

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 15, 2011

8:06 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

MEMBERS ABSENT

Representative Kyle Johansen

COMMITTEE CALENDAR

HOUSE BILL NO. 169

"An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 176

"An Act relating to an allowable absence for members of the Civilian Expeditionary Workforce of the United States Department of Defense for purposes of determining eligibility for permanent fund dividends; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 169

SHORT TITLE: LAA REVIEW OF PROPOSED REGULATIONS

SPONSOR(s): JUDICIARY

02/23/11	(H)	READ THE FIRST TIME - REFERRALS
02/23/11	(H)	JUD
02/23/11	(H)	STA REFERRAL ADDED BEFORE JUD
03/15/11	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 176

SHORT TITLE: PFD ALLOWABLE ABSENCE:DEFENSE WORKERS
SPONSOR(s): MILLER

03/07/11 (H) READ THE FIRST TIME - REFERRALS
03/07/11 (H) STA, FIN
03/15/11 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE GATTO
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 169 on behalf of the House Judiciary Standing Committee, sponsor, on which he serves as chair.

SARA MUNSON, Staff
Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 169, on behalf of the House Judiciary Standing Committee, sponsor, which is chaired by Representative Gatto.

LISA KIRSCH, Drafting Attorney
Legislative Legal and Research Services
Legislative Affairs Agency
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 169.

DEBORAH BEHR, Chief Assistant Attorney General - Statewide
Section Supervisor
Legislation & Regulations Section
Civil Division (Juneau)
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 169.

REPRESENTATIVE BOB MILLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 176 as sponsor.

TROY BOUFFARD, Staff

Representative Bob Miller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 176 and answered questions on behalf of Representative Miller, sponsor.

ACTION NARRATIVE

[8:06:36 AM](#)

VICE CHAIR WES KELLER called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Seaton, P. Wilson, Petersen, and Keller were present at the call to order. Representatives Lynn and Gruenberg arrived as the meeting was in progress.

HB 169-LAA REVIEW OF PROPOSED REGULATIONS

[8:06:48 AM](#)

VICE CHAIR KELLER announced that the first order of business was HOUSE BILL NO. 169, "An Act relating to the review of proposed regulations by the Legislative Affairs Agency; and providing for an effective date."

[8:07:13 AM](#)

REPRESENTATIVE GATTO, Alaska State Legislature, presented HB 169 on behalf of the House Judiciary Standing Committee, sponsor, on which he serves as chair. He said he recently learned that existing law restricts who attorneys working within the Legislative Affairs Agency can notify regarding the results of a regulation review. As explained in the sponsor statement [included in the committee packet], Representative Gatto explained that the proposed legislation would allow those attorneys to notify the committee or council that requested the review that the regulations do not meet statutory standards. Furthermore, it would allow the attorneys to consult with and notify the prime sponsor of the legislation if the proposed regulation implements newly passed legislation. Finally, HB 169 would allow the attorneys to notify the person who requested the regulation review when the regulations meet statutory standards.

[8:09:16 AM](#)

REPRESENTATIVE SEATON noted that language in existing statute states that the assigned attorney "may consult" with specific persons, and he asked if HB 169 would provide an exclusive list.

[8:09:39 AM](#)

SARA MUNSON, Staff, Representative Carl Gatto, Alaska State Legislature, on behalf of the House Judiciary Standing Committee, sponsor, which is chaired by Representative Gatto, directed attention to AS 24.20.105(b), which prioritizes a list of reviews which "shall be conducted". She paraphrased paragraph (2), which read as follows:

(2) proposed regulations requested in writing to be reviewed by a standing committee, the Administrative Regulation Review Committee, or the legislative council as implicating major policy development.

MS. MUNSON said the phrase "may consult", in HB 169, refers only to determining the review.

REPRESENTATIVE SEATON asked Ms. Munson to confirm his understanding that the Administrative Regulation Review Committee may conduct a review of new legislation without a request to do so by a member of the legislature.

MS. MUNSON said she does not know the answer.

[8:12:04 AM](#)

VICE CHAIR KELLER ventured that one factor is who the sponsor is versus who is on the Administrative Regulation Review Committee.

