

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

May 3, 2002

1:15 p.m.

**MEMBERS PRESENT**

Representative Norman Rokeberg, Chair  
Representative John Coghill  
Representative Kevin Meyer  
Representative Ethan Berkowitz  
Representative Albert Kookesh  
Representative Jeannette James

**MEMBERS ABSENT**

Representative Scott Ogan, Vice Chair

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 6(FIN)

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."

- MOVED HCS CSSB 6(JUD) OUT OF COMMITTEE

SENATE BILL NO. 295

"An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date."

- MOVED SB 295 OUT OF COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 100(RLS)(title am)

"An Act relating to regulation and operation of personal motor vehicles."

- MOVED CSSSSB 100(RLS)(title am) OUT OF COMMITTEE

SENATE BILL NO. 339

"An Act increasing fines for certain criminal offenses."

- MOVED SB 339 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 238(RLS)

"An Act exempting from the category of public records certain records and information relating to state safety plans,

programs, and procedures, and to systems, facilities, and infrastructure in the state; and providing for an effective date."

- MOVED CSSB 238(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 278(FIN)

"An Act requiring a good faith effort to purchase property before that property is taken through eminent domain; and providing for an effective date."

- MOVED HCS CSSB 278(JUD) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 37

Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch.

- MOVED SJR 37 OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 38

Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures.

- MOVED SJR 38 OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: SB 6

SHORT TITLE:MOBILE HOME PARK EVICTION NOTICE

SPONSOR(S): SENATOR(S) ELLIS

Jrn-Date	Jrn-Page		Action
01/08/01	0013	(S)	PREFILE RELEASED - 12/29/00
01/08/01	0013	(S)	READ THE FIRST TIME - REFERRALS
01/08/01	0013	(S)	L&C, FIN
03/01/01		(S)	L&C AT 1:30 PM BELTZ 211
03/01/01		(S)	Heard & Held
03/01/01		(S)	MINUTE(L&C)
03/08/01		(S)	L&C AT 1:30 PM BELTZ 211
03/08/01		(S)	Moved CS(L&C) Out of Committee
03/08/01		(S)	MINUTE(L&C)
03/09/01	0594	(S)	L&C RPT CS 4DP 1NR SAME TITLE
03/09/01	0595	(S)	DP: PHILLIPS, DAVIS, AUSTERMAN, LEMAN;

03/09/01	0595	(S)	NR: TORGERSON
03/09/01	0595	(S)	FN1: ZERO(LAW)
03/19/01		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/19/01		(S)	Heard & Held
03/19/01		(S)	MINUTE(FIN)
03/22/01		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/22/01		(S)	MINUTE(FIN)
03/22/01	0768	(S)	FIN RPT CS 4DP 1DNP 2NR SAME TITLE
03/22/01	0768	(S)	DP: DONLEY, HOFFMAN, OLSON, LEMAN;
03/22/01	0768	(S)	NR: KELLY, WILKEN; DNP: GREEN
03/22/01	0768	(S)	FN1: ZERO(LAW)
03/28/01		(S)	RLS AT 10:45 AM FAHRENKAMP 203
03/28/01		(S)	MINUTE(RLS)
03/29/01	0858	(S)	RULES TO CALENDAR 3/29/01
03/29/01	0862	(S)	READ THE SECOND TIME
03/29/01	0862	(S)	FIN CS ADOPTED UNAN CONSENT
03/29/01	0862	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/29/01	0862	(S)	READ THE THIRD TIME CSSB 6(FIN)
03/29/01	0863	(S)	PASSED Y12 N7 A1
03/29/01	0867	(S)	TRANSMITTED TO (H)
03/29/01	0867	(S)	VERSION: CSSB 6(FIN)
03/30/01	0782	(H)	READ THE FIRST TIME - REFERRALS
03/30/01	0782	(H)	JUD
03/30/01	0794	(H)	CROSS SPONSOR(S): GUESS, CROFT
04/02/01	0816	(H)	CROSS SPONSOR(S): MURKOWSKI
02/13/02		(H)	JUD AT 1:00 PM CAPITOL 120
02/13/02		(H)	Heard & Held
02/13/02		(H)	MINUTE(JUD)
05/01/02		(H)	JUD AT 1:00 PM CAPITOL 120
05/01/02		(H)	Heard & Held MINUTE(JUD)
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SB 295

SHORT TITLE: LICENSING: DISCLOSURE OF MINORS' RECORDS

SPONSOR(S): SENATOR(S) KELLY

Jrn-Date	Jrn-Page	Action
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02/13/02	2183	(S)	READ THE FIRST TIME - REFERRALS
02/13/02	2183	(S)	HES, JUD
03/04/02		(S)	HES AT 1:30 PM BUTROVICH 205
03/04/02		(S)	Moved SB 295 Out of Committee
03/04/02		(S)	MINUTE(HES)
03/06/02	2384	(S)	HES RPT 5DP
03/06/02	2384	(S)	DP: GREEN, WILKEN, LEMAN, DAVIS, WARD
03/06/02	2384	(S)	FN1: ZERO(HSS)
03/22/02		(S)	JUD AT 1:30 PM BELTZ 211
03/22/02		(S)	-- Meeting Canceled --
04/10/02		(S)	JUD AT 1:30 PM BELTZ 211
04/10/02		(S)	Moved Out of Committee
04/10/02		(S)	MINUTE(JUD)
04/11/02	2729	(S)	JUD RPT 5DP
04/11/02	2729	(S)	DP: TAYLOR, COWDERY, ELLIS, THERRIAULT,
04/11/02	2729	(S)	DONLEY
04/11/02	2729	(S)	FN1: ZERO(HSS)
04/16/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
04/16/02		(S)	MINUTE(RLS)
04/17/02	2807	(S)	RULES TO CALENDAR 4/17/02
04/17/02	2809	(S)	READ THE SECOND TIME
04/17/02	2809	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/17/02	2809	(S)	READ THE THIRD TIME SB 295
04/17/02	2809	(S)	COSPONSOR(S): HALFORD, LEMAN, COWDERY,
04/17/02	2809	(S)	AUSTERMAN
04/17/02	2810	(S)	PASSED Y19 N- E1
04/17/02	2810	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/17/02	2814	(S)	TRANSMITTED TO (H)
04/17/02	2814	(S)	VERSION: SB 295
04/18/02	2996	(H)	READ THE FIRST TIME - REFERRALS
04/18/02	2996	(H)	HES, JUD
04/25/02		(H)	HES AT 3:00 PM CAPITOL 106
04/25/02		(H)	Moved Out of Committee MINUTE(HES)
04/26/02	3168	(H)	HES RPT 6DP
04/26/02	3168	(H)	DP: STEVENS, JOULE, COGHILL, CISSNA,
04/26/02	3168	(H)	WILSON, DYSON
04/26/02	3168	(H)	FN1: ZERO(HSS)

