

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

May 3, 2005

8:42 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. 33(FIN)

"An Act relating to required notification of the Department of Commerce, Community, and Economic Development, economic effect statements, and regulatory flexibility analyses regarding the adoption of regulations that may govern the conduct of small businesses; relating to a private cause of action, regulation invalidation, and judicial review related to required notification, economic effect statements, and regulatory flexibility analyses for the adoption of regulations that may govern the conduct of small businesses; and providing for an effective date."

MOVED CSHB 33(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 184 am

"An Act relating to firearms."

MOVED SCS HB 184(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 210(JUD)

"An Act relating to blood testing of certain persons alleged to have committed certain offenses directed toward peace officers or emergency workers."

MOVED SCS CSHB 210(JUD) 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."

MOVED SCS CSHB 149(JUD) OUT OF COMMITTEE

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."

MOVED SCS CSHB 81(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 183(JUD) am

"An Act relating to the use of campaign contributions for shared campaign activity expenses and to reimbursement of those expenses; and amending the definition of 'contribution' in regard to sharing fundraising lists between candidates and political parties without compensation."

MOVED SCS CSHB 183(STA) OUT OF COMMITTEE

HOUSE BILL NO. 201

"An Act relating to an application for a permanent fund dividend for a member of the armed forces of the United States serving on active duty outside of the state; and providing for an effective date."

MOVED HB 201 OUT OF COMMITTEE

SENATE BILL NO. 74

"An Act making findings relating to marijuana use and possession; relating to marijuana and misconduct involving a controlled substance; and providing an effective date."

HEARD AND HELD

SENATE BILL NO. 165

"An Act relating to card rooms and card operations."

SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 33

SHORT TITLE: REGULATIONS AFFECTING SMALL BUSINESSES  
SPONSOR(s): REPRESENTATIVE(s) MEYER

01/10/05 (H) PREFILE RELEASED 12/30/04  
01/10/05 (H) READ THE FIRST TIME - REFERRALS  
01/10/05 (H) L&C, JUD  
02/16/05 (H) L&C AT 3:15 PM CAPITOL 17  
02/16/05 (H) Heard & Held  
02/16/05 (H) MINUTE(L&C)  
03/04/05 (H) L&C AT 3:15 PM CAPITOL 17  
03/04/05 (H) Heard & Held  
03/04/05 (H) MINUTE(L&C)  
03/16/05 (H) L&C AT 3:15 PM CAPITOL 17  
03/16/05 (H) Moved CSHB 33(L&C) Out of Committee  
03/16/05 (H) MINUTE(L&C)  
03/17/05 (H) L&C RPT CS(L&C) NT 2DP 5NR  
03/17/05 (H) DP: ROKEBERG, ANDERSON;  
03/17/05 (H) NR: CRAWFORD, LYNN, KOTT, LEDOUX,  
GUTTENBERG  
03/18/05 (H) FIN REFERRAL ADDED AFTER JUD  
04/04/05 (H) JUD AT 1:00 PM CAPITOL 120  
04/04/05 (H) -- Meeting Canceled --  
04/06/05 (H) JUD AT 1:00 PM CAPITOL 120  
04/06/05 (H) Heard & Held  
04/06/05 (H) MINUTE(JUD)  
04/07/05 (H) JUD AT 3:00 PM CAPITOL 120  
04/07/05 (H) Moved CSHB 33(JUD) Out of Committee  
04/07/05 (H) MINUTE(JUD)  
04/08/05 (H) JUD AT 8:00 AM CAPITOL 120  
04/08/05 (H) Moved CSHB 33(JUD) Out of Committee 4/7  
04/08/05 (H) MINUTE(JUD)  
04/11/05 (H) JUD RPT CS(JUD) NT 3DP 3NR  
04/11/05 (H) DP: GARA, ANDERSON, MCGUIRE;  
04/11/05 (H) NR: GRUENBERG, KOTT, COGHILL  
04/14/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/14/05 (H) <Bill Hearing Postponed>  
04/15/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/15/05 (H) Moved CSHB 33(FIN) Out of Committee  
04/15/05 (H) MINUTE(FIN)  
04/18/05 (H) FIN RPT CS(FIN) NT 4DP 4NR  
04/18/05 (H) DP: HAWKER, MOSES, FOSTER, MEYER;  
04/18/05 (H) NR: HOLM, WEYHRAUCH, KELLY, CHENAULT  
04/22/05 (H) TRANSMITTED TO (S)  
04/22/05 (H) VERSION: CSHB 33(FIN)  
04/25/05 (S) READ THE FIRST TIME - REFERRALS  
04/25/05 (S) JUD, FIN  
04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205

