

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 2, 2005

2:09 p.m.

MEMBERS PRESENT

Representative Lesil McGuire, Chair
Representative John Coghill
Representative Nancy Dahlstrom
Representative Pete Kott
Representative Les Gara
Representative Max Gruenberg

MEMBERS ABSENT

Representative Tom Anderson

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 104(JUD)

"An Act relating to the crimes of unsworn falsification in the first and second degrees and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date."

- MOVED HCS CSSB 104(JUD) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 101(JUD)

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

- HEARD AND HELD

CS FOR SENATE JOINT RESOLUTION NO. 12(JUD)

Requesting the United States Senate to move quickly to a majority floor vote of the United States Senate on all nominations by President George W. Bush to the United States Supreme Court.

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 104

SHORT TITLE: PERMANENT FUND DIVIDEND FRAUD
SPONSOR(S): SENATOR(S) SEEKINS

02/14/05 (S) READ THE FIRST TIME - REFERRALS
02/14/05 (S) STA, JUD
02/22/05 (S) STA AT 3:30 PM BELTZ 211
02/22/05 (S) Heard & Held
02/22/05 (S) MINUTE(STA)
02/24/05 (S) STA AT 3:30 PM BELTZ 211
02/24/05 (S) Moved CSSB 104(STA) Out of Committee
02/24/05 (S) MINUTE(STA)
02/28/05 (S) STA RPT CS 4DP SAME TITLE
02/28/05 (S) DP: THERRIAULT, ELTON, HUGGINS, DAVIS
03/01/05 (S) JUD AT 8:30 AM BUTROVICH 205
03/01/05 (S) Heard & Held
03/01/05 (S) MINUTE(JUD)
03/02/05 (S) JUD AT 8:30 AM BUTROVICH 205
03/02/05 (S) Moved CSSB 104(JUD) Out of Committee
03/02/05 (S) MINUTE(JUD)
03/02/05 (S) JUD RPT CS 3DP 2NR NEW TITLE
03/02/05 (S) DP: SEEKINS, THERRIAULT, HUGGINS
03/02/05 (S) NR: FRENCH, GUESS
03/07/05 (S) TRANSMITTED TO (H)
03/07/05 (S) VERSION: CSSB 104(JUD)
03/09/05 (H) READ THE FIRST TIME - REFERRALS
03/09/05 (H) STA, JUD
04/05/05 (H) STA AT 8:00 AM CAPITOL 106
04/05/05 (H) Moved Out of Committee
04/05/05 (H) MINUTE(STA)
04/06/05 (H) STA RPT 4DP 1NR
04/06/05 (H) DP: LYNN, ELKINS, GRUENBERG, SEATON;
04/06/05 (H) NR: GARDNER
04/29/05 (H) JUD AT 4:00 PM CAPITOL 120
04/29/05 (H) Heard & Held
04/29/05 (H) MINUTE(JUD)
05/02/05 (H) JUD AT 12:00 AM CAPITOL 120

BILL: SB 101

SHORT TITLE: REVISOR'S BILL

SPONSOR(S): RULES BY REQUEST OF LEGISLATIVE COUNCIL

02/14/05 (S) READ THE FIRST TIME - REFERRALS
02/14/05 (S) STA, JUD
02/24/05 (S) STA AT 3:30 PM BELTZ 211
02/24/05 (S) Heard & Held
02/24/05 (S) MINUTE(STA)
03/01/05 (S) STA AT 3:30 PM BELTZ 211

03/01/05 (S) Moved CSSB 101(STA) Out of Committee
03/01/05 (S) MINUTE(STA)
03/03/05 (S) STA RPT CS 3DP 1NR SAME TITLE
03/03/05 (S) DP: THERRIAULT, WAGONER, HUGGINS
03/03/05 (S) NR: ELTON
04/25/05 (S) JUD AT 8:30 AM BUTROVICH 205
04/25/05 (S) Moved CSSB 101(JUD) Out of Committee
04/25/05 (S) MINUTE(JUD)
04/25/05 (S) JUD RPT CS 3DP 1NR SAME TITLE
04/25/05 (S) DP: SEEKINS, THERRIAULT, HUGGINS
04/25/05 (S) NR: FRENCH
04/27/05 (S) TRANSMITTED TO (H)
04/27/05 (S) VERSION: CSSB 101(JUD)
04/28/05 (H) READ THE FIRST TIME - REFERRALS
04/28/05 (H) JUD
05/02/05 (H) JUD AT 12:00 AM CAPITOL 120