[8:12:15 AM](#)

REPRESENTATIVE P. WILSON opined that it is important for all legislators to be notified, not just one.

REPRESENTATIVE GATTO said he thinks anything that is passed is subject to regulations, and legislators may find that their e-mail is loaded. He said he had taken the suggestion of Terri Lauterbach, of Legislative Legal and Research Services, regarding who should be included in the bill.

[8:14:16 AM](#)

MS. MUNSON cited AS 24.20.105(g), which read as follows:

(g) Except as provided in this section, the Legislative Affairs Agency may not release any information regarding its review of a proposed regulation under this section.

MS. MUNSON said there is a confidentiality issue at stake.

[8:15:36 AM](#)

REPRESENTATIVE PETERSEN ventured that an assumption is being made that sometimes Legislative Legal and Research Services does not perceive problems with regulations that will have to be created as a result of newly enacted legislation.

MS. MUNSON said newly enacted legislation sometimes requires regulation that has to be reviewed, and if that review shows regulation that does not meet statutory standards, HB 169 would allow Legislative Legal and Research Services to notify the prime sponsor of the legislation from which the regulation resulted.

[8:17:13 AM](#)

REPRESENTATIVE GATTO said the legislature often passes legislation that is in conflict with law, and regulation review ensures that new law matches existing statute.

[8:18:34 AM](#)

REPRESENTATIVE GRUENBERG talked about a booklet, in which the reviser of statutes gives a report on any newly enacted regulations or court cases that suggest legislative review, and he opined that judges should receive the book. He stated his support of HB 169, and predicted it would result in "some really good things coming from the legislature."

[8:21:30 AM](#)

REPRESENTATIVE SEATON said he understands the focus of the bill is on the prime sponsor of legislation, but ventured that there are committees of jurisdiction in the House whose responsibilities are to look at law, and the responsibility of the chair of those committees is to look at what is being passed to see if it follows statute. He relayed that when he was vice chair of the Administrative Regulation Review Committee, he sent

memorandums ("memos") to all members who were chairs of committees to ensure their staff reviewed regulations proposed by agencies to make certain those regulations were consistent with the jurisdiction on which the committee had purview. Representative Seaton asked the bill sponsor to consider including those committee chairs in the bill.

[8:23:58 AM](#)

REPRESENTATIVE GATTO said it is not possible to determine in advance of passing a bill what regulations will be created in response to it; regulations can be adopted years after legislation exists. In terms of who to notify, he opined that the prime sponsor is "the person who has the most invested," whereas the committee chair may just be involved only in getting the bill heard.

REPRESENTATIVE SEATON clarified that he would like notification given to the committee chair that has current jurisdiction over the issues being addressed in regulations stemming from legislation.

[8:26:17 AM](#)

REPRESENTATIVE GATTO concurred with Representative Seaton that the information should be sent to the chair with current jurisdiction.

[8:27:32 AM](#)

REPRESENTATIVE KELLER noted that "a standing committee" is listed in AS 24.20.105(b)(2) [text provided previously].

[8:28:02 AM](#)

REPRESENTATIVE SEATON said he thinks [AS 24.20.105(b)(2)] gives a standing committee the authority to request a review, but that is not the same as notifying the committee chair and staff. He explained, "If the committee chair that has jurisdiction over that didn't specifically ... make a request for a review of regulation, they don't get notification."

[8:28:42 AM](#)

REPRESENTATIVE GRUENBERG said AS 24.20.105 deals with Legislative Legal and Research Services within the Legislative Affairs Agency, and there are other statutes that deal with the

Administrative Regulation Review Committee and standing committees. He said a key point is the "triggering mechanism." He paraphrased AS 24.05.182(a), which read as follows:

(a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

REPRESENTATIVE GRUENBERG listed the following entities that should be notified: Legislative Legal and Research Services, the Administrative Regulation Review Committee, and the [applicable] standing committee. He indicated that the system will work better when there is notification.

[8:32:31 AM](#)

REPRESENTATIVE GATTO said he thinks Representative Gruenberg recommendation makes sense, and he said he would not object to an amendment. He suggested the amendment could be made in the House Judiciary Standing Committee, which is the committee of next referral.

