

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 28, 2005

8:48 a.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 54(FIN)

"An Act relating to bail review; relating to petitions for review by crime victims where the defendant has received a sentence below the sentencing range for the crime; relating to the qualifications of certain members of the Violent Crimes Compensation Board; relating to the introduction of the victim and the defendant or minor to the jury; amending Rule 27, Alaska Rules of Criminal Procedures, and Rule 21, Alaska Delinquency Rules; and providing for an effective date."

MOVED CSHB 54(FIN) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 149(FIN) am

"An Act relating to controlled substances; relating to the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; relating to the manufacture of methamphetamine and to the sale, possession, and delivery of certain substances and precursors used in the manufacture of methamphetamine; relating to listing certain anabolic steroids as controlled substances; and providing for an effective date."

HEARD AND HELD

HOUSE BILL NO. 184 am

"An Act relating to firearms."

HEARD AND HELD

SENATE BILL NO. 106

"An Act relating to sale, possession, and delivery of certain substances and precursors used in the unlawful manufacture of methamphetamine."

SCHEDULED BUT NOT HEARD

CS FOR HOUSE BILL NO. 81(L&C)

"An Act establishing an administrative fine and procedure for construction contractors in certain circumstances; increasing the amount of a civil penalty for persons acting in the capacity of contractors or home inspectors; modifying the elements of a crime involving contractor registration and residential contractors; modifying the exemptions from regulation under AS 08.18 for contractors; and exempting the administrative hearings for imposing an administrative fine on construction contractors from the hearings conducted by the office of administrative hearings in the Department of Administration."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 149

"An Act relating to breaches of security involving personal information; and relating to credit report security freezes."

BILL HEARING CANCELED

SENATE BILL NO. 127

"An Act prohibiting a public officer from taking official action regarding a matter in which the public officer has a significant financial interest; and defining 'official action' for purposes of the chapter generally referred to as the Executive Branch Ethics Act."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 186

"An Act relating to the Alaska Executive Branch Ethics Act."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 187

"An Act relating to legislative ethics open meetings guidelines, to the public members of the Select Committee on Legislative Ethics, to alternate members of the legislative subcommittees, to advisory opinions, and to confidential information and

proceedings regarding legislative ethics complaints and investigations."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 54

SHORT TITLE: BAIL REVIEW

SPONSOR(s): REPRESENTATIVE(s) SAMUELS, STOLTZE

01/10/05	(H)	PREFILE RELEASED 1/7/05
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	JUD, FIN
03/30/05	(H)	JUD AT 1:00 PM CAPITOL 120
03/30/05	(H)	Heard & Held
03/30/05	(H)	MINUTE(JUD)
04/01/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/01/05	(H)	Moved CSHB 54(JUD) Out of Committee
04/01/05	(H)	MINUTE(JUD)
04/05/05	(H)	JUD RPT CS(JUD) NT 4DP
04/05/05	(H)	DP: ANDERSON, DAHLSTROM, COGHILL, MCGUIRE
04/12/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/12/05	(H)	Bill Postponed To 4/13
04/13/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/13/05	(H)	Moved CSHB 54(FIN) Out of Committee
04/13/05	(H)	MINUTE(FIN)
04/14/05	(H)	FIN RPT CS(FIN) NT 6DP 3NR
04/14/05	(H)	DP: HAWKER, CROFT, HOLM, MOSES, FOSTER, MEYER;
04/14/05	(H)	NR: WEYHRAUCH, KELLY, CHENAULT
04/19/05	(H)	TRANSMITTED TO (S)
04/19/05	(H)	VERSION: CSHB 54(FIN)
04/20/05	(S)	READ THE FIRST TIME - REFERRALS
04/20/05	(S)	JUD, FIN
04/25/05	(S)	JUD AT 8:30 AM BUTROVICH 205
04/25/05	(S)	Heard & Held
04/25/05	(S)	MINUTE(JUD)
04/28/05	(S)	JUD AT 8:30 AM BUTROVICH 205

