

SENATE FINANCE COMMITTEE

April 7, 2014

9:10 a.m.

[9:10:49 AM](#)

CALL TO ORDER

Co-Chair Meyer called the Senate Finance Committee meeting to order at 9:10 a.m.

MEMBERS PRESENT

Senator Pete Kelly, Co-Chair
Senator Kevin Meyer, Co-Chair
Senator Anna Fairclough, Vice-Chair
Senator Click Bishop
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

None

ALSO PRESENT

Suzanne Armstrong, Staff, Senator Kevin Meyer; Senator Bert Stedman; Darrell Breese, Staff, Senator Bill Stoltze; Representative Bill Stoltze.

PRESENT VIA TELECONFERENCE

Nicolene Jordan, Self, Palmer; Al Barrette, Self, Fairbanks; Mary Nanuwak, Self, Anchorage; Amy Erickson, Director, Division of Motor Vehicles, Department of Administration, Anchorage.

SUMMARY

SB 119 BUDGET: CAPITAL

SB 119 was HEARD and HELD in committee for further consideration.

SB 201 CRIMINAL TRESPASS ON PRIVATE PROPERTY

SB 201 was HEARD and HELD in committee for further consideration.

CSHB 19(RLS)(efd am)

PERM. MOT. VEH. REGISTRATION/TRAILERS

CSHB 19(RLS)(efd am) was HEARD and HELD in committee for further consideration.

CSHB 263(HSS)

EXTEND SENIOR BENEFITS PAYMENT PROGRAM

CSHB 263(HSS) was SCHEDULED but not HEARD.

#sb119

SENATE BILL NO. 119

"An Act making appropriations, including capital appropriations and other appropriations; making appropriations to capitalize funds."

[9:12:24 AM](#)

Co-Chair Kelly MOVED to ADOPT the committee substitute for CS SB 119 (FIN), Work Draft 28-GS2672\O (Martin, 4/6/14). There being NO OBJECTION it was so ordered.

[9:13:02 AM](#)

AT EASE

[9:18:54 AM](#)

RECONVENED

Co-Chair Meyer clarified that the version of the bill was "0" not zero.

SUZANNE ARMSTRONG, STAFF, SENATOR KEVIN MEYER, pointed to the "Multi-year Agency Summary" (copy on file). The first column represented the numbers that were spent by agencies in the FY 15 Capital Budget, which totaled \$1,877.189 million. Of the total capital budget, unrestricted general funds (UGF) were \$539.4 million; designated general funds (DGF) were \$129.3 million; other state funds were \$109 million; and federal receipts were slightly above \$1 billion. The second column represented the FY 14 Capital Supplemental Budget, which totaled \$5.73 million, of which \$2.9 million was UGF and \$2.1 million was DGF. The third

column was the FY 14 Supplemental Operating Budget, which totaled \$43.2 million, of which \$39.3 million was UGF, \$103,000 was DGF, \$3.8 million in other state funds, and there was a \$45,000 reduction in federal receipts.

Co-Chair Meyer queried the reduction of the current budget versus the previous year's budget. Ms. Armstrong replied that there was roughly a \$403.5 million reduction in total funds. She stated that it represented \$445.9 million in UGF, \$97 million in DGF, \$30 million in other state funds, and the federal component was increased by \$170 million.

Co-Chair Meyer surmised that the UGF spending was obtained by reductions made in the governor's proposal. He wondered if she would speak to the reductions in the governor's proposal. Ms. Armstrong responded that between the FY 14 Supplemental Budget and the FY 15 Proposed Budget there was approximately \$102 million in reductions. The UGF were reduced by \$88.5 million, DGF were reduced by \$17 million, and other state funds were increased by approximately \$3.8 million. Of the \$88 million reduction in UGF, approximately \$32.7 million of that was for the requested FY 14 supplemental request for the Susitna-Watana Dam. In the FY 15 reductions, there was \$5 million reduction from the governor's request of \$15 million for Positive Train Control for the Alaska Railroad. There was a reduction of approximately \$18 million from the UA deferred maintenance budget. There was a \$10 million in the Department of Transportation and Public Facilities (DOT/PF) budget, but projects had been identified as completed, so there were repurposed funds towards FY 15 priorities.

Co-Chair Meyer thanked Karen Rehfeld for her cooperation with the drafting of the budget. He wondered how the information could be accessed. Ms. Armstrong replied that there would be a series of reports available on the Legislative Finance Division's (LFD) website.

[9:25:49 AM](#)

Senator Hoffman queried the school construction budget for FY 15. Ms. Armstrong replied with page 31, line 15. She stated that there were two listed projects. The previous year's budget appropriated funds for the construction for the K-12 school in Kwethluck, and the \$31.5 million in the current budget funded to complete the project. The second project was St. Mary's School District, at \$11.7 million

which was the first school on the new school construction list.