05/03/02 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 100

SHORT TITLE: PERSONAL MOTOR VEHICLES/ REGISTRATION

SPONSOR(S): SENATOR(S) HALFORD

Jrn-Date	Jrn-Page		Action
02/20/01	0431	(S)	READ THE FIRST TIME - REFERRALS
02/20/01	0431	(S)	TRA
03/08/01		(S)	TRA AT 1:30 PM BUTROVICH 205 Meeting Postponed to 3/13/01
03/13/01		(S)	TRA AT 1:30 PM BUTROVICH 205
03/13/01		(S)	Heard & Held
03/13/01		(S)	MINUTE(TRA)
03/27/02	2540	(S)	SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
03/27/02	2541	(S)	TRA
04/04/02		(S)	TRA AT 1:30 PM BUTROVICH 205
04/04/02		(S)	Meeting Postponed to 4/9/02
04/09/02		(S)	TRA AT 1:30 PM BUTROVICH 205
04/09/02		(S)	Moved CS(TRA) Out of Committee MINUTE(TRA)
04/10/02	2706	(S)	TRA RPT CS 1DP 1DNP 3NR NEW TITLE
04/10/02	2706	(S)	NR: COWDERY, WILKEN, TAYLOR;
04/10/02	2706	(S)	DP: WARD; DNP: ELTON
04/10/02	2706	(S)	FN1: ZERO(S.TRA)
04/12/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
04/12/02		(S)	MINUTE(RLS)
04/18/02	2837	(S)	RULES TO CALENDAR W/CS 4/18 NEW TITLE
04/18/02	2838	(S)	FN1: ZERO(S.TRA)
04/18/02	2841	(S)	READ THE SECOND TIME
04/18/02	2841	(S)	RLS CS ADOPTED UNAN CONSENT
04/18/02	2841	(S)	AM NO 1 (TITLE AM) ADOPTED UNAN CONSENT
04/18/02	2842	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/18/02	2842	(S)	READ 3RD TIME CSSSSB 100(RLS)(TITLE AM)
04/18/02	2842	(S)	PASSED Y19 N- E1
04/18/02	2842	(S)	TRANSMITTED TO (H)
04/18/02	2842	(S)	VERSION: CSSSSB 100(RLS)(TITLE AM)

04/19/02	3025	(H)	READ THE FIRST TIME - REFERRALS
04/19/02	3025	(H)	JUD
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SB 339

SHORT TITLE: INCREASE CRIMINAL FINES

SPONSOR(S): FINANCE

Jrn-Date	Jrn-Page		Action
02/20/02	2264	(S)	READ THE FIRST TIME - REFERRALS
02/20/02	2264	(S)	FIN
03/15/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/15/02		(S)	Moved Out of Committee
03/15/02		(S)	MINUTE(FIN)
03/18/02	2449	(S)	FIN RPT 2DP 4NR
03/18/02	2449	(S)	DP: DONLEY, WARD; NR: GREEN, AUSTERMAN,
03/18/02	2449	(S)	HOFFMAN, LEMAN
03/18/02	2449	(S)	FN1: INDETERMINATE(LAW)
03/18/02	2449	(S)	FN2: INDETERMINATE(ADM)
03/25/02		(S)	RLS AT 10:30 AM FAHRENKAMP 203
03/25/02		(S)	MINUTE(RLS)
03/25/02	2518	(S)	RULES TO CALENDAR 3/25/02
03/25/02	2519	(S)	READ THE SECOND TIME
03/25/02	2519	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/25/02	2519	(S)	READ THE THIRD TIME SB 339
03/25/02	2519	(S)	PASSED Y17 N2 A1
03/25/02	2520	(S)	ELTON NOTICE OF RECONSIDERATION
03/27/02	2545	(S)	RECON TAKEN UP - IN THIRD READING
03/27/02	2545	(S)	PASSED ON RECONSIDERATION Y16 N4
03/27/02	2547	(S)	TRANSMITTED TO (H)
03/27/02	2547	(S)	VERSION: SB 339
04/01/02	2733	(H)	READ THE FIRST TIME - REFERRALS
04/01/02	2733	(H)	JUD, FIN
04/26/02		(H)	JUD AT 1:30 PM CAPITOL 120
04/26/02		(H)	Heard & Held - Time Change - MINUTE(JUD)
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SB 238

SHORT TITLE:PUBLIC RECORDS: STATE SECURITY & SAFETY

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
01/16/02	1957	(S)	READ THE FIRST TIME - REFERRALS
01/16/02	1957	(S)	STA, TRA
01/16/02	1957	(S)	FN1: ZERO(DOT)
01/16/02	1958	(S)	GOVERNOR'S TRANSMITTAL LETTER
01/24/02		(S)	STA AT 3:30 PM BELTZ 211
01/24/02		(S)	Heard & Held
01/24/02		(S)	MINUTE(STA)
01/31/02		(S)	STA AT 3:30 PM BELTZ 211
01/31/02		(S)	Scheduled But Not Heard
02/12/02		(S)	STA AT 3:30 PM BELTZ 211
02/12/02		(S)	Moved CSSB 238(STA) Out of Committee
02/12/02		(S)	MINUTE(STA)
02/13/02	2172	(S)	STA RPT CS 4DP 1NR NEW TITLE
02/13/02	2172	(S)	DP: THERRIAULT, PHILLIPS, STEVENS,
02/13/02	2172	(S)	DAVIS; NR: HALFORD
02/13/02	2172	(S)	FN1: ZERO(DOT)
04/16/02		(S)	TRA AT 1:30 PM BUTROVICH 205
04/16/02		(S)	Moved CS(STA) Out of Committee
			MINUTE(TRA)
04/17/02	2805	(S)	TRA RPT CS(STA) 1DP 3NR
04/17/02	2805	(S)	NR: COWDERY, WILKEN, WARD;
04/17/02	2805	(S)	DP: ELTON
04/17/02	2805	(S)	FN1: ZERO(DOT)
04/26/02		(S)	RLS AT 10:45 AM FAHRENKAMP 203
04/26/02		(S)	MINUTE(RLS)
04/30/02	3041	(S)	RULES TO CALENDAR W/CS 4/30 SAME TITLE
04/30/02	3041	(S)	FN1: ZERO(DOT)
04/30/02	3044	(S)	READ THE SECOND TIME
04/30/02	3044	(S)	RLS CS ADOPTED UNAN CONSENT
04/30/02	3044	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/30/02	3044	(S)	READ THE THIRD TIME CSSB 238(RLS)
04/30/02	3045	(S)	PASSED Y20 N-
04/30/02	3045	(S)	EFFECTIVE DATE(S) SAME AS