WITNESS REGISTER

JAMES CRAWFORD, Assistant Revisor
Legislative Legal Counsel
Legislative Legal and Research Services
Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: Presented SB 101 on behalf of the Senate Rules Standing Committee, sponsor of the bill by request of Legislative Council, and responded to questions.

ACTION NARRATIVE

CHAIR LESIL McGUIRE called the House Judiciary Standing Committee meeting to order at [2:09:57 PM](#). Representatives McGuire, Coghill, Kott, and Gara were present at the call to order. Representatives Dahlstrom and Gruenberg arrived as the meeting was in progress.

SB 104 - PERMANENT FUND DIVIDEND FRAUD

[Contains mention that portions of HB 127 and HB 273 have been incorporated into proposed House committee substitutes (HCSs) for SB 104.]

[2:10:58 PM](#)

CHAIR McGUIRE announced that the first order of business would be CS FOR SENATE BILL NO. 104(JUD), "An Act relating to the crimes of unsworn falsification in the first and second degrees

and false information or report; requiring the establishment of a permanent fund dividend fraud investigation unit in the Department of Revenue; and providing for an effective date." [Before the committee was the proposed House committee substitute (HCS) for SB 104, Version 24-LS0519\X, Cook, 4/28/05, which was adopted as a work draft on 4/29/05; included in members packets was the proposed House committee substitute (HCS) for SB 104, Version 24-LS0519\S, Cook, 4/13/05.]

CHAIR McGUIRE noted that public testimony on SB 104 had been closed at the bill's last hearing, and ascertained that no one else wished to provide further testimony.

CHAIR McGUIRE referred to the new HCS, Version S, in members' packets, and relayed that although Version X, which was adopted as a work draft on 4/29/05, had incorporated provisions from HB 127 and HB 273, in light of conversations she'd had with other members and the sponsors, she decided that it would be imprudent to move such an all-encompassing HCS through the process without providing the public more opportunities for input, particularly given the concerns raised regarding practical issues and potential constitutional issues.

[2:12:50 PM](#)

CHAIR McGUIRE explained that Version S incorporates into SB 104 the provisions of HB 127 regarding allowable absences for peace corps volunteers and members of U.S. Olympic Teams, as well as civil penalties commiserate with the criminal penalties currently in SB 104.

REPRESENTATIVE COGHILL made a motion to adopt the proposed HCS for SB 104, Version 24-LS0519\S, Cook, 4/13/05, as the work draft. There being no objection, Version S was before the committee.

REPRESENTATIVE GARA indicated that he appreciates that Version S does not include the provisions from HB 273, because he thinks they could use more work over the interim.

CHAIR McGUIRE concurred and relayed that she would defer to the sponsor of HB 273 with regard to when those provisions can be addressed.

[2:16:54 PM](#)

REPRESENTATIVE KOTT moved to report the proposed HCS for SB 104, Version 24-LS0519\S, Cook, 4/13/05, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 104(JUD) was reported from the House Judiciary Standing Committee.

[2:17:18 PM](#)

CHAIR McGUIRE made a motion that the House Judiciary Standing Committee introduce a House Concurrent Resolution [which later became HCR 15] for the purpose of changing the title of HCS CSSB 104(JUD). There being no objection, the motion carried.

The committee took an at-ease from 2:17 p.m. to 2:18 p.m.