BILL: HB 149

SHORT TITLE: CONTROLLED SUBSTANCES

SPONSOR(s): REPRESENTATIVE(s) RAMRAS

02/14/05	(H)	READ THE FIRST TIME - REFERRALS
02/14/05	(H)	JUD, FIN

03/07/05 (H) JUD AT 1:00 PM CAPITOL 120
 03/07/05 (H) Heard & Held
 03/07/05 (H) MINUTE(JUD)
 03/09/05 (H) JUD AT 1:00 PM CAPITOL 120
 03/09/05 (H) Moved CSHB 149(JUD) Out of Committee
 03/09/05 (H) MINUTE(JUD)
 03/14/05 (H) JUD RPT CS(JUD) NT 3DP 2NR
 03/14/05 (H) DP: ANDERSON, GRUENBERG, MCGUIRE;
 03/14/05 (H) NR: KOTT, GARA
 03/31/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 03/31/05 (H) <Bill Hearing Postponed to Tues.
 4/5/05>
 04/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/05/05 (H) Moved CSHB 149(FIN) Out of Committee
 04/05/05 (H) MINUTE(FIN)
 04/07/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/07/05 (H) Moved CSHB 149(FIN) Out of Committee
 04/07/05 (H) MINUTE(FIN)
 04/11/05 (H) FIN RPT CS(FIN) NT 10DP
 04/11/05 (H) DP: HAWKER, CROFT, HOLM, STOLTZE,
 KELLY, WEYHRAUCH, FOSTER, MOSES, MEYER,
 CHENAULT
 04/11/05 (H) CHENAULT
 04/13/05 (H) TRANSMITTED TO (S)
 04/13/05 (H) VERSION: CSHB 149(FIN) AM
 04/14/05 (S) READ THE FIRST TIME - REFERRALS
 04/14/05 (S) JUD, FIN
 04/28/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 184

SHORT TITLE: MUNICIPAL FIREARM ORDINANCES

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

02/28/05 (H) READ THE FIRST TIME - REFERRALS
 02/28/05 (H) CRA, JUD
 03/22/05 (H) CRA RPT 3DP 1DNP 3AM
 03/22/05 (H) DP: SALMON, NEUMAN, OLSON;
 03/22/05 (H) DNP: CISSNA;
 03/22/05 (H) AM: LEDOUX, KOTT, THOMAS
 03/22/05 (H) CRA AT 8:00 AM CAPITOL 124
 03/22/05 (H) Moved Out of Committee
 03/22/05 (H) MINUTE(CRA)
 04/01/05 (H) JUD AT 1:00 PM CAPITOL 120
 04/01/05 (H) Moved CSHB 184(JUD) Out of Committee
 04/01/05 (H) MINUTE(JUD)
 04/05/05 (H) JUD RPT CS(JUD) 6DP 1NR
 04/05/05 (H) DP: KOTT, GRUENBERG, ANDERSON,
 DAHLSTROM, COGHILL, MCGUIRE;

04/05/05	(H)	NR: GARA
04/11/05	(H)	BEFORE THE HOUSE
04/13/05	(H)	TRANSMITTED TO (S)
04/13/05	(H)	VERSION: HB 184 AM
04/14/05	(S)	READ THE FIRST TIME - REFERRALS
04/14/05	(S)	CRA, JUD
04/22/05	(S)	CRA AT 1:30 PM BELTZ 211
04/22/05	(S)	Moved HB 184 am Out of Committee
04/22/05	(S)	MINUTE(CRA)
04/25/05	(S)	CRA RPT 3DP
04/25/05	(S)	DP: STEVENS G, WAGONER, STEDMAN
04/28/05	(S)	JUD AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

Mr. Doug Wooliver, Administrative Attorney
 Alaska Court System
 Office of the Administrative Director
 820 West 4th Ave
 Anchorage, AK 99501
POSITION STATEMENT: Commented on HB 54

Ms. Sara Nielsen, Staff
 Representative Ralph Samuels
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Commented on HB 54

Representative Jay Ramras
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 149

Ms. Jane Pierson
 Staff to Representative Jay Ramras
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Commented on HB 149

