research Services, written to Representative Keller in response to his two concerns.]

[8:13:46 AM](#)

REPRESENTATIVE GRUENBERG expressed appreciation for Representative Keller's valid concerns, but explained that he had asked Representative Keller to address the issue of unfunded liability in a separate bill.

[8:15:37 AM](#)

REPRESENTATIVE SEATON, referring to the memorandum from Mr. Bullard to Representative Keller, dated 2/21/11, which addresses the issue of general obligation bonds on the ballot, directed attention to the first sentence on the second page, in which Mr. Bullard writes that the inclusion of the word "primary" in Section 10 of the bill "does not serve to alter the elections at which a [general obligation] bond may appear." He asked Representative Gruenberg if the word "primary" had been removed from that section in Version U.

The committee took a brief at-ease.

[8:16:40 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that the word "primary" had been removed in Version U.

[8:20:21 AM](#)

ALPHEUS BULLARD, Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, Alaska State Legislature, confirmed that is correct.

[8:21:00 AM](#)

REPRESENTATIVE GRUENBERG, in response to a question from Representative Wilson, reiterated that Representative Keller would not be offering an amendment to include the issue of unfunded liability in HB 74, but concurred with Representative Wilson that it is a subject in need of attention.

REPRESENTATIVE P. WILSON expressed concern that if the issue of unfunded liability is not addressed before HB 74 goes into effect, then "this is going to leave this question up in the air."

REPRESENTATIVE GRUENBERG opined that the issue of the unfunded liability would take considerable time to address, and he expressed his hope that HB 74 would not be delayed.

CHAIR LYNN remarked upon the effect of adding issues to bills. He then summarized the intent of HB 74.

REPRESENTATIVE GRUENBERG indicated that he would support the crafting of an amendment that incorporates the unfunded liability issue into HB 74, if it could be done without delaying the process in a 90-day session. In response to Representative Wilson, he clarified that the issue has never been in the bill.

[8:24:48 AM](#)

REPRESENTATIVE SEATON referred to a memorandum in the committee packet, from Mr. Bullard to Representative Gruenberg, dated 2/21/11, in which Mr. Bullard wrote that the language in Section 10 "is likely to be interpreted as including more than general obligation bonded indebtedness." He noted that the memorandum referred to Version O, and asked whether the statement holds true for Version U.

[8:26:42 AM](#)

MR. BULLARD responded that [with the adoption of Amendment 1], "and other" was removed, and it is clear that the remaining language pertains only to general obligation bond indebtedness.

REPRESENTATIVE GRUENBERG echoed Mr. Bullard's explanation.

[8:29:23 AM](#)

REPRESENTATIVE PETERSEN directed attention to language on page 4, line 1, which states that the deadline for candidates to submit their photographs and statements for a primary election would be "**not later than June 2**". He noted that sometimes the filing deadline falls on a weekend and is pushed forward to the next business day, and he asked if an adjustment is needed.

[8:30:41 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, offered her understanding that if the filing deadline falls on a Saturday, Sunday, or state or federal holiday, it would move to Monday at 5 p.m. She suggested the committee may wish to amend the language in Version U to accommodate that. In response to Chair Lynn, she said such an occurrence will happen in 2012.

MR. BULLARD, in response to Representative Gruenberg, said he sees no legal issue with such an amendment.

[8:33:02 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 2, as follows:

Page 4, line 1:

Delete "**June 2**"

Insert "the day following the filing deadline"

[8:33:31 AM](#)

REPRESENTATIVE SEATON objected to ask if the same amendment would be made on page 3, line 25.

REPRESENTATIVE GRUENBERG said he does not think that is necessary.

REPRESENTATIVE SEATON removed his objection.

MS. FENUMIAI confirmed that the wording does not need to be changed on page 3, line 25, because that language relates to the primary election, which is always on a Tuesday.

[8:36:25 AM](#)

MS. FENUMIAI, in response to Representative Gruenberg, said she had consulted with the division's two full-time staff members in charge of the primary and general election pamphlets who felt strongly that because there is such a tight timeline, to push the deadlines out a week would be detrimental and perhaps jeopardize the division's ability to publish the information on time as required by statute. In response to the chair, she offered her understanding that when the candidates' statements are sent to them for editing, those candidates may look for typographical errors and misspellings, but may not rewrite the statement at that point.

[8:38:32 AM](#)

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

[8:38:46 AM](#)

REPRESENTATIVE KELLER stated that although he would not stand in the way of the proposed legislation, he would hold back on giving it a ["do pass"], because he said he would like more time to consider whether the bill could be further improved. In response to the chair, he confirmed that he is considering an amendment that could be given to the bill sponsor to present to the House Finance Committee.

[8:39:37 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 74, Version 27-LS0008\U, Bullard, 2/21/11, [as amended], out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 74(STA) was reported out of the House State Affairs Standing Committee.

[8:40:45 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:41 a.m.