			PASSAGE
04/30/02	3054	(S)	TRANSMITTED TO (H)
04/30/02	3054	(S)	VERSION: CSSB 238(RLS)
05/01/02	3252	(H)	READ THE FIRST TIME - REFERRALS
05/01/02	3252	(H)	JUD
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SB 278

SHORT TITLE:TAKING PROPERTY BY EMINENT DOMAIN

SPONSOR(S): SENATOR(S) TORGERSON

Jrn-Date	Jrn-Page		Action
02/04/02	2108	(S)	READ THE FIRST TIME - REFERRALS
02/04/02	2108	(S)	CRA, JUD
02/19/02	2243	(S)	COSPONSOR(S): WILKEN
02/27/02		(S)	CRA AT 1:30 PM FAHRENKAMP 203
02/27/02		(S)	Moved Out of Committee
02/27/02		(S)	MINUTE(CRA)
03/01/02	2338	(S)	CRA RPT 2DP 2NR
03/01/02	2338	(S)	DP: TORGERSON, KELLY;
03/01/02	2338	(S)	NR: PHILLIPS, LINCOLN
03/01/02	2338	(S)	FN1: ZERO(CRT)
03/22/02		(S)	JUD AT 1:30 PM BELTZ 211
03/22/02		(S)	-- Meeting Canceled --
04/08/02		(S)	JUD AT 1:30 PM BELTZ 211
04/08/02		(S)	Moved CS(JUD) Out of Committee
04/08/02		(S)	MINUTE(JUD)
04/09/02	2680	(S)	JUD RPT CS 1DP 2NR SAME TITLE
04/09/02	2680	(S)	DP: TAYLOR; NR: THERRIAULT, COWDERY
04/09/02	2680	(S)	FN1: ZERO(CRT)
04/09/02	2680	(S)	FN2: INDETERMINATE(DOT)
04/10/02	2717	(S)	FIN REFERRAL ADDED BEFORE RULES
04/15/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/15/02		(S)	Heard & Held MINUTE(FIN)
04/17/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/17/02		(S)	Moved CS(FIN) Out of Committee
04/17/02		(S)	MINUTE(FIN)
04/17/02		(S)	MINUTE(FIN)

04/18/02	2831	(S)	FIN RPT CS 5DP 3NR SAME TITLE
04/18/02	2831	(S)	NR: DONLEY, KELLY, HOFFMAN;
04/18/02	2831	(S)	DP: GREEN, AUSTERMAN, OLSON, WILKEN, LEMAN
04/18/02	2831	(S)	FN1: ZERO(CRT)
04/18/02	2831	(S)	FN3: INDETERMINATE(DOT)
04/22/02		(S)	RLS AT 9:30 AM FAHRENKAMP 203
04/22/02		(S)	MINUTE(RLS)
04/24/02	2923	(S)	RULES TO CALENDAR 4/24/02
04/24/02	2927	(S)	READ THE SECOND TIME
04/24/02	2928	(S)	FIN CS ADOPTED UNAN CONSENT
04/24/02	2928	(S)	ADVANCED TO THIRD READING UNAN CONSENT
04/24/02	2928	(S)	READ THE THIRD TIME CSSB 278(FIN)
04/24/02	2928	(S)	PASSED Y20 N-
04/24/02	2928	(S)	EFFECTIVE DATE(S) SAME AS PASSAGE
04/24/02	2936	(S)	TRANSMITTED TO (H)
04/24/02	2936	(S)	VERSION: CSSB 278(FIN)
04/25/02	3123	(H)	READ THE FIRST TIME - REFERRALS
04/25/02	3123	(H)	JUD, FIN
05/01/02		(H)	JUD AT 1:00 PM CAPITOL 120
05/01/02		(H)	Heard & Held MINUTE(JUD)
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SJR 37

SHORT TITLE:CONST AM: HIRING FREEZE  
SPONSOR(S): SENATOR(S) KELLY

Jrn-Date	Jrn-Page		Action
02/19/02	2226	(S)	READ THE FIRST TIME - REFERRALS
02/19/02	2226	(S)	STA, JUD, FIN
02/26/02		(S)	STA AT 3:30 PM BELTZ 211
02/26/02		(S)	Moved SJR 37 Out of Committee
02/26/02		(S)	MINUTE(STA)
02/27/02	2318	(S)	STA RPT 3DP 1NR
02/27/02	2318	(S)	DP: THERRIAULT, PHILLIPS, HALFORD;
02/27/02	2318	(S)	NR: STEVENS
02/27/02	2318	(S)	FN1: (GOV)
03/18/02		(S)	JUD AT 1:30 PM BELTZ 211
03/18/02		(S)	Moved Out of Committee

03/18/02		(S)	MINUTE(JUD)
03/20/02	2472	(S)	JUD RPT 3DP 1DNP
03/20/02	2472	(S)	DP: TAYLOR, COWDERY, THERRIAULT;
03/20/02	2472	(S)	DNP: ELLIS
03/20/02	2472	(S)	FN1: (GOV)
03/22/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/22/02		(S)	Moved Out of Committee
03/22/02		(S)	MINUTE(FIN)
03/22/02	2496	(S)	FIN RPT 6DP 3NR
03/22/02	2496	(S)	DP: DONLEY, KELLY, GREEN, WILKEN, WARD, LEMAN; NR: AUSTERMAN, HOFFMAN, OLSON
03/22/02	2496	(S)	FN1: (GOV)
03/26/02		(S)	RLS AT 11:00 AM FAHRENKAMP 203
03/26/02		(S)	MINUTE(RLS)
03/28/02	2556	(S)	RULES TO CALENDAR 1OR 3/28/02
03/28/02	2558	(S)	READ THE SECOND TIME
03/28/02	2559	(S)	ADVANCED TO THIRD READING FLD Y14 N3 E3
03/28/02	2559	(S)	ADVANCED TO THIRD READING 4/2 CALENDAR
04/02/02	2591	(S)	READ THE THIRD TIME SJR 37
04/02/02	2592	(S)	HELD IN THIRD READING TO 4/8 CALENDAR
04/08/02	2663	(S)	BEFORE THE SENATE IN THIRD READING
04/08/02	2663	(S)	PASSED Y14 N5 E1
04/08/02	2663	(S)	ELTON NOTICE OF RECONSIDERATION
04/09/02	2691	(S)	RECONSIDERATION NOT TAKEN UP
04/09/02	2692	(S)	TRANSMITTED TO (H)
04/09/02	2692	(S)	VERSION: SJR 37
04/10/02	2861	(H)	READ THE FIRST TIME - REFERRALS
04/10/02	2861	(H)	STA, JUD, FIN
04/16/02		(H)	STA AT 8:00 AM CAPITOL 102
04/16/02		(H)	Moved Out of Committee -- Recessed to Thurs. 4/18/02 --
04/16/02		(H)	MINUTE(STA)
04/16/02	2949	(H)	STA RPT 2DP 2DNP 3NR
04/16/02	2949	(H)	DP: WILSON, STEVENS; DNP: CRAWFORD, HAYES; NR: JAMES, FATE,