Sergeant Timothy Birt
 Alaska State Troopers
 Department of Public Safety
 3700 East Tudor Road
 Anchorage, Alaska 99507
POSITION STATEMENT: Testified in support of HB 149

Detective Krut Kornchuk

Anchorage Police Department
Anchorage, AK

POSITION STATEMENT: Testified in support of HB 149

Mr. Glen Peterson
Carrs/Safeway
Anchorage, AK

POSITION STATEMENT: Testified in opposition to HB 149

Mr. Erich DeLand
Staff to Representative Mike Chennault
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 184

Mr. Ryan Judy
National Rifleman's Association

POSITION STATEMENT: Testified in support of HB 184

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:48:31 AM](#). Present were Senators Hollis French, Charlie Huggins, Gretchen Guess, and Chair Ralph Seekins.

CSHB 54(FIN)-BAIL REVIEW/ CRIME VICTIMS

CHAIR RALPH SEEKINS announced HB 54 to be up for consideration.

[8:49:28 AM](#)

MR. DOUG WOLLIVER, administrative attorney, Alaska Court System, advised the committee many of the items in HB 54 were currently being adopted in Anchorage. He does not anticipate a flood of petitions from people contesting sentences.

[8:51:47 AM](#)

MS. SARA NIELSEN, staff to Representative Ralph Samuels, offered to answer questions.

CHAIR SEEKINS asked for amendments or comments from committee members.

SENATOR CHARLIE HUGGINS moved CSHB 54(FIN) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

Chair Seekins announced a short recess at [8:54:09 AM](#).
Chair Seekins reconvened the meeting at [9:02:10 AM](#).

CSHB 149(FIN) AM-CONTROLLED SUBSTANCES

[9:02:10 AM](#)

CHAIR RALPH SEEKINS announced HB 149 to be up for consideration.

SENATOR GRETCHEN GUESS moved Version \M as the working document before the committee.

CHAIR SEEKINS objected for the purpose of discussion.

REPRESENTATIVE JAY RAMRAS introduced HB 149. Crystal methamphetamine (meth) is a growing and extreme danger to society and causes irreparable damage to the user and the community. Accelerated crime is the byproduct of meth. HB 149 is a bill that has evolved to include the best sections of SB 70 and SB 106.

[9:06:14 AM](#)

Meth is "cooked" in "mom and pop" laboratories, which are problematic due to the extreme dangers of the chemicals involved. A Fred Meyer employee advised Rep. Ramras she has seen several people get out of a vehicle and come to the counter one at a time to purchase the maximum amount of Sudafed. She has taken down license numbers to turn in to the Department of Public Safety (DPS). Paint store people know the difference between painters and people who use products such as acetone for illegal intent.

[9:08:17 AM](#)

The process of cooking meth is highly dangerous. It can cause fires and explosions. It endangers law enforcement and other emergency responders as well as the general public. For every pound of meth, seven pounds of toxic waste are released into the environment. Officials have seen meth cookers use the same equipment to cook food for their children exposing them to horrible poisons.

[9:09:37 AM](#)

HB 149 will have a major impact on the availability of criminals to purchase certain precursors to methamphetamine. There are three necessary ingredients used to make meth, Pseudo ephedrine, iodine crystals, and red phosphorus. HB 149 proposes to restrict the amount of Pseudo ephedrine a person can purchase to nine grams in a 30-day period. Single ingredient Pseudo ephedrine

products will be kept behind a service counter with a log available to law enforcement. Iodine purchases will also be logged. HB 149 is not meant to disrupt commerce.

9:11:30 AM

HB 149 creates requirements for wholesalers, distributors, manufacturers and retailers who sell Pseudo ephedrine and iodine products. Knowingly violating these requirements is a class A misdemeanor punishable by a fine up to \$10,000. HB 149 makes it a crime of manslaughter for manufacturing or delivery of certain drugs to a person who dies from its ingestions, whether death is the intent of the meth cook or not. The bill increases the bond for a meth manufacturer with a prior conviction to a minimum of \$250,000 cash only bond. Presumptive sentencing where there is a child present would be increased. The bill would also make anabolic steroids a class VA controlled substance. The bill amends the statutes that require the Department of Environmental Conservation (DEC) to keep certain information on contaminated drug manufacture sites on their website.