[8:33:07 AM](#)

VICE CHAIR KELLER said that as a past chair of the Administrative Regulation Review Committee, he thinks HB 169 is a good bill. He ventured that a reform of the regulation review process is probably needed, but he said it may be harmful to turn HB 169 into a reform bill. He then directed attention to proposed language on page 2, lines 7-10, which read as follows:

If, after performing a review requested under (b)(2) of this section, the assigned attorney determines that the proposed regulations meet the standards set out in (d) of this section, the assigned attorney shall communicate that determination to the requester.

VICE CHAIR KELLER questioned if there should be "some kind of accountability or protection for that attorney."

REPRESENTATIVE GATTO offered his understanding that Vice Chair Keller is requesting there be a second opinion.

[8:35:46 AM](#)

MS. MUNSON said she does not know about the accountability mechanisms within [Legislative Legal and Research Services], but stated that HB 169 would require its lawyers to provide notification, even if there are no problems found with the review, and that would help the requestor know that the process has been completed.

8:36:40 AM

REPRESENTATIVE GRUENBERG cited AS 24.20.105(c), which read as follows:

(c) Under AS 44.62.190(a)(7), the notice of proposal action, along with a copy of the proposed regulation, shall be furnished electronically by the state agency to the

- (1) Legislative Affairs Agency;
- (2) chairs of the standing committees with jurisdiction over the subject of the proposed regulations;
- (3) Administrative Regulation Review Committee;
- (4) legislative council.

REPRESENTATIVE GRUENBERG pointed out that that only applies during the 30-day period of public comment, which is very little time. He suggested that a stay could be put on reviews, to give the legislature more than 30 days. He said he thinks [HB 169] provides the opportunity for reform.

8:39:41 AM

REPRESENTATIVE SEATON stated his assumption that procedurally all legislators get notification, even though that is not supported by AS 24.20.105(c)(2).

VICE CHAIR KELLER said he is under the impression that all legislators get notification.

8:41:25 AM

REPRESENTATIVE GATTO said he receives numerous e-mails, which are notices of proposed rule-making, but questioned if there were others he does not receive. He observed that electronic notification is relatively easy to send, and the recipient can choose whether or not to read the notifications.

8:42:14 AM

REPRESENTATIVE P. WILSON, regarding the subject of responding to requests when no problems are found, referred to a sentence written by Terri Lauterbach of Legislative Legal and Research Services, on the second page of a memorandum ("memo") to the bill sponsor dated 2/18/11, which read as follows [original punctuation provided]:

I have deliberately not required this communication to be in writing so that a phone call could suffice; the requester, of course, could always request that the "no problems" response be in writing.

REPRESENTATIVE P. WILSON asked the bill sponsor if he wants to specify that the call be made in person, rather than having a message left on a machine, because sometimes messages left don't get received right away.

MS. MUNSON emphasized that this communication would be allowed only in those situations where the reviewer has not found legal flaws, and she said she does not know whether or not leaving a message on a machine would be problematic in terms of "shall notify". In response to Representative P. Wilson, she confirmed that if there is a perceived problem with legislation, then the attorney would have to relay that outcome to the requester in writing.

8:44:44 AM

LISA KIRSCH, Drafting Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, Alaska State Legislature, noted that prior to her work as a drafting attorney, she was a regulation reviewer. She stated that under Title 44, Chapter 62, of the Administrative Procedure Act, proposed regulations must go out to all legislators. There are at least 30 days of notice before another step is taken, depending on what happens during the comment period. The regulation review lawyer reviews the regulation(s) and, under current law, is allowed to communicate any concerns to the agencies, the Department of Law, and the attorney general. She said the attorney looks for the following: general legality and constitutionality, whether the agency has the authority to adopt the regulations, and whether those regulations are consistent with existing law. Ms. Kirsch said HB 169 would amend the current, "odd situation" in which standing committees are allowed to request a review, but the

release of the review is limited to a small group of people, which does not include the committee that requested the review.