04/30/05 (S) Scheduled But Not Heard  
05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
05/01/05 (S) Scheduled But Not Heard  
05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
05/02/05 (S) Scheduled But Not Heard  
05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 184

SHORT TITLE: FIREARMS

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  
04/28/05 (S) Heard & Held  
04/28/05 (S) MINUTE(JUD)  
04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205  
04/30/05 (S) Scheduled But Not Heard  
05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
05/01/05 (S) Scheduled But Not Heard  
05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
05/02/05 (S) Scheduled But Not Heard  
05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 210

SHORT TITLE: BLOODBORNE PATHOGEN TESTING

SPONSOR(S): REPRESENTATIVE(S) MCGUIRE

03/07/05 (H) READ THE FIRST TIME - REFERRALS  
03/07/05 (H) JUD, FIN  
03/30/05 (H) JUD AT 1:00 PM CAPITOL 120  
03/30/05 (H) Moved CSHB 210(JUD) Out of Committee  
03/30/05 (H) MINUTE(JUD)  
04/01/05 (H) JUD RPT CS(JUD) 6DP  
04/01/05 (H) DP: KOTT, ANDERSON, DAHLSTROM, GARA,  
GRUENBERG, MCGUIRE  
04/12/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
04/12/05 (H) Moved CSHB 210(JUD) Out of Committee  
04/12/05 (H) MINUTE(FIN)  
04/13/05 (H) FIN RPT CS(JUD) 6DP 1NR  
04/13/05 (H) DP: KELLY, HOLM, STOLTZE, HAWKER,  
FOSTER, CHENAULT;  
04/13/05 (H) NR: WEYHRAUCH  
04/13/05 (H) TRANSMITTED TO (S)  
04/13/05 (H) VERSION: CSHB 210(JUD)  
04/14/05 (S) READ THE FIRST TIME - REFERRALS  
04/14/05 (S) STA, JUD  
04/26/05 (S) STA AT 3:30 PM BELTZ 211  
04/26/05 (S) Moved CSHB 210(JUD) Out of Committee  
04/26/05 (S) MINUTE(STA)  
04/27/05 (S) STA RPT 5AM  
04/27/05 (S) AM: THERRIAULT, ELTON, WAGONER,  
HUGGINS, DAVIS  
04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205  
04/30/05 (S) Scheduled But Not Heard  
05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
05/01/05 (S) Scheduled But Not Heard  
05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
05/02/05 (S) Scheduled But Not Heard  
05/03/05 (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  
 04/28/05 (S) Heard & Held  
 04/28/05 (S) MINUTE(JUD)  
 04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205  
 04/30/05 (S) Scheduled But Not Heard  
 05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
 05/01/05 (S) Scheduled But Not Heard  
 05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 05/02/05 (S) Scheduled But Not Heard  
 05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 81

SHORT TITLE: CONTRACTOR LICENSE ENFORCEMENT

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

01/19/05 (H) READ THE FIRST TIME - REFERRALS  
 01/19/05 (H) L&C, JUD, FIN  
 01/21/05 (H) L&C AT 3:15 PM CAPITOL 17  
 01/21/05 (H) Heard & Held  
 01/21/05 (H) MINUTE(L&C)  
 01/26/05 (H) L&C AT 3:15 PM CAPITOL 17  
 01/26/05 (H) Moved CSHB 81(L&C) Out of Committee  
 01/26/05 (H) MINUTE(L&C)  
 02/02/05 (H) L&C RPT CS(L&C) NT 5DP 1NR