9:13:18 AM

Senator Gretchen Guess, Senator Waggoner, the commissioner of DEC, and several others met to address realtors who were concerned they would be held liable for not disclosing a piece of real estate had previously been the site of a meth clean up. In the effort to increase criminal penalties as a deterrent to meth labs it would be of great benefit to require landlords to do a better job of screening tenants. Currently landlords are either passively or actively contributing to the meth lab problem.

9:15:19 AM

The economic value of a meth-free property is of greater value than of one that is a toxic site. HB 149 would force property owners to be more stringent as to who they bring into their buildings and properties.

9:16:31 AM

SENATOR CHARLIE HUGGINS asked the level of contamination of a property after three weeks working as a meth lab.

REPRESENTATIVE RAMRAS deferred the question to Senator Guess.

SENATOR GUESS explained the naked eye could see meth chemicals on the walls even after painting. An illegal lab could be very neat or very messy or in between.

[9:19:04 AM](#)

CHAIR SEEKINS announced the Senate Judiciary Standing Committee would not hear HB 81 today.

SENATOR HUGGINS asked the recourse for when the landlord does not know the property is being damaged.

CHAIR SEEKINS responded there was a bill that passed through the Senate Judiciary Standing Committee that required a mandatory clean up of the property.

SENATOR GUESS clarified it required demonstrating to DEC that the chemicals were not at hazardous levels. The threshold was low but purposefully put into regulation.

[9:21:20 AM](#)

SENATOR HUGGINS expressed concern that HB 149 would cause a landlord to clean up the property without a course to recoup any costs.

SENATOR GUESS advised it was addressed in a previous bill. She offered to provide the statute to Senator Huggins.

[9:23:05 AM](#)

Senator Gene Therriault joined the committee.

SENATOR HUGGINS asked Rep. Ramras whether he has considered alternative sources of meth supplies.

REPRESENTATIVE RAMRAS stated in California people have altered trucks to look like FedEx trucks and they carry stolen cases of Sudafed. Juneau is known to be more of a commercial market. Pfizer and other pharmaceutical companies are trying to find ways to cooperate and make their products more difficult to use for cooking meth.

[9:25:28 AM](#)

REPRESENTATIVE RAMRAS continued the expectation is the more difficult it is to make the meth, their efforts will go elsewhere. The priority is to overtake the meth laboratories because they overwhelm law enforcement efforts.

SENATOR HOLLIS FRENCH questioned whether the intent was to mandate record keeping for all products containing Pseudo ephedrine.

[9:27:49 AM](#)

REPRESENTATIVE RAMRAS explained meth cooks could cook out 90 percent of the Pseudo ephedrine from the single ingredient cold medicine and that is what they have targeted.

[9:29:22 AM](#)

MS. JANE PIERSON, staff to Representative Jay Ramras, commented the record keeping provision was kept in the bill for all Pseudo ephedrine products since meth cookers will naturally evolve to the multi ingredient products once the single ingredient products become controlled.

SENATOR FRENCH asked the percentage of the products that contain the most Pseudo ephedrine.

SENATOR GUESS explained Section A pertains to the wholesaler, manufacturer, distributor level. A log will be kept at that level detailing which products go to which places. Section B is the retailer level. Section C details the behind the counter requirements. Sole active ingredient medicines are kept behind the counter and require a log. Combination products would only go behind the counter if DPS put them in regulations. If there is a problem with a combination drug it can be dealt with in future legislation.

[9:32:27 AM](#)

CHAIR SEEKINS suggested Ms. Pierson lead a section-by-section analysis of HB 149. He asked Ms. Pierson whether there were changes to Section 2.

MS. PIERSON reported the changes in Section 2 relate to Section 3, which encompasses hard drugs and date rape drugs.

[9:36:22 AM](#)

MS. PIERSON stated Section 3 makes it a class A felony to manufacture or deliver a precursor to meth to a person who intends to use the chemical to manufacture meth.