			COGHILL
04/16/02	2950	(H)	FN1: (GOV)
05/01/02		(H)	JUD AT 1:00 PM CAPITOL 120
05/01/02		(H)	Heard & Held
			MINUTE(JUD)
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

BILL: SJR 38

SHORT TITLE:CONST AM: PRIORITY OF EXPENDITURES

SPONSOR(S): SENATOR(S) KELLY

Jrn-Date	Jrn-Page		Action
02/19/02	2226	(S)	READ THE FIRST TIME - REFERRALS
02/19/02	2226	(S)	STA, JUD, FIN
02/26/02		(S)	STA AT 3:30 PM BELTZ 211
02/26/02		(S)	Moved SJR 38 Out of Committee
02/26/02		(S)	MINUTE(STA)
02/27/02	2318	(S)	STA RPT 3DP 1NR
02/27/02	2318	(S)	DP: THERRIAULT, HALFORD, PHILLIPS;
02/27/02	2318	(S)	NR: STEVENS
02/27/02	2318	(S)	FN1: (GOV)
03/18/02		(S)	JUD AT 1:30 PM BELTZ 211
03/18/02		(S)	Moved Out of Committee
03/18/02		(S)	MINUTE(JUD)
03/20/02	2472	(S)	JUD RPT 3DP 1NR
03/20/02	2472	(S)	DP: TAYLOR, COWDERY, THERRIAULT;
03/20/02	2472	(S)	NR: ELLIS
03/20/02	2472	(S)	FN1: (GOV)
03/22/02		(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/22/02		(S)	Moved Out of Committee
03/22/02		(S)	MINUTE(FIN)
03/22/02	2496	(S)	FIN RPT 5DP 4NR
03/22/02	2496	(S)	DP: DONLEY, KELLY, GREEN, WARD, LEMAN;
03/22/02	2496	(S)	NR: AUSTERMAN, HOFFMAN, OLSON, WILKEN
03/22/02	2496	(S)	FN1: (GOV)
03/22/02	2501	(S)	COSPONSOR(S): DONLEY, LEMAN
03/26/02		(S)	RLS AT 11:00 AM FAHRENKAMP 203
03/26/02		(S)	MINUTE(RLS)
03/28/02	2556	(S)	RULES TO CALENDAR 1OR 3/28/02
03/28/02	2559	(S)	READ THE SECOND TIME

03/28/02	2559	(S)	ADVANCED TO THIRD READING FLD Y14 N3 E3
03/28/02	2560	(S)	ADVANCED TO THIRD READING 4/2 CALENDAR
04/02/02	2592	(S)	READ THE THIRD TIME SJR 38
04/02/02	2592	(S)	HELD IN THIRD READING TO 4/8 CALENDAR
04/08/02	2663	(S)	BEFORE THE SENATE IN THIRD READING
04/08/02	2664	(S)	PASSED Y14 N5 E1
04/08/02	2664	(S)	ELTON NOTICE OF RECONSIDERATION
04/09/02	2692	(S)	RECONSIDERATION NOT TAKEN UP
04/09/02	2693	(S)	TRANSMITTED TO (H)
04/09/02	2693	(S)	VERSION: SJR 38
04/10/02	2861	(H)	READ THE FIRST TIME - REFERRALS
04/10/02	2861	(H)	STA, JUD, FIN
04/16/02		(H)	STA AT 8:00 AM CAPITOL 102
04/16/02		(H)	Scheduled But Not Heard -- Recessed to Thurs. 4/18/02 --
04/18/02		(H)	STA AT 8:00 AM CAPITOL 102
04/18/02		(H)	Heard & Held
04/18/02		(H)	MINUTE(STA)
04/23/02		(H)	STA AT 8:00 AM CAPITOL 102
04/23/02		(H)	Moved Out of Committee
04/23/02		(H)	MINUTE(STA)
04/23/02	3094	(H)	STA RPT 2DP 5NR
04/23/02	3094	(H)	DP: STEVENS, FATE; NR: WILSON,
04/23/02	3094	(H)	CRAWFORD, JAMES, HAYES, COGHILL
04/23/02	3094	(H)	FN1: (GOV)
04/29/02		(H)	JUD AT 1:00 PM CAPITOL 120
04/29/02		(H)	Heard & Held MINUTE(JUD)
05/03/02		(H)	JUD AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

GWENDOLYN HALL, Staff  
to Senator Pete Kelly  
Alaska State Legislature  
Capitol Building, Room 518  
Juneau, Alaska 99801

POSITION STATEMENT: Presented SB 295 on behalf of the sponsor, Senator Kelly. During discussion of SJR 38, responded to a question on behalf of the sponsor, Senator Kelly.

ROBERT BUTTCANE, Legislative & Administrative Liaison  
Division of Juvenile Justice (DJJ)  
Department of Health & Social Services (DHSS)  
PO Box 110635  
Juneau, Alaska 99811-0635

POSITION STATEMENT: Testified in support of SB 295 and responded to questions.

KELLY HUBER, Staff  
to Senator Rick Halford  
Alaska State Legislature  
Capitol Building, Room 111  
Juneau, Alaska 99801

POSITION STATEMENT: Presented SB 100 on behalf of the sponsor, Senator Halford.

DENNIS POSHARD, Legislative Liaison/Special Assistant  
Office of the Commissioner  
Department of Transportation & Public Facilities (DOT&PF)  
3132 Channel Drive  
Juneau, Alaska 99801-7898

POSITION STATEMENT: During discussion of SB 100, stated that the department has no objections to the bill. During discussion of SB 278, provided comments on the proposed House committee substitute - Version S.

MARILYN WILSON, Staff  
to Senator Dave Donley  
Senate Finance Committee  
Alaska State Legislature  
Capitol Building, Room 506  
Juneau, Alaska 99801

POSITION STATEMENT: During discussion of SB 339, responded to a question on behalf of the sponsor, the Senate Finance Committee.

CAROL CARROLL, Director  
Central Office  
Administrative Services Division  
Department of Military & Veterans' Affairs (DMVA)  
400 Willoughby Avenue, Suite 500  
Juneau, Alaska 99811

POSITION STATEMENT: Presented SB 238 on behalf of the administration.

