

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

April 12, 2018

5:16 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Matt Claman, Vice Chair
Representative Louise Stutes
Representative Mike Chenault
Representative David Eastman
Representative Lora Reinbold
Representative Chris Tuck (alternate)

MEMBERS ABSENT

Representative Sam Kito
Representative Charisse Millett (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 212

"An Act relating to funding for school construction and major maintenance; and relating to the regional educational attendance area and small municipal school district fund."

- MOVED CSHB 212(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 163(STA)

"An Act relating to commercial motor vehicles."

- MOVED HCS CSSB 163(RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 212

SHORT TITLE: REAA & SMALL MUNI SCHOOL DISTRICT FUND

SPONSOR(S): REPRESENTATIVE(S) FOSTER

04/05/17	(H)	READ THE FIRST TIME - REFERRALS
04/05/17	(H)	EDC, FIN
02/09/18	(H)	BILL REPRINTED 2/9/18
02/21/18	(H)	EDC AT 8:30 AM CAPITOL 106
02/21/18	(H)	Heard & Held
02/21/18	(H)	MINUTE(EDC)
02/26/18	(H)	EDC RPT 5DP

02/26/18 (H) DP: TALERICO, PARISH, JOHNSTON,
SPOHNHOLZ, DRUMMOND
02/26/18 (H) EDC AT 8:00 AM CAPITOL 106
02/26/18 (H) Moved HB 212 Out of Committee
02/26/18 (H) MINUTE(EDC)
03/15/18 (H) FIN AT 1:30 PM ADAMS ROOM 519
03/15/18 (H) <Bill Hearing Canceled>
03/23/18 (H) FIN AT 1:30 PM ADAMS ROOM 519
03/23/18 (H) -- MEETING CANCELED --
03/30/18 (H) FIN AT 1:30 PM ADAMS ROOM 519
03/30/18 (H) Moved CSHB 212(FIN) Out of Committee
03/30/18 (H) MINUTE(FIN)
04/02/18 (H) FIN RPT CS(FIN) 6DP 3NR
04/02/18 (H) DP: GUTTENBERG, ORTIZ, GARA, WILSON,
SEATON, FOSTER
04/02/18 (H) NR: TILTON, PRUITT, KAWASAKI
04/05/18 (H) FIN AT 1:30 PM ADAMS ROOM 519
04/05/18 (H) <Bill Hearing Canceled>
04/12/18 (H) RLS AT 5:15 PM GRUENBERG 120

BILL: SB 163

SHORT TITLE: DEFINITION OF COMMERCIAL MOTOR VEHICLES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/18 (S) READ THE FIRST TIME - REFERRALS
01/26/18 (S) TRA, STA
03/01/18 (S) TRA AT 1:30 PM BUTROVICH 205
03/01/18 (S) Heard & Held
03/01/18 (S) MINUTE(TRA)
03/06/18 (S) TRA AT 1:30 PM BUTROVICH 205
03/06/18 (S) Moved SB 163 Out of Committee
03/06/18 (S) MINUTE(TRA)
03/07/18 (S) TRA RPT 1DP 1NR 1AM
03/07/18 (S) NR: STEDMAN
03/07/18 (S) DP: EGAN
03/07/18 (S) AM: WILSON
03/13/18 (S) STA AT 3:30 PM BUTROVICH 205
03/13/18 (S) Moved CSSB 163(STA) Out of Committee
03/13/18 (S) MINUTE(STA)
03/14/18 (S) STA RPT CS 4DP 1NR SAME TITLE
03/14/18 (S) DP: MEYER, GIESSEL, COGHILL, EGAN
03/14/18 (S) NR: WILSON
03/21/18 (S) TRANSMITTED TO (H)
03/21/18 (S) VERSION: CSSB 163(STA)
03/22/18 (H) READ THE FIRST TIME - REFERRALS
03/22/18 (H) TRA, STA
03/27/18 (H) TRA AT 1:15 PM BARNES 124