SENATOR FRENCH clarified immediate precursors are ephedrine, Pseudo ephedrine, crystal iodine and red phosphorous.

CHAIR SEEKINS argued Pseudo ephedrine is not an immediate precursor because the chemical substance has to first be extracted.

[9:38:48 AM](#)

MS. PIERSON commented under AS 11.71.020 misconduct involving a controlled substance in the second degree is a class A felony.

CHAIR SEEKINS wondered about the word "immediate." He said the committee was trying to tie this to intent or reckless disregard.

[9:41:43 AM](#)

SENATOR GUESS mentioned Section 4 was the section where "hoarders" were discussed and she has an amendment for the committee to consider that protects people who are lawful users of certain chemicals.

REPRESENTATIVE RAMRAS added law enforcement would prefer a six-gram limit but after much debate the limit was raised to nine grams. Accumulation of Sudafed is the key component for crystal methamphetamine cooks.

[9:44:30 AM](#)

SENATOR GUESS moved Amendment 1. Hearing no objections, the motion carried.

24-LS0596\M.1
Luckhaupt
11/3/05

A M E N D M E N T 1

OFFERED IN THE SENATE

TO: SCS CSHB 149(), Draft Version "M"

Page 4, lines 2 - 16:

Delete "The prima facie evidence described in this subsection does not apply to a person who possesses the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(1) and the listed chemical was dispensed to the person under a valid prescription; or

(2) in the ordinary course of a legitimate business, or an employee of a legitimate business, as a

(A) retailer or as a wholesaler;

(B) wholesale drug distributor licensed by the Board of Pharmacy;

(C) manufacturer of drug products licensed by the Board of Pharmacy;

(D) pharmacist licensed by the Board of Pharmacy; or

(E) health care professional licensed by the state."

Insert "The prima facie evidence described in this subsection does not apply to a person who possesses

(1) the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(A) and the listed chemical was dispensed to the person under a valid prescription; or

(B) in the ordinary course of a legitimate business, or an employee of a legitimate business, as a

(i) retailer or as a wholesaler;

(ii) wholesale drug distributor licensed by the Board of Pharmacy;

(iii) manufacturer of drug products licensed by the Board of Pharmacy;

(iv) pharmacist licensed by the Board of Pharmacy; or

(v) health care professional licensed by the state; or

(2) less than 24 grams of ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals in a home or business establishment under circumstances that are consistent with typical medicinal or household use, as indicated by factors that include storage location, purchase date, possession of the products in a variety of strengths, brands, types, purposes, and expiration dates; the exception provided in this paragraph does not apply if the substances in excess of nine grams were all purchased within a period of thirty consecutive days unless purchased by a legitimate business for use in the ordinary course of the business."

[9:45:54 AM](#)

SENATOR HUGGINS asked the correlation between steroids and methamphetamines.

REPRESENTATIVE RAMRAS responded there was none. HB 149 is an opportunity to address the steroid issue.

SENATOR HUGGINS asked where high school students get steroids.

SENATOR FRENCH answered certain gyms are known areas to meet people who supply steroids. He speculated a person could also get them over the Internet.

[9:48:19 AM](#)

CHAIR SEEKINS reviewed Sections 7, 8, and 9.

SENATOR GUESS asked Ms. Pierson whether Section 9 was the same language that was passed out of the Senate Judiciary Standing Committee.

MS. PIERSON responded yes.

[9:50:32 AM](#)

REPRESENTATIVE RAMRAS recognized there are relationships between crimes and penalties and wished it were a more severe crime to handle manufacturing of drugs around children.

[9:52:07 AM](#)

SENATOR GUESS moved Amendment 2. Hearing no objections, the motion carried.

24-LS0596\M.2
Luckhaupt
11/3/05

A M E N D M E N T 2

OFFERED IN THE SENATE

TO: SCS CSHB 149(), Draft Version "M"

Page 9, line 29:

Delete the second occurrence of "or"

Page 9, line 29, following "crystal iodine":

Insert ", or (3) any other ingredient when required by the Department of Public Safety by regulation,"

[9:54:51 AM](#)

SENATOR GUESS asked Ms. Pierson to explain the amendment by the House regarding Section 12, subsection (d).