8:49:29 AM

MS. KIRSCH, to Representative P. Wilson's query about sending the results of the review to everyone, stated that typically memos that come out of Legislative Legal and Research Services are kept confidential; there is type of attorney client relationship between a Legislative Legal and Research Services lawyer and a legislator, even when another legislator may make the same request. She said she thinks that relationship encourages open communication. She ventured that sending information to everyone may result in a glut of information being sent to many who have no concern in the issue.

8:50:17 AM

REPRESENTATIVE SEATON asked if notices of proposed actions and copies of proposed regulations are being sent only to those listed in AS 24.20.105(c) or are being sent also to the public and to all legislators.

MS. KIRSCH responded, "All those things are happening simultaneously." She characterized HB 169 as a "belt and suspenders" bill to ensure that those who have jurisdiction over the subject matter receive the information. Nonetheless, she related that agencies are required to send out notice to a broad range, including members of the public who have requested to be on the list. The information also is broadcast on the news. She said an electronic list of e-mail addresses is maintained to ensure that this happens.

REPRESENTATIVE SEATON surmised that the agency sending out the list must coordinate it, because he does not receive two copies as a result of being a standing committee chair and legislator.

8:52:54 AM

DEBORAH BEHR, Chief Assistant Attorney General - Statewide Section Supervisor, Legislation & Regulations Section, Civil Division (Juneau), Department of Law, explained that [prior to AS 24.20.105 (c)], under the Administrative Procedure Act, not everybody got copies of the proposed regulations and legislative council did not get routine mailings. She stated, "So, it's kind of a blending of two things. But chairs of standing committees -- you would get that under the Administrative

Procedure Act; the advantage of this is you also get a copy of the regulations."

[8:54:02 AM](#)

REPRESENTATIVE SEATON said he can understand agencies not wanting memos that question the legality of a regulation becoming public. He asked if there would be any protection of that confidentiality, and offered his understanding that [under HB 169], "legal review of the regulation, which might be questioned with the statute, would leave the confidentiality of the legislature."

[8:55:11 AM](#)

MS. KIRSCH responded that she views the confidentiality provisions as a limitation on what she can do with the memos and with whom Legislative Legal and Research Services can discuss them. Once the memo goes out, it is in the hands of the holder of the confidentiality - the person who is listed in statute - who then has the ability to further distribute the information. In response to Representative Seaton, Ms. Kirsch clarified that although the chair of the Administrative Regulation Review Committee has the ability to share the confidential information without punishment for doing so, Legislative Legal and Research Services encourages that the chair not erode the confidentiality.

[8:59:20 AM](#)

REPRESENTATIVE KELLER offered his understanding that HB 169 would not change confidentiality, but would allow for notification and consultation.

[9:00:00 AM](#)

MS. KIRSCH said what Vice Chair Keller is saying is essentially true. She reiterated her previous explanation.

[9:00:39 AM](#)

REPRESENTATIVE GRUENBERG stated, "This is a place where the rules of confidentiality come up against the public's right to know." He offered his understanding that Ms. Kirsch is talking about a small aspect of whether the attorney can release information, which is addressed in AS 24.20.105(g). He said the issue at hand is not about adjudicating but about rule making

and whether the agencies are overstepping their bounds. He said AS 24.20.105 deals with the proposed regulations, and he pointed out that there is a small time-frame, people are not notified, and there are issues of confidentiality. He said when he first looked at HB 169, he thought the proposed legislation was not controversial, but said he now sees the bill is "unlatching the door of something extremely important."

REPRESENTATIVE GRUENBERG said the second aspect is the examination of regulations and opinions, covered under AS 24.20.065. He said that is the final product that is published by the Legislative Affairs Agency but sent to no one. He thinks this is a key issue regarding the public's right to know.

[9:03:41 AM](#)

REPRESENTATIVE KELLER surmised that the bill would be held over. He said he concurs that the regulation review process must be improved. In response to Representative Gruenberg, he said he is not prepared at this time to decide which committee would take jurisdiction over the bill. He said he would prefer that Representative Gruenberg speak with the bill sponsor and then with the chair of the House State Affairs Standing Committee.

[9:05:01 AM](#)

The committee took a brief at-ease.

[9:05:06 AM](#)

VICE CHAIR KELLER talked about being the chair of the Administrative Regulation Review Committee and the challenge of serving on that committee.