MICHAEL G. MITCHELL, Assistant Attorney General  
Governmental Affairs Section  
Civil Division (Anchorage)  
Department of Law (DOL)  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-1994  
POSITION STATEMENT: Assisted with the presentation of SB 238  
and responded to questions.

HEATHER M. NOBREGA, Staff  
to Representative Norman Rokeberg  
House Judiciary Standing Committee  
Alaska State Legislature  
Capitol Building, Room 118  
Juneau, Alaska 99801  
POSITION STATEMENT: During discussion of SB 278, explained the  
changes in the proposed House committee substitute and responded  
to questions.

JON TILLINGHAST, General Counsel  
Sealaska Corporation  
One Sealaska Plaza, Suite 400  
Juneau, Alaska 99801-1276  
POSITION STATEMENT: Provided comments and responded to  
questions during discussion of SB 278.

MICHAEL L. DOWNING, Director/Chief Engineer  
Division of Statewide Design & Engineering Services  
Department of Transportation & Public Facilities (DOT&PF)  
3132 Channel Drive  
Juneau, Alaska 99801-7898  
POSITION STATEMENT: Provided comments during discussion of SB  
278.

JAMES CANTOR, Assistant Attorney General  
Transportation Section  
Civil Division (Anchorage)  
Department of Law (DOL)  
1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501-1994  
POSITION STATEMENT: Provided comments and responded to  
questions during discussion of SB 278.

**ACTION NARRATIVE**

TAPE 02-60, SIDE A

Number 0001

CHAIR NORMAN ROKEBERG called the House Judiciary Standing Committee meeting to order at 1:15 p.m. Representatives Rokeberg, Coghill, Meyer, Berkowitz, and Kookesh were present at the call to order. Representatives James joined the meeting after the recess.

SB 6 - MOBILE HOME PARK EVICTION NOTICE

Number 0092

CHAIR ROKEBERG announced that the first order of business would be CS FOR SENATE BILL NO. 6(FIN), "An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park." [Before the committee was the proposed House committee substitute (HCS) for SB 6, version 22-LS0216\W, Kurtz, 2/11/02, adopted as a work draft on 2/13/02.]

CHAIR ROKEBERG noted that at the 5/1/02 hearing of SB 6, the motion to adopt the new proposed HCS for SB 6, version 22-LS0216\U, Kurtz, 4/26/02, as a work draft was left pending.

Number 0203

CHAIR ROKEBERG restated the motion to adopt Version U as a work draft.

Number 0217

REPRESENTATIVE BERKOWITZ objected.

CHAIR ROKEBERG explained that Version U provides for notice of 180 days, whereas Version W provides for notice of 270 days. He opined that because SB 6 stipulates that a quit date cannot be given earlier than May 1 or later than October 15, notice of 180 days would be sufficient.

REPRESENTATIVE MEYER pointed out that 270 days was the compromise worked out between parties who felt that 365 days was too long and parties who felt that 180 days was not sufficient.

Number 0301

CHAIR ROKEBERG withdrew the motion to adopt Version U as a work draft. Therefore, Version W remained before the committee.

Number 0312

REPRESENTATIVE BERKOWITZ moved to report HCS for SB 6, version 22-LS0216\W, Kurtz, 2/11/02, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HCS CSSB 6(JUD) was reported from the House Judiciary Standing Committee.

CHAIR ROKEBERG called an at-ease from 1:20 p.m. to 1:22 p.m.

SB 295 - LICENSING:DISCLOSURE OF MINORS' RECORDS

Number 0366

CHAIR ROKEBERG announced that the next order of business would be SENATE BILL NO. 295, "An Act relating to the disclosure of information regarding delinquent minors to certain licensing agencies; and providing for an effective date."

Number 0393

GWENDOLYN HALL, Staff to Senator Pete Kelly, Alaska State Legislature, said on behalf of Senator Kelly, sponsor, that SB 295 was introduced to help ensure that individuals in child care facilities and adult care facilities receive quality care. She elaborated:

Currently, both state and federal laws require all child and adult care licensing authorities to review criminal histories of every individual age 16 and older who is either seeking a care license, employment with a care provider, or residing in the home of a care provider seeking licensure. However, ... for those age 16 and younger, that information is inaccessible.

MS. HALL said that SB 295 will allow licensing agencies to obtain, from the [Division of Juvenile Justice (DJJ)], information on people age 16 and younger who are living in the home of care providers seeking licensure; for example, an individual who is seeking licensure for an in-home daycare facility may have a 13-year old child who is a convicted child molester. Currently, licensing agencies do not have access to that information, but passage of SB 295 would allow licensing agencies in Alaska, as well as those from other jurisdictions, access to that information.

Number 0571

ROBERT BUTTCANE, Legislative & Administrative Liaison, Division of Juvenile Justice (DJJ), Department of Health & Social Services (DHSS), said that the DJJ and the DHSS support SB 295, and noted that Senator Kelly is actually sponsoring this legislation on their behalf. He said that SB 295 plugs a hole in a statute that currently does not give the DJJ explicit authority in all cases to provide this information to licensing agencies; the language in this bill would take care of that problem to the betterment of those who provide care services to seniors and children.

MR. BUTTCANE, in response to a question regarding what kind of information would be disclosed, pointed out that SB 295 says "appropriate information". He surmised that the DHSS would develop regulations and policies that would provide guidance as to what "appropriate information" would actually entail. He said, "In general, what we would want to do is to make sure that the licensing agency had the information that they needed to make appropriate licensing decisions." While in general that would be delinquency adjudication information, in other case-specific situations, they may also simply need the referral information.

REPRESENTATIVE COGHILL, noting that he is concerned about whether just conviction information would be released or whether "charging" information would also be released, asked what the regulations delineating "appropriate information" might look like.

MR. BUTTCANE said:

Without knowing what the end product of something that we haven't started work on will look like, in a delinquency system, the conventional terms of "charges" [and] "convictions" ... don't really apply; they're not consistent with delinquency language, which relates to referrals or adjudications [and] adjusted offenses versus adjudicated offenses. That's why the bill was crafted in the way that it was, where it's "appropriate information". So as we work with licensing agencies to make sure that they get what it is that they need, ... we still preserve some level of protection to juveniles who have had offenses that

were adjusted appropriately, so that they don't forever bear the consequences of adolescent decisions.

Number 0755

It's a fine line to walk, but I think that the statute that we propose here would do that. Certainly, any type of referral for a sexual offense is probably one of those, even though it might be adjusted through a series of diversion activities, [that] would probably be appropriate for a licensing agency to know. A shoplift of a candy bar probably is unnecessary if that has been adjusted. That's why this language "appropriate" give us some latitude to help craft exactly what it is that a licensing agency needs in order to make an appropriate decision.