MS. PIERSON advised the House Judiciary Standing Committee worried that a person who reported "smurfing" could be held guilty of a crime.

CHAIR SEEKINS stated the confidentiality section has to do with the registry.

[9:58:26 AM](#)

SENATOR FRENCH stated Section 12, subsection (f) deals with how the retailer keeps the logs. A law enforcement agency has to request the log.

MS. PIERSON agreed.

SENATOR FRENCH asked Ms. Pierson to explain the subsequent six-month period.

MS. PIERSON explained it was added so the retailer didn't have to maintain too many records. A law enforcement agency would have to request the logs every six months.

SENATOR FRENCH asked whether it was an ongoing request.

MS. PIERSON responded yes.

[10:00:15 AM](#)

REPRESENTATIVE RAMRAS advised a floor debate in the House resulted in a compromise that allowed retailers to mail the log records to the Department of Public Safety. The subsequent six-month period was meant for a broad interpretation for the DPS or local law enforcement to have immediate access to the records.

SENATOR FRENCH admitted he was unclear as to how Section 12, subsection (f) would work. He asked whether a law enforcement agency could require every pharmacy in the city to mail them their log of ephedrine sales for the following six-month period.

REPRESENTATIVE RAMRAS said that was the intent but agreed it was unclear.

CHAIR SEEKINS said the transmittal of information could be either electronically or by mail.

REPRESENTATIVE RAMRAS said the intent was to empower law enforcement.

[10:04:22 AM](#)

CHAIR SEEKINS asked whether it would ever be used. He suggested a sunset to see if it works. He hesitated to put a burden on the business owners if no one ever used the tool.

[10:06:46 AM](#)

SENAOR THERRIAULT agreed with the sunset.

SENATOR GUESS moved Amendment 3.

24-LS0596\M.3
Luckhaupt
11/3/05

A M E N D M E N T 3

OFFERED IN THE HOUSE

TO: SCS CSHB 149(), Draft Version "M"

Page 12, line 4:
Delete "and"

Page 12, line 5, following "address":
Insert ", and owner's name at the time the notice was issued"

Page 12, line 13, following "use.":
Insert "The property shall remain on the lists or databases for five years after it is determined that the property is fit for use and shall be removed from the lists or databases within three months after the five year period has elapsed."

CHAIR SEEKINS objected for discussion.

SENATOR GUESS explained Section 13 and Section 14 were added in the House Finance Standing Committee in response to a bill passed three years ago. It would post meth lab real estate on the DPS Internet website for a 5-year period.

10:10:36 AM

CHAIR SEEKINS stated a real estate agent should be compelled through their own rules to disclose any viable information regarding the property.

SENATOR HUGGINS added the seller's agent is required to delineate any flaws of the property.

SENATOR FRENCH stated there were limits. A homicide or suicide that happens on the property is required to be reported to the buyer but being a known drug house may not have to be.

CHAIR SEEKINS voiced he supported a requirement of realtors to research and disclose whether the property had been used as a drug house at any time during the previous five years.

SENATOR FRENCH expressed there is currently nothing in real estate disclosure laws that mandate it.

10:13:14 AM

SENATOR GUESS said that disclosure could be put into real estate regulations through the real estate board.

CHAIR SEEKINS removed his objection to Amendment 3. Hearing no further objections, Amendment 3 was adopted.

SENATOR GUESS stated it is necessary to get the minimum information in the log that is helpful to DPS and yet not be cumbersome for the retailers.

[10:16:27 AM](#)

CHAIR SEEKINS asked Rep. Ramras to suggest a period of time for a sunset clause using the logbook.

REPRESENTATIVE RAMRAS deferred to the committee.