[9:07:55 AM](#)

MS. KIRSCH, in response to Vice Chair Keller, said she has always received good help from the executive branch agencies adopting regulations. She said there were times when she did not agree with the agencies' interpretation of statute or pointed out mistakes of overlapping statutory and regulatory authority gone undetected by the agencies; however, she said her overall interaction with the agencies has been positive.

VICE CHAIR KELLER clarified that he wants to know what can be done to make the regulation process more accessible to the public.

[9:10:03 AM](#)

MS. BEHR said Vice Chair Keller has touched upon an issue that is being addressed by the lieutenant governor, who is keenly interested in improving electronic access so that the public can easily use the state's web sites.

[9:10:45 AM](#)

REPRESENTATIVE P. WILSON suggested that if a statute or regulation change is going to be made, the change should be clearly defined.

MS. BEHR responded that some agencies send "Dear Alaska" explanatory letters, but said she will emphasize Representative P. Wilson's point in training.

[9:12:07 AM](#)

REPRESENTATIVE SEATON asked for clarification regarding what information would be sent to past prime sponsors of legislation and when it would be sent.

MS. KIRSCH responded that when public notices are received by Legislative Legal and Research Services depends on when the agencies put them out. She said Legislative Legal and Research Services tries to finish its review during the public comment period. That may happen at any time, she added. She said the notice that goes out under the Administrative Procedure Act is sent to everyone, including the prime sponsor of the underlying statute that led to the change in regulation. She said, "If they are on a standing committee or whatever or one of these listed groups then they'll also get an electronic version of the [regulatory] changes, as well." Under [HB 169], the prime sponsor would receive any memorandum that points out problems, provided he/she is still an active member of the legislature.

REPRESENTATIVE SEATON said he would like to see a flow chart depicting the process. He said he is trying to figure out where "this pre-final regulation communication" goes.

[9:17:37 AM](#)

MS. KIRSCH said she does not think "we" are contemplating sending every communication between the regulatory review attorney and the agencies. The attorney would have the

opportunity to consult with the prime sponsor if he/she had a question about legislative intent. She continued as follows:

I suppose [that] if the prime sponsor requested ... more information, ... [then] you could ... consult with them under the change to the statute. But I think the document we're talking about is the final memo that contains the [regulation] attorney's review of the legality and constitutionality and the authority that the agency has. That memo would be the document that would go to the prime sponsor.

[9:18:55 AM](#)

MS. KIRSCH, in response to Representative P. Wilson, said one way she can determine legislative intent is by reading committee minutes.

[9:19:46 AM](#)

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

REPRESENTATIVE SEATON directed attention to the phrase "newly enacted legislation" on page 2, line 3, and said he would like clarification as to what that means.

[9:20:45 AM](#)

MS. KIRSCH relayed that the provisions related to "newly enacted legislation" are found in AS 24.20.105(b)(1), which is the provision that addresses the priority of regulations if there are more regulations at any given time that Legislative Legal and Research Services can review. She said [HB 169] addresses the prime sponsor in connection with "those that are newly enacted." Generally, she said, she views newly enacted legislation as that which has been enacted within the past five years. She said if legislation was enacted some time ago and regulations are already in place, then that is just an amendment of regulations, and she would not consider that "newly enacted".

[9:22:36 AM](#)

VICE CHAIR KELLER announced that HB 169 was heard and held.

[9:24:05 AM](#)

The committee took a brief at-ease, during which Vice Chair Keller handed the gavel back to Chair Lynn.

HB 176-PFD ALLOWABLE ABSENCE:DEFENSE WORKERS

[9:28:38 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 176, "An Act relating to an allowable absence for members of the Civilian Expeditionary Workforce of the United States Department of Defense for purposes of determining eligibility for permanent fund dividends; and providing for an effective date."

[9:29:32 AM](#)

REPRESENTATIVE KELLER moved to adopt the committee substitute (CS) for HB 176, Version 27-LS0224\B, Kirsch, 3/14/11, as a work draft.

[9:29:47 AM](#)

REPRESENTATIVE SEATON objected for discussion purposes.