REPRESENTATIVE COGHILL asked whether there has "been discussion of any protocol for a system."

MR. BUTTCANE said:

That issue has not come up in [the] committee hearings that we have had [for] this bill; ... those questions were really not discussed as part of the committee. But as we have worked with the Department of Education [and Early Development], for instance, who is responsible for child care licensing, we did address some of those issues, and they have a need to know whether or not the kid has had any violent offenses, physical assault offenses, [or] certainly sexual offenses. And those are probably the type of offenses that will be listed [for] the information [to be] provided to a licensing agency.

Certainly felonies, even though they may be felony property offenses. While, again, we haven't specifically figured out how we're going to define this, in all probability, anything that has been adjudicated delinquent, of any nature, will probably be made available to the licensing agencies. And then those offenses that relate to personal injury or suggest the possibility of a physical assault or some kind of physical interaction would probably also be on that list even though those offenses might be adjusted, that is "not convicted," but handled through an informal community diversion process. A fight at

the school is an assault in the fourth degree - a [class] A misdemeanor; we might adjust that out with an anger management class, an apology letter, some community work service, but that is the type of offense that might be appropriate for a licensing agency to know.

Number 0922

MR. BUTTCANE added:

Again, certainly any of the sexual offenses. A sexual abuse of a minor in the fourth degree is [a class] A misdemeanor, and while most of those are actually petitioned into court, some of those are not; they don't rise to the level, given all of the case circumstances, to warrant formal action in court. The matter can be resolved through a diversion process involving some counseling [and] separation of the offender from the victim. And assessments don't always show that the offender in those cases is predatory, so we don't necessarily have to commit the resources of the state to do a formal adjudication. But, because of the nature of the offense, it's probably one of those offenses, for instance, [that] the Department of Education [and Early Development] should know about so that they do not license a daycare center or a daycare program in somebody's home when an adolescent resides in the home who has a history of inappropriate sexual behavior.

REPRESENTATIVE COGHILL recalled that in his youth, many times after basketball games, they had to "settle the score outside the gym." He mentioned that sometimes accusations can create damaging records. He added, "I don't want to just be mounting a history against children who are going through a normal course of life."

MR. BUTTCANE said:

You are absolutely correct in that, and that is part of what we do in the juvenile justice system, which gives it one of the different characters from the adult criminal system. There is an element of subjective assessment as to whether or not the juvenile needs to be processed through the formal court system where a formal delinquency record is

documented, or whether we can work with that young offender and their family and resolve the matter without creating a formal public record or an official record that basically follows them into adulthood. It's as much art as it is science.

In the scenario that you used, ... that is the type of assault that probably would not be transmitted to a licensing agency, because, absent any other indicator, it would not suggest that that person poses a risk to other people - it was a situational response. If there's a lot of history of acting out, a lot of other assault referrals, [and] a lot of criminal referrals, then we're dealing with a situation that probably they do need to know about in some cases. So that's the subjective work that we do in the juvenile justice system; it's hard to delineate those specifically in statute as to where ... you draw the line.

Number 1089

MR. BUTTCANE concluded:

At some point you have to look the kid in the eye, listen to what the parent has to say, and then make your best judgment. While we don't do that [and] get it a 100 percent right, ... I believe that our staff is pretty well practiced at making those distinctions between young offenders who are truly criminal and those who are stupid and need some help growing up.

REPRESENTATIVE COGHILL noted that he would like to see some degree of distinction between egregious behavior and behavior that children just "get into."

CHAIR ROKEBERG closed the public hearing on SB 295.

REPRESENTATIVE MEYER moved to report SB 295 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, SB 295 was reported from the House Judiciary Standing Committee.

CHAIR ROKEBERG called an at-ease from 1:34 p.m. to 1:35 p.m.

SB 100 - PERSONAL MOTOR VEHICLES/ REGISTRATION

Number 1198

CHAIR ROKEBERG announced that the next order of business would be CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 100(RLS)(title am), "An Act relating to regulation and operation of personal motor vehicles."

Number 1210

KELLY HUBER, Staff to Senator Rick Halford, Alaska State Legislature, said on behalf of Senator Halford, sponsor, that in the fall of 2001, a new, quiet, clean fuel mode of transportation was unveiled. It is called an electric personal assistive mobility device, which is a self-balancing two non-tandem wheeled device, which transports a single person with no emissions. It has a maximum speed of 15 miles per hour or less, and is operated by a gyroscope. The footprint is about shoulder width, and by leaning forward or backward, the operator controls the direction the device travels in. She said that the intent of SB 100 is to "create the regulations in which these would be allowed." Language in SB 100 stipulates that these devices may not be prohibited from use on sidewalks, bike paths, or vehicular ways. She noted, however, that an amendment adopted in the Senate allows municipalities to adopt ordinances regulating the use of these devices.

MS. HUBER posited that these devices, similar to electric wheelchairs, may provide increased and welcomed independence for both the elderly and the disabled, and additionally may have other uses. To date, 17 states have signed similar legislation into law, and legislation in four other states is awaiting gubernatorial signature. She pointed out that SB 100 does not have any fiscal impact. In response to a question, she said she has heard that these devices are being called "the IT" and "Ginger".

Number 1401

DENNIS POSHARD, Legislative Liaison/Special Assistant, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), said simply that the DOT&PF has no objections to SB 100.

CHAIR ROKEBERG closed the public hearing on SB 100.

Number 1418

REPRESENTATIVE BERKOWITZ moved to report CSSSSB 100(RLS)(title am) out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSSSB 100(RLS)(title am) was reported from the House Judiciary Standing Committee.

CHAIR ROKEBERG called an at-ease from 1:40 p.m. to 1:42 p.m.

SB 339 - INCREASE CRIMINAL FINES

Number 1443

CHAIR ROKEBERG announced that the next order of business would be SENATE BILL NO. 339, "An Act increasing fines for certain criminal offenses."

REPRESENTATIVE BERKOWITZ asked how often judges impose the maximum fines under the current scheme.

Number 1482

MARILYN WILSON, Staff to Senator Dave Donley, Senate Finance Committee, Alaska State Legislature, said on behalf of the Senate Finance Committee, sponsor, that she does not currently have that information.

CHAIR ROKEBERG closed the public hearing on SB 339.

Number 1615

REPRESENTATIVE MEYER moved to report SB 339 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE BERKOWITZ objected for the purpose of remarking that it would be helpful, when the bill is heard in the House Finance Committee, for that committee to be provided with the information regarding how often, under the current scheme of fines, the maximum fine has been imposed. He then withdrew his objection.

Number 1650

CHAIR ROKEBERG noted that there were no further objections to the motion to report the bill from committee. Therefore, SB 339 was reported from the House Judiciary Standing Committee.