[10:18:26 AM](#)

MR. GLEN PETERSON, Carrs/Safeway, introduced himself and several people in the room. The issue for retailers is more about random theft from the meth rings. Several measures have been instituted already such as putting the product behind the counter. Since then theft is down 85 percent. The purchases of the product stayed the same, which proved meth cookers were stealing it. Responsible retailers have already removed the ephedrine products from the shelves. HB 149 in its current form would put an enormous burden on retailers. With 25 stores it would be difficult to know if someone purchased more than 9 grams in a 30-day period.

[10:21:35 AM](#)

MR. PETERSON asked the committee to work on the bill until it was user friendly.

CHAIR SEEKINS asked Mr. Peterson to comment regarding the sunset discussion.

MR. PETERSON agreed a sunset clause is good idea.

[10:24:23 AM](#)

SERGEANT TIMOTHY BIRT, Alaska State Troopers, said 100 percent of the meth manufactured in Alaska was through Pseudo ephedrine diverted products. There is no way to determine how much of the Pseudo ephedrine in the state is used for lawful purposes. The cooperation of retailers has been extremely helpful in locating meth cooks and meth labs.

[10:26:22 AM](#)

SERGEANT BIRT said the nature of meth cooks is paranoia and secrecy and it is very common for them to move around a lot. Some have been known to move several times in a 6-month period.

[10:28:22 AM](#)

DETECTIVE KRUT KORNCHUK, narcotics unit, Anchorage Police Department, testified in support of HB 149. He suggested the committee use language similar to essential chemicals. The laboratory definition of precursor is a chemical that becomes part of a finished product, and lye, iodine, and red phosphorus do not become part of the finished product. He suggested the sunset period be a minimum of 5 years with an additional 2-year extension. Laboratories in Washington have successfully extracted Pseudo from liquid cold medicines and also from powders such as Theraflu. The National Drug Intelligence Center has seen an increase in the use of secondary products that have smaller amounts of Pseudo ephedrine in states that have adopted regulations against main ingredient products.

[10:31:12 AM](#)

SENATOR GUESS advised Mr. Peterson Version \M takes care of most of his stated concerns. She said it was never the intent that the retailer would have any responsibility regarding someone purchasing more than nine grams.

CHAIR SEEKINS held HB 149 in committee.

HB 184 AM-FIREARMS

[10:34:13 AM](#)

CHAIR RALPH SEEKINS announced HB 184 to be up for consideration. He distributed an amendment for committee members to review.

[10:35:48 AM](#)

MR. ERICH DELAND, staff to Representative Mike Chenault, introduced HB 184. The bill is being proposed so that people will be able to look at one law as the single and final authority regarding firearm regulation.

CHAIR SEEKINS said his amendment proposes to add a section to HB 184 that allows possession of a firearm in a motor vehicle for someone who may legally possess the firearm. A person cannot prohibit an individual for possessing a firearm while that firearm is inside the motor vehicle.

[10:39:17 AM](#)

SENATOR GENE THERRIAULT suggested they have the drafters review the amendment.

SENATOR HOLLIS FRENCH asked whether there was a state law addressing possession of a firearm in a vehicle. A city couldn't

enact a firearm law if there was already a state law addressing the issue.

CHAIR SEEKINS clarified currently Alaska law allows for a private party to outlaw firearms on their property.

[10:40:14 AM](#)

MR. RYAN JUDY agreed. He said Chugach electric has a weapon free policy. Employees have been told not to have firearms in their vehicles in the parking lot. This allows employers to effectively disarm their employees.

[10:42:13 AM](#)

SENATOR GRETCHEN GUESS asked for a comparison so that the changes would be easy to follow.

MR. DELAND agreed to provide a comparison.

MR. JUDY commented the National Rifle Association strongly supports HB 184 because it would standardize all firearms laws across the state and nullify the city laws.

[10:44:51 AM](#)

Where there are not uniform laws in place there is confusion. Further anti-gun proposals threaten citizens' rights.

[10:47:02 AM](#)

Local jurisdictions should have authority over discharge, zoning decisions, and municipal government buildings. The intent is to make all laws uniform but give local municipalities some free reign in certain areas.

[10:48:51 AM](#)

CHAIR SEEKINS advised the committee would look at two amendments for the bill when they reconvene. He recessed the meeting at

[10:50:17 AM](#).