[9:29:52 AM](#)

REPRESENTATIVE BOB MILLER, Alaska State Legislature, introduced HB 176 as sponsor. He said there is a list of those who are allowed to receive the Alaska Permanent Fund Dividend, and it came to his attention that there is a small contingent of Alaska residents who work for the U.S. Department of Defense, can be deployed to war zones, and, because of the length of time they are deployed, are not always eligible to receive a PFD. He said HB 176 would establish an allowable absence for those people.

[9:31:56 AM](#)

TROY BOUFFARD, Staff, Representative Bob Miller, Alaska State Legislature, presented HB 176 and answered questions on behalf of Representative Miller, sponsor. In response to Chair Lynn, he explained that there are approximately 53 civilians who are identified in the capacity of the Civilian Expeditionary Workforce. He specified that the bill clearly separates the workforce as that which can be deployed.

[9:33:43 AM](#)

REPRESENTATIVE P. WILSON directed attention to the terms list on page 1, line 14, through page 2, line 1, of Version M - "combat zone, qualified hazardous duty area, or a danger pay post" - and asked for a definition of each.

CHAIR LYNN requested a definition from the sponsor.

REPRESENTATIVE MILLER said he will get that clarification.

[9:37:42 AM](#)

REPRESENTATIVE SEATON said he would like not only the definitions, but also wants to know where those areas are.

[9:38:16 AM](#)

REPRESENTATIVE KELLER noted Section 2 states that the definitions of "Civilian Expeditionary Workforce", "combat zone", and "danger pay post" used in HB 176 are those used in United States Code. He pointed out one possible problem with using federal definitions in determining who will receive a PFD is that those definitions could change, which could affect who would be eligible for the PFD. He asked the bill sponsor if he has any objection to including a full definition of the terms in Alaska statute.

REPRESENTATIVE MILLER answered that he has no objection at present, but suggested that plainer language could be used for clarification.

CHAIR LYNN said he would like to see the definition in plain language.

[9:40:28 AM](#)

REPRESENTATIVE P. WILSON said a military person contacted her regarding HB 176, and this person has been out of the state for 10 years and has qualified every year but this one. She said she does not know which category he/she is in, but wants to know how the person can qualify once more for the PFD.

MR. BOUFFARD responded that someone in the active military is beyond the scope of HB 176.

REPRESENTATIVE MILLER stated his intent is for HB 176 to cover those who are current residents of Alaska who intend to return to Alaska.

[9:43:09 AM](#)

MR. BOUFFARD stated his understanding that HB 190 would address the issue to which Representative P. Wilson referred.

[9:44:13 AM](#)

REPRESENTATIVE GRUENBERG asked that the federal definitions referenced in Section 2 be provided to the committee. He then directed attention to Section 4, and questioned why the bill sponsor chose retroactivity of two years rather than one.

[9:45:17 AM](#)

REPRESENTATIVE MILLER, in response to Representative Seaton, said HB 176 would not apply to those teaching children on a military base.

[9:48:33 AM](#)

MR. BOUFFARD, in response to Representative Seaton, said the contracting civilian issue was a sticking point. He relayed that contractors have the ability to negotiate their salary, thus fall under the category of those who make an economic choice and are excluded from the scope of the bill.

[9:49:36 AM](#)

MR. BOUFFARD, in response to Representative P. Wilson, said the definition of civilian workforce is a civilian who works for the U.S. Department of Defense who is deployable.

REPRESENTATIVE MILLER, in response to Representative P. Wilson, said he would supply a definition clarifying the difference between "deployed" and "assigned".

[9:52:04 AM](#)

REPRESENTATIVE SEATON requested a list of the occupations of those who would be included under HB 176, because civilian expeditionary force is ambiguous and some situations sound like economic choice may be involved.

[9:54:02 AM](#)

CHAIR LYNN noted that Debbie Bitney, the director of the Permanent Fund Division, was available to answer questions.

[9:54:38 AM](#)

REPRESENTATIVE MILLER offered his understanding that in any given year, HB 176 would cover about six people.

[9:55:15 AM](#)

CHAIR LYNN announced that HB 176 was heard and held. [The motion to adopt Version B as a work draft was left pending.]

[9:56:46 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:57 a.m.