SB 238 - PUBLIC RECORDS: STATE SECURITY & SAFETY

Number 1654

CHAIR ROKEBERG announced that the next order of business would be CS FOR SENATE BILL NO. 238(RLS), "An Act exempting from the category of public records certain records and information relating to state safety plans, programs, and procedures, and to systems, facilities, and infrastructure in the state; and providing for an effective date."

Number 1668

CAROL CARROLL, Director, Central Office, Administrative Services Division, Department of Military & Veterans' Affairs (DMVA), said that SB 238 is the result of the Disaster Policy Cabinet (DPC) having reviewed the statutes in an effort to improve Alaska's security. This analysis took place after the terrorist attacks of September 11, 2001 ("9/11"). Senate Bill 238 amends the public records statute, which, she noted, is currently very broad in that the public has access to almost everything. She suggested that the public should continue to have broad access to public documents with very few exceptions, one of which would include, under certain circumstances, the type of information listed in SB 238. She mentioned that decisions to withhold specific information can be appealed.

Number 1775

MICHAEL G. MITCHELL, Assistant Attorney General, Governmental Affairs Section, Civil Division (Anchorage), Department of Law (DOL), in response to questions, echoed that there is an appeal process by which an individual or group could challenge the decision to keep certain information confidential. He remarked that in defending such a challenge, conceivably the state would use the standards set forth in proposed subparagraphs (A),(B), and (C), and describe - in general terms - the nature of the information being withheld. In response to further questions, he noted that the standards in the aforementioned subparagraphs are similar to existing standards, and that there are a "handful of cases" regarding public records, but none that pertain to the proposed standards.

CHAIR ROKEBERG asked whether blueprints of public facilities are protected.

MS. CARROLL indicated that passage of SB 238 would protect such documents.

CHAIR ROKEBERG closed the public hearing on SB 238.

Number 1984

REPRESENTATIVE MEYER moved to report CSSB 238(RLS) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 238(RLS) was reported from the House Judiciary Standing Committee.

CHAIR ROKEBERG called an at-ease from 1:55 p.m. to 1:56 p.m.

SB 278 - TAKING PROPERTY BY EMINENT DOMAIN

Number 1999

CHAIR ROKEBERG announced that the next order of business would be CS FOR SENATE BILL NO. 278(FIN), "An Act requiring a good faith effort to purchase property before that property is taken through eminent domain; and providing for an effective date."

Number 2024

REPRESENTATIVE MEYER moved to adopt the proposed House committee substitute (HCS) for SB 278, version 22-LS1399\S, Kurtz, 5/3/02, as a work draft. There being no objection, Version S was before the committee.

Number 2042

HEATHER M. NOBREGA, Staff to Representative Norman Rokeberg, House Judiciary Standing Committee, Alaska State Legislature, explained that Version S contains three changes, two of which are located in Section 2, and the third in Section 4. The first change stipulates that the provisions SB 278 only apply to parcels valued at \$15,000 or more. The second change removes language that the department must consider all alternative means of satisfying the public purpose, and stipulates instead that the department can offer to exchange the property for a parcel of comparable value. The third change involves rewriting Section 4 so that it now pertains to the ascertaining and awarding of just compensation - rather than to the process of possession - while still providing "a hammer" to encourage the department to comply with the provisions of Sections 1 and 2. She explained that this encouragement comes in the form of

awarding the landowner an extra 10 percent of the value of the property should the department be found to have not acted in a "reasonable and diligent" manner, and offered that this change to Section 4 will ensure that projects won't be delayed.

MS. NOBREGA suggested that for consistency's sake, a technical amendment should be made to page 3, line 11, to add a reference to subsection (c).

Number 2162

REPRESENTATIVE BERKOWITZ made a motion to adopt Amendment 1, on page 3, line 11, after "AS 09.55.270(b)" insert "and (c)". There being no objection, Amendment 1 was adopted.

MS. NOBREGA, in response to questions, reiterated that the new language in Section 4 should ensure that projects are not delayed, and explained that the master, when deciding the awards related to the value of the property, can also assess additional items that would be awarded to the landowner, such as attorney fees, costs, and the aforementioned 10-percent penalty.

CHAIR ROKEBERG remarked that in a case involving land valued at \$140,000, a 10-percent penalty would involve a substantial amount of money.

Number 2293

JON TILLINGHAST, General Counsel, Sealaska Corporation, noted that although the 10-percent penalty for noncompliance is less severe than losing the property altogether, it is still "credible enough to be consistent with the intent" of SB 278. He also noted that under Version S, the state is assured of ultimately getting the property, and, thus, the bill should no longer have a fiscal impact because there won't be any additional attorney fees associated with the eminent domain proceedings. He thanked the committee for its work on SB 278, and said that Sealaska supports reporting the bill from committee.

TAPE 02-60, SIDE B

Number 2371

DENNIS POSHARD, Legislative Liaison/Special Assistant, Office of the Commissioner, Department of Transportation & Public Facilities (DOT&PF), thanked the committee for developing Version S, noting that it is an improvement over the previous

version of SB 278 and alleviates the DOT&PF's concerns regarding Sections 2, 3, and 4. He referred to a handout provided to the committee and explained that it lists entities, aside from the DOT&PF, that will be affected by the bill, and that it also contains the department's acquisition statistics.

CHAIR ROKEBERG asked whether the \$15,000 threshold is sufficient.

MR. POSHARD said he would research the issue before the bill gets to its next committee of referral to be sure that it is an appropriate threshold. He concurred with Mr. Tillinghast that Version S would engender a much different fiscal note, but noted that the 10-percent penalty might not be covered by federal funds; instead, any penalties awarded the landowner because of the state's noncompliance with Section 2 might have to come from the state's general fund.

MR. POSHARD then suggested possible amendments to Version S. One amendment would involve changing page 2, line 2, so that "value" is replaced by "estimated". Another amendment would involve changing Section 4 - page 3, line 12 - so that the 10-percent penalty would be based on the final settlement amount, rather than on the value of the property. He also recommended that Section 2 should be altered so that subsection (c) becomes paragraph (3); if such a change is made, however, the change made via Amendment 1 would have to be altered appropriately [as would all other references to subsection (c)]. He indicated that this latter suggestion results from the fact that "we've had an issue over local concurrence."

Number 2115

MICHAEL L. DOWNING, Director/Chief Engineer, Division of Statewide Design & Engineering Services, Department of Transportation & Public Facilities (DOT&PF), opined that changing subsection (c) into paragraph (3) would make the language cleaner and would help settle a debate that the DOT&PF has had with the Alaska Municipal League (AML).

CHAIR ROKEBERG opined that the [the issue of local concurrence] is out of context for the discussion of SB 278.