Co-Chair Meyer highlighted some aspects of the budget. He encouraged the committee to review the language section of the bill. He remarked that the budget upheld the goal of reducing the capital budget. He noted that the year prior had a \$1 billion reduction, and the current budget reflected a reduction of nearly \$4 million. He felt that the current economy was very strong, and remarked that the budget bill was substantial. He stressed that maintaining assets, completing projects, and distributing money to various communities. He noted the \$9 million for deferred maintenance; and \$37.5 million for the State Library Archives and Museum (SLAM). He stressed that there would be a new CS that would address building of the power plant at UAF. He remarked that there was almost \$7 million in grants for domestic violence and sexual assault safe shelters. There was an issue of chronic inebriates in Anchorage, so there was \$5 million for Partners for Progress. He noted that there was money for various community centers, health centers, and libraries.

[9:33:30 AM](#)

Senator Bishop commented that the capital budget was very healthy. He felt that there were many economic issues that the state deals faces. He stressed that the private sector was very successful in the state, and felt that the employment rate in Anchorage was very strong.

Co-Chair Meyer thanked LFD for their work on the budget.

SB 119 was HEARD and HELD in committee for further consideration.

[9:37:02 AM](#)

AT EASE

[9:47:35 AM](#)

RECONVENED

#sb201

SENATE BILL NO. 201

"An Act relating to the crime of trespass."

[9:48:32 AM](#)

SENATOR BERT STEDMAN, introduced SB 201. He related that the bill gave some flexibility to private land owners, so that they did not have to put up "no trespassing" signs all over their property. He shared that as a landowner, you have the right to regulate activities on your property. However, in Alaska, current state law gives a person the privilege to enter and remain on unimproved or apparently unused land that isn't posted with "no trespassing" signs. Furthermore, a sign must be placed at each roadway or access point onto the property. Many Alaskans own private property in remote locations with inclement weather. No trespassing signs can be blown down, removed by vandals, or covered by snow. The lack of visible signage should not absolve trespassers of guilt. Senate Bill 201 would repeal Alaska Statute 11.46.350(c), thereby removing the requirement that no trespassing signs be posted at each roadway and at every way of access to private property in order for criminal trespass laws to be enforced. It should be the responsibility of the individual to know who owns the property that they want to access. Today's technology allows many options for individuals to identify public and private property boundaries such as topo maps that can be downloaded on a smart phone or GPS. In addition, the public can access maps showing property boundaries from the state Department of Natural Resources, the U.S. Geological Survey, as well as municipal plats available at city hall.

Vice-Chair Fairclough wondered how the courts would perceive the actions of a person building a structure on private property. Senator Stedman responded that there was no intention to change a property owner rights. He stated that the landowner would be allowed to post "no trespassing" signs, but would not be required to post the signs.

[9:54:30 AM](#)

Vice-Chair Fairclough wondered why the current version of the bill was different than the original version. Senator Stedman stated that it was originally proposed that there would be no requirement to post a sign. He stated that the Judiciary Committee felt that the requirement of at least one posted sign was a better alternative to having no sign posted.

Senator Hoffman remarked that 95 percent of land in Alaska was owned by native corporations. He wondered if there were any native or regional corporations that opposed the legislation. Senator Stedman replied that he was not aware of any issues with the regional corporations.

Senator Dunleavy wondered if the legislation would affect recreationalists who might travel across private property. Senator Stedman responded that the law already prohibited someone to go on property without the property owner's permission. The legislation would not change that.

[10:00:48 AM](#)

Senator Dunleavy wondered if the bill would change the existing law regarding hunting, trapping, and fishing. Senator Stedman responded that the legislation would empower landowners to prosecute trespassers, even without previously posting "no trespassing" signs.

Co-Chair Meyer noted that there was an issue of squatting, so people decide to live on empty land. He wondered how private land owner would be affected by the legislation. Senator Stedman replied that the bill did not change the landowner's rights to prosecute squatters.

Co-Chair Meyer wondered if the squatter could argue ignorance, because of the lack of sign. Senator Stedman responded that with or without signs, no one had the right to build on a property without the owner's permission.

Co-Chair Meyer wondered if Senator Stedman had signs on his private property. Senator Stedman replied that he removed the "no trespassing" signs on his property, because he felt that they were offensive and invited vandalism.

Senator Dunleavy wondered if the issue was transportation through private property or activities conducted on the private property. Senator Stedman replied that the activity on the land was an issue, rather than crossing through the land.

[10:06:17 AM](#)

Senator Dunleavy surmised that traversing was not the issue. Senator Stedman replied that there could be prosecution, but that was not a common issue.

Senator Dunleavy noted that many there were large portions of private land that may be traversed, without the traveler knowing that they are moving through private property. Senator Stedman replied that the legislation did not change any of the rights of the property owner.