03/27/18 (H) Moved CSSB 163(STA) Out of Committee
03/27/18 (H) MINUTE(TRA)
03/28/18 (H) TRA RPT 5DP 1NR
03/28/18 (H) DP: KOPP, CLAMAN, NEUMAN, WOOL, STUTES
03/28/18 (H) NR: SULLIVAN-LEONARD
04/03/18 (H) STA AT 3:15 PM GRUENBERG 120
04/03/18 (H) Heard & Held
04/03/18 (H) MINUTE(STA)
04/05/18 (H) STA AT 3:15 PM GRUENBERG 120
04/05/18 (H) Moved CSSB 163(STA) Out of Committee
04/05/18 (H) MINUTE(STA)
04/06/18 (H) STA RPT 4DP 1NR
04/06/18 (H) DP: TUCK, KNOPP, WOOL, KREISS-TOMKINS
04/06/18 (H) NR: BIRCH
04/12/18 (H) RLS AT 5:15 PM GRUENBERG 120

WITNESS REGISTER

COURTNEY ENRIGHT, Staff
Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes made by the proposed committee substitute to HB 212, Version 30-LS0741\N, Laffen, 4/11/18.

COURTNEY ENRIGHT, Staff
Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes that would be made under the proposed House committee substitute (HCS) for CSSB 163(STA), Version 30-LS2597\J, Martin, 4/11/18.

ACTION NARRATIVE

[5:16:57 PM](#)

CHAIR GABRIELLE LEDOUX called the House Rules Standing Committee meeting to order at 5:16 p.m. Representatives Chenault, Tuck (alternate), Claman, Eastman, Reinbold, Stutes, and LeDoux were present at the call to order.

HB 212-REAA & SMALL MUNI SCHOOL DISTRICT FUND

[5:17:49 PM](#)

CHAIR LEDOUX announced that the first order of business would be HOUSE BILL NO. 212, "An Act relating to funding for school construction and major maintenance; and relating to the regional educational attendance area and small municipal school district fund." [Before the committee was CSHB 212(FIN).]

[5:18:02 PM](#)

REPRESENTATIVE CLAMAN moved adopt the proposed committee substitute (CS) for HB 212, Version 30-LS0741\N, Laffen, 4/11/18, as a working document. There being no objection, Version N was before the committee.

[5:18:31 PM](#)

COURTNEY ENRIGHT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, explained that Version N would add an effective date of July 1, 2021.

[An Amendment 1 was in the committee packet but never offered.]

[5:19:15 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2, labeled 30-LS0741\N.2, Laffen, 4/12/18, which read as follows:

Page 1, line 2, following "**fund;**":

Insert "**relating to wages for school bus drivers;**"

Page 2, following line 13:

Insert new bill sections to read:

"* **Sec. 5.** AS 23.10.055(a) is amended to read:

(a) The provisions of AS 23.10.050 - 23.10.150 do not apply to

(1) an individual employed in agriculture, which includes farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including forestry and lumbering operations, performed by a farmer or on a farm as an incident to or in conjunction with the farming operations, including preparation for market, or

delivery to storage or to market or to carriers for transportation to market;

(2) an individual employed in the catching, trapping, cultivating or farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of animal and vegetable life;

(3) an individual employed in the hand picking of shrimp;

(4) an individual employed in domestic service, including a baby-sitter, in or about a private home;

(5) an individual employed by the United States or by the state or a political subdivision of the state, [EXCEPT AS PROVIDED IN AS 23.10.065(b),] including prisoners not on furlough detained or confined in prison facilities;

(6) an individual engaged in the nonprofit activities of a nonprofit religious, charitable, cemetery, or educational organization or other nonprofit organization where the employer-employee relationship does not, in fact, exist, and where services rendered to the organization are on a voluntary basis and are related only to the organization's nonprofit activities; for purposes of this paragraph, "nonprofit activities" means activities for which the nonprofit organization does not incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

(7) an employee engaged in the delivery of newspapers to the consumer;

(8) an individual employed solely as a watchman or caretaker of a plant or property that is not in productive use for a period of four months or more;

(9) an individual employed

(A) in a bona fide executive, administrative, or professional capacity;

(B) in the capacity of an outside salesman or a salesman who is employed on a straight commission basis; or

(C) as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker;

(10) an individual employed in the search for placer or hard rock minerals;

(11) an individual under 18 years of age employed on a part-time basis not more than 30 hours in a week;

(12) employment by a nonprofit educational or child care facility to serve as a parent of children while the children are in residence at the facility if the employment requires residence at the facility and is compensated on a cash basis exclusive of room and board at an annual rate of not less than