REPRESENTATIVE BERKOWITZ pointed out that if subsection (c) were changed into paragraph (3), then the references to subsection (b) in that new paragraph (3) would have to be altered to read "(b)(1) and (2)".

CHAIR ROKEBERG asked for an example of difficulties that might arise by keeping subsection (c) as is.

MR. DOWNING said:

The issue there is whether the local planning approval ..., which is within the context of a chapter in statute ... titled "Consistency with Local Planning and Zoning Authority - and that's what we believe to be the test - and before and after that sentence, that's the context. But the debate we've been having is, will that sentence - "submit plans and specs for approval" - stand alone. And the municipalities believe that it does, and that approval can mean anything. We think it can only mean what it means within the context of the chapter that it's in. [We] feel pretty clear that we're right about that; nonetheless, we've had a very long debate about it.

MR. DOWNING added, however, that Amendment 1, by itself, does satisfy most of the DOT&PF's concerns regarding this issue.

REPRESENTATIVE COGHILL opined that as currently drafted, subsection (c) cannot be misconstrued.

CHAIR ROKEBERG agreed.

Number 1949

JAMES CANTOR, Assistant Attorney General, Transportation Section, Civil Division (Anchorage), Department of Law (DOL), testified via teleconference. He suggested changing the new language beginning on line 10 of Section 4 to read: "If, following the award in the proceedings, the court finds as a matter of law that the". He explained that this change would place the finding by the court within a timeframe; thus the finding would come during the later penalty phase of the proceedings rather than at the beginning of the proceedings. In response to a question, he explained that the master makes recommendations to the courts, and the courts then adopt those recommendations.

MR. CANTOR noted that the condemnation cases that he is familiar with are in the \$800,000 to \$2 million range; in such cases, a 10-percent penalty would constitute a substantial amount of money, which, he surmised, would not be reimbursed by the

Federal Highway Administration. He opined that there would be some increase in attorney fees simply because there would be a new issue to litigate.

MR. TILLINGHAST posited that none of the suggested changes would cause a problem for Sealaska with the exception of changing subsection (c) into paragraph (3). He opined, however, with regard to the suggestion that the 10-percent penalty be based on the final settlement amount, that it would make more sense to say "10 percent of the final award for the property". He then referred to the fiscal note, and remarked that he has never seen a fiscal note that was based on the assumption that the state would commit a legal wrong, adding that generally such judgments against the state are paid for through a supplemental appropriation.

CHAIR ROKEBERG opined that the fiscal note should be indeterminate.

REPRESENTATIVE BERKOWITZ, referring to page 3, lines 11 and 12, raised the question of whether the language, "the court may award a sum equal to 10 percent" would strip the court of the flexibility to go up to 10 percent.

MR. TILLINGHAST agreed, noting that if the court feels that it is "a 3-percent case," it ought to be able to award a 3-percent penalty, rather than having to award either a 10-percent penalty or nothing. He suggested that the language could be changed to say, "the court may award a sum of up to 10 percent".

Number 1583

REPRESENTATIVE BERKOWITZ made a motion to adopt Amendment 2, on page 2, line 2, to delete "valued" and insert "estimated". There being no objection, Amendment 2 was adopted.

Number 1566

CHAIR ROKEBERG made a motion to adopt Conceptual Amendment 3, on page 3, line 10, following "If" insert ", following the award in the proceedings," and after "the court finds" insert "as a matter of law". There being no objection, Conceptual Amendment 3 was adopted.

Number 1528

CHAIR ROKEBERG made a motion to adopt Conceptual Amendment 4, on page 3, line 12, delete "equal" and insert "up to", and deleting "value" and adding "final award", and delete "of the property". There being no objection, Conceptual Amendment 4 was adopted.

Number 1469

REPRESENTATIVE BERKOWITZ moved to report the proposed HCS for SB 278, version 22-LS1399\S, Kurtz, 5/3/02, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 278(JUD) was reported out of the House Judiciary Standing Committee.

Number 1401

REPRESENTATIVE BERKOWITZ made a motion to adjourn the House Judiciary Standing Committee.

Number 1395

A roll call vote was taken. Representatives Berkowitz voted to adjourn. Representatives Meyer, Coghill, and Rokeberg voted against adjourning. Therefore, the motion to adjourn the House Judiciary Standing Committee failed by a vote of 2-3.

Number 1367

CHAIR ROKEBERG announced at 2:30 p.m. that the House Judiciary Standing Committee was recessed to a call of the chair.

Number 1365

CHAIR ROKEBERG reconvened the House Judiciary Standing Committee at 5:10 p.m. Representatives Rokeberg, James, Coghill, and Meyer were present.

SJR 37 - CONST AM: HIRING FREEZE

Number 1354

CHAIR ROKEBERG announced that the next order of business would be SENATE JOINT RESOLUTION NO. 37, Proposing an amendment to the Constitution of the State of Alaska relating to officers and employees of the executive branch. After noting that the committee has already had a public hearing on SJR 37, Chair Rokeberg closed the public hearing on SJR 37.

Number 1339

REPRESENTATIVE COGHILL moved to report SJR 37 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, SJR 37 was reported from the House Judiciary Standing Committee.

SJR 38 - CONST AM: PRIORITY OF EXPENDITURES

Number 1319

CHAIR ROKEBERG announced that the last order of business would be SENATE JOINT RESOLUTION NO. 38, Proposing amendments to the Constitution of the State of Alaska relating to information regarding proposed expenditures. Chair Rokeberg noted that the committee has already had a public hearing on SJR 38, and that the public hearing has been closed.

Number 1238

GWENDOLYN HALL, Staff to Senator Pete Kelly, Alaska State Legislature, testified on behalf of Senator Kelly, sponsor. She said that she did ask Senator Kelly if he had any objections to placing a period after "section" on page 1, line 15, and deleting "if the legislature requests the information by concurrent resolution". She relayed that the sponsor had no objections to such a change.

CHAIR ROKEBERG noted such a change would force the governor to submit "information establishing a priority of proposed expenditures" regardless of whether the legislature feels that such information is needed; by leaving the language as is, however, the legislature would retain the flexibility to request that information if desired.

REPRESENTATIVE JAMES said that she is not convinced that such information will be needed all the time. She mentioned that in requesting information by concurrent resolution, specific information could be requested to satisfy a particular focus.

CHAIR ROKEBERG agreed.

CHAIR ROKEBERG called an at-ease from 5:16 p.m. to 5:17 p.m.

Number 1124

REPRESENTATIVE COGHILL moved to report SJR 38 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, SJR 38 was reported from the House Judiciary Standing Committee.

**ADJOURNMENT**

Number 1109

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 5:18 p.m.