10:11:00 AM

NICOLENE JORDAN, SELF, PALMER (via teleconference), testified in favor of the legislation. She stressed that the issue was the requirement of the signs. She pointed out that she was not against hunting and trapping, but she was against trespassing. She stressed that current technology allowed for people to determine if there was private property. She stressed that the current issue was the requirement to post "no trespassing" sign, and felt that the signs provided an excuse for law enforcement to not peruse action against trespassers.

AL BARRETTE, SELF, FAIRBANKS (via teleconference), spoke in support of the current version of the legislation. He stated that his income relied on wildlife resources from his land. He pointed out that a global positioning system (GPS) did not display the owner of the land; rather it only showed where you are on the earth.

10:18:55 AM

MARY NANUWAK, SELF, ANCHORAGE (via teleconference), remarked that some people did not have the financial resources to pursue criminal action. She wondered if the bill addressed the issue of building roads on private property.

Co-Chair Meyer CLOSED public testimony.

Vice-Chair Fairclough stated that she knew someone who was in support of the bill, and referred to a trooper who was facing an issue related to the trespassing on private property.

Senator Stedman looked at AS 136.03.30 stated that in the prerequisites, the State was obligated to prove that someone had trespassed on the land.

SB 201 was HEARD and HELD in committee for further consideration.

[10:25:23 AM](#)

AT EASE

[10:34:00 AM](#)

RECONVENED

#hb19

CS FOR HOUSE BILL NO. 19(RLS)(efd am)

"An Act relating to permanent motor vehicle registration in the unorganized borough and in a municipality that has elected to allow permanent registration; relating to the registration fee for noncommercial trailers and to the motor vehicle tax for trailers; and providing for an effective date."

[10:34:50 AM](#)

DARRELL BREESE, STAFF, SENATOR BILL STOLTZE, explained that the legislation would establish a new type of registration, allowing for the permanent registration of personal use motor vehicles older than eight years old and non-commercial trailers. The passage of House Bill 19 would establish a new type of registration available through the Division of Motor Vehicles (DMV), allowing for the permanent registration of personal-use motor vehicles older than eight years old and non-commercial trailers. The proposed change to state statutes calls for the addition of a one-time \$25 fee plus the regular registration fee for an eligible vehicle, to register vehicles for personal use as long as the registered owner continues to own the vehicle. It also allows for the continuation of the regular biennial registration, already existing in the statutes. Similar changes are made in statutes for non-commercial trailers. Owners will be able to obtain permanent registration for an additional fee of \$25 above the normal registration fee. Permanent registration is in effect until ownership of the trailer changes. It also allows for the continuation of the regular biennial registration, already existing in the statutes. This change will make the DMV re-registration process more user-friendly to the owners of qualifying vehicles and trailers, while lightening the work load for DMV by reducing the number of registrations processed.

Senator Hoffman wondered if the local option allowed for a community to have non-commercial trailers eligibility. Darrell Breese replied that the legislation allowed for a community to adopt an ordinance to permit non-commercial trailer eligibility.

Senator Dunleavy wondered why there should be any vehicle registration at all. M. Breese replied that there were safety, ownership, and liability issues that made vehicle registration important.

Senator Bishop wondered if the bill only pertained to unorganized boroughs and municipalities. Mr. Breese responded in the affirmative.

Senator Bishop asked if the Fairbanks North Star Borough was included. Mr. Breese replied that the borough was included in combination with other boroughs. He looked at his list of eligible communities, but did not see Fairbanks included in the list.

[10:40:32 AM](#)

Senator Bishop understood that the legislation only provided for an option for the community. Mr. Breese agreed. He stated that it was either an oversight to not include Fairbanks in the motor vehicle tax list, or Fairbanks did not collect motor vehicle tax.

REPRESENTATIVE BILL STOLTZE, expressed appreciation for the committee's consideration of the legislation. He stated that the fiscal concerns had been addressed.

AMY ERICKSON, DIRECTOR, DIVISION OF MOTOR VEHICLES, DEPARTMENT OF ADMINISTRATION, ANCHORAGE (via teleconference), commented that DMV would have no problem implemented the legislation. She shared that permanent tabs were already issued to seniors.

Representative Stoltze shared that Alaska was a fairly transient state, and a person would be taking a gamble considering whether their vehicle was worth the registration increase. He felt that the fiscal impact was minimal.

CSHB 19(RLS)(efd am) was HEARD and HELD in committee for further consideration.

#hb263

CS FOR HOUSE BILL NO. 263(HSS)

"An Act extending the Alaska senior benefits payment program."

CSHB 263(HSS) was SCHEDULED but not HEARD.

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ADJOURNMENT

10:46:16 AM

The meeting was adjourned at 10:46 a.m.