(A) \$10,000 for an unmarried person; or

(B) \$15,000 for a married couple;

(13) an individual who drives a taxicab, is compensated for taxicab services exclusively by customers of the service, whose written contractual arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch services are based on [UPON] flat contractual rates and not based on a percentage share of the individual's receipts from customers, and whose written contract with owners of taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances;

(14) a person who holds a license under AS 08.54 and who is employed by a registered guide-outfitter or master guide-outfitter licensed under AS 08.54, for the first 60 workdays in which the person is employed by the registered guide-outfitter or master guide-outfitter during a calendar year;

(15) an individual engaged in activities for a nonprofit religious, charitable, civic, cemetery, recreational, or educational organization where the employer-employee relationship does not, in fact, exist, and where services are rendered to the organization under a work activity requirement of AS 47.27 (Alaska temporary assistance program);

(16) an individual who

(A) provides emergency medical services only on a voluntary basis;

(B) serves with a full-time fire department only on a voluntary basis; or

(C) provides ski patrol services on a voluntary basis;

(17) a student participating in a University of Alaska practicum described under AS 14.40.065;

(18) an individual who is employed by a motor vehicle dealer and whose primary duty is to

(A) receive, analyze, or reference requests for service, repair, or analysis of motor vehicles;

(B) arrange financing for the sale of motor vehicles and related products and services that are added or included as part of the sale; or

(C) solicit, sell, lease, or exchange motor vehicles.

* **Sec. 6.** AS 23.10.065(b) and 23.10.065(c) are repealed.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The repeal of AS 23.10.065(b) and (c) by sec. 6 of this Act applies to contracts entered into or renewed on or after the effective date of sec. 6 of this Act."

Renumber the following bill section accordingly.

Page 2, line 14:

Delete "This Act takes"

Insert "Sections 1 - 4 of this Act take"

REPRESENTATIVE CHENAULT objected.

REPRESENTATIVE EASTMAN spoke to Amendment 2. He pointed to a handout in the committee packet, which shows AS 23.10.065(b), which read as follows:

(b) Subject to the limitation under (c) of this section, an employer shall pay to each person employed as a public school bus driver wages at a rate of not less than two times the minimum wage established under (a) of this section, for hours worked in a pay period, whether work is measured by time, commission, or otherwise. An employer may not apply fringe benefits as a credit toward payment of the minimum wage established under this subsection.

REPRESENTATIVE EASTMAN said Amendment 2 would strike that language and "give freedom to school districts" by no longer requiring them to [pay] bus drivers double the minimum wage. He said this would allow districts to either "keep with the current policy" if in the best interest of their students or "change it to make it better." He opined that "either way is a good thing."

[5:20:51 PM](#)

REPRESENTATIVE CHENAULT maintained his objection.

[5:20:58 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of Amendment 2. Representatives Claman, Stutes, Chenault, Tuck (alternate), Reinbold, and LeDoux voted against it. Therefore, Amendment 2 failed by a vote of 1-6.

[5:22:01 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHB 212, Version 30-LS0741\N, Laffen, 4/11/18, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 212(RLS) was reported out of the House Rules Standing Committee.

[5:22:19 PM](#)

The committee took an at-ease from 5:22 p.m. to 5:24 p.m.

SB 163-DEFINITION OF COMMERCIAL MOTOR VEHICLES

[5:24:48 PM](#)

CHAIR LEDOUX announced that the final order of business would be CS FOR SENATE BILL NO. 163(STA), "An Act relating to commercial motor vehicles."

[5:24:59 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed House committee substitute (HCS) for CSSB 163, Version 30-LS2597\J, Martin, 4/11/18, as a working document. There being no objection, Version J was before the committee.

[5:25:17 PM](#)

COURTNEY ENRIGHT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, explained that Version J would "add road maintenance vehicles to the list of vehicles that already require drivers to vacate the nearest lane or slow down when approaching certain stationary vehicles conducting official business."

5:26:01 PM

REPRESENTATIVE CLAMAN moved to report HCS CSSB 163, Version 30-LS2597\J, Martin, 4/11/18, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 163(RLS) was reported out of the House Rules Standing Committee.

5:26:23 PM

ADJOURNMENT

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 5:26 p.m.