SB 101 - REVISOR'S BILL

[2:18:18 PM](#)

CHAIR McGUIRE announced that the final order of business would be CS FOR SENATE BILL NO. 101(JUD), "An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

JAMES CRAWFORD, Assistant Revisor, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), presented SB 101 on behalf of the Senate Rules Standing Committee, sponsor of the bill by request of Legislative Council. He relayed that revisor's bills are prepared annually under the authority of AS 01.05.036, which commands the revisor to fix problems in statute. Those problems and their solutions fall into three general categories. The first category involves problems the solutions for which improve the form or substance of the law, and this is the most common category of solution found in SB 101 and include grammatical corrections and conforming statutes to the drafting-manual style. For example, Section 66, which pertains to AS 46.14.010(b), proposes to replace the term "emission unit" with "emissions unit" because the latter term mirrors the federal term, as is now required by federal regulations regarding air quality control.

MR. CRAWFORD relayed that the second category of problem addressed by revisor's bills involves solutions that correct oversights or errors. In other words, if language in a particular section of statute doesn't exactly match the legislative intent, the revisor's bill tries to conform that

language with the intent, intent as it pertains to a policy choice that has already been made. This is the least common category of solution in SB 101, though one example is Section 21, which pertains to AS 13.26.332 - statutory form power of attorney - and which proposes to replace the phrase "as I have checked" with the phrase "as indicated"; the latter phrase is more correct because according to the remainder of the form's language, checking an item never actually occurs. He also relayed that the third category of problem addressed by revisor's bills involve solutions for obsolete provisions. Provisions can become obsolete either through the passage of time or through the repeal of other provisions. For example, Section 35 - which pertains to AS 16.43.460(b) - proposes to reflect the repeal of AS 16.43.901 and AS 16.43.906.

MR. CRAWFORD went on to explain that the changes proposed in revisor's bills address problems that have been brought to the revisor's attention, either through statute reviews conducted by Legislative Legal and Research Services, or through statute reviews conducted by the Department of Law (DOL) or other departments. After a revisor's bill is initially drafted, all three of the LAA's revisors review the proposed changes to ensure that they are appropriate to include in a revisor's bill, since such bills must be nonpartisan and policy-neutral. It is very important that revisor's bills do not make any new policy choices, even inadvertently. After the aforementioned review, a revisor's bill is sent to the DOL where it is parceled out for further review. After this occurs, the bill is returned to Legislative Legal and Research Services for finalization and submission to Legislative Council.

[2:24:01 PM](#)

REPRESENTATIVE GRUENBERG referred to page 9, line 16, and asked whether there should be a comma [added] after the word "below".

MR. CRAWFORD said that from a grammatical standpoint, the language is fine as is, but he would not object to such a change.

REPRESENTATIVE GRUENBERG turned attention to Section 42, and asked why it is proposing to eliminate the intent language currently included in AS 26.10.060(a).

MR. CRAWFORD explained that that intent language refers to reemployment benefits granted by a federal statute, and the provisions in that federal statute which granted those benefits

have since been repealed. In response to a further question, he relayed that [Section 91] proposes to repeal AS 14.08.031(d) - which stipulates that U.S. Bureau of Indian Affairs (BIA) schools shall be included in a regional educational attendance area (REAA) boundary - because the BIA does not manage or supervise schools in the state of Alaska; proposes to repeal AS 18.50.950(4) - which stipulates that "child adoption agency" means a child adoption agency licensed under AS 47.35 - because the term being defined is not used in AS 18.50 and so it is not necessary to include such a definition there; and proposes to repeal AS 46.14.250(e) - which stipulates in part that with regard to emission fees, the department shall set the initial fee rate for the first two years following approval of the permit program under this chapter by the federal administrator on the basis of dollars per ton of assessable emissions - because the time frame referenced in that language has come and gone.

REPRESENTATIVE GRUENBERG asked Mr. Crawford to do further research regarding the proposed repeal of AS 18.50.950(4).

MR. CRAWFORD agreed to do so.

[2:28:55 PM](#)

CHAIR MCGUIRE announced that SB 101 would be held over for the purpose of further reviewing the proposed changes.

ADJOURNMENT

The House Judiciary Standing Committee recessed at 2:29 p.m. to a call of the chair. [The meeting was never reconvened.]