02/02/05 (H) DP: LYNN, KOTT, LEDOUX, GUTTENBERG,  
 ANDERSON;  
 02/02/05 (H) NR: ROKEBERG  
 02/09/05 (H) JUD AT 1:00 PM CAPITOL 120  
 02/09/05 (H) Moved CSHB 81(L&C) Out of Committee  
 02/09/05 (H) MINUTE(JUD)  
 02/11/05 (H) JUD RPT CS(L&C) NT 3DP 3NR  
 02/11/05 (H) DP: GRUENBERG, KOTT, ANDERSON;  
 02/11/05 (H) NR: DAHLSTROM, COGHILL, MCGUIRE  
 03/02/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 03/02/05 (H) Heard & Held  
 03/02/05 (H) MINUTE(FIN)  
 03/07/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 03/07/05 (H) Moved CSHB 81(L&C) Out of Committee  
 03/07/05 (H) MINUTE(FIN)  
 03/09/05 (H) FIN RPT CS(L&C) NT 3DP 6NR  
 03/09/05 (H) DP: HAWKER, FOSTER, MEYER;  
 03/09/05 (H) NR: MOSES, JOULE, STOLTZE, CROFT,  
 KELLY, CHENAULT  
 03/16/05 (H) TRANSMITTED TO (S)  
 03/16/05 (H) VERSION: CSHB 81(L&C)  
 03/18/05 (S) READ THE FIRST TIME - REFERRALS  
 03/18/05 (S) L&C, JUD  
 04/07/05 (S) L&C AT 1:30 PM BELTZ 211  
 04/07/05 (S) Heard & Held  
 04/07/05 (S) MINUTE(L&C)  
 04/19/05 (S) L&C AT 1:30 PM BELTZ 211  
 04/19/05 (S) Moved SCS CSHB 81(L&C) Out of Committee  
 04/19/05 (S) MINUTE(L&C)  
 04/20/05 (S) L&C RPT SCS 2DP 3NR SAME TITLE  
 04/20/05 (S) NR: BUNDE, DAVIS, SEEKINS  
 04/20/05 (S) DP: ELLIS, STEVENS B  
 04/26/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/26/05 (S) Scheduled But Not Heard  
 04/27/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/27/05 (S) Heard & Held  
 04/27/05 (S) MINUTE(JUD)  
 04/28/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 04/28/05 (S) Scheduled But Not Heard  
 04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205  
 04/30/05 (S) Scheduled But Not Heard  
 05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
 05/01/05 (S) Heard & Held  
 05/01/05 (S) MINUTE(JUD)  
 05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 05/02/05 (S) Scheduled But Not Heard  
 05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 183

SHORT TITLE: CAMPAIGN FINANCE: SHARED EXPENSES/LISTS

SPONSOR(S): REPRESENTATIVE(S) HAWKER

02/28/05 (H) READ THE FIRST TIME - REFERRALS  
02/28/05 (H) STA, JUD  
03/29/05 (H) STA AT 8:00 AM CAPITOL 106  
03/29/05 (H) Moved CSHB 183(STA) Out of Committee  
03/29/05 (H) MINUTE(STA)  
03/30/05 (H) STA RPT CS(STA) 2DP 2NR  
03/30/05 (H) DP: ELKINS, SEATON;  
03/30/05 (H) NR: GARDNER, RAMRAS  
04/06/05 (H) JUD AT 1:00 PM CAPITOL 120  
04/06/05 (H) <Bill Hearing Postponed>  
04/13/05 (H) JUD AT 1:00 PM CAPITOL 120  
04/13/05 (H) Moved CSHB 183(JUD) Out of Committee  
04/13/05 (H) MINUTE(JUD)  
04/14/05 (H) JUD RPT CS(JUD) 6DP 1AM  
04/14/05 (H) DP: GRUENBERG, KOTT, DAHLSTROM,  
COGHILL, ANDERSON, MCGUIRE;  
04/14/05 (H) AM: GARA  
04/19/05 (H) TRANSMITTED TO (S)  
04/19/05 (H) VERSION: CSHB 183(JUD) AM  
04/20/05 (S) READ THE FIRST TIME - REFERRALS  
04/20/05 (S) STA, JUD  
04/26/05 (S) STA AT 3:30 PM BELTZ 211  
04/26/05 (S) Moved SCS CSHB 183(STA) Out of  
Committee  
04/26/05 (S) MINUTE(STA)  
04/27/05 (S) STA RPT SCS 4DP SAME TITLE  
04/27/05 (S) DP: WAGONER, ELTON, DAVIS, HUGGINS  
04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205  
04/30/05 (S) Scheduled But Not Heard  
05/01/05 (S) JUD AT 4:00 PM BUTROVICH 205  
05/01/05 (S) Scheduled But Not Heard  
05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
05/02/05 (S) Scheduled But Not Heard  
05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 201

SHORT TITLE: PERM. FUND DIVIDEND APPS OF MILITARY

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

03/04/05 (H) READ THE FIRST TIME - REFERRALS  
03/04/05 (H) MLV, STA  
03/17/05 (H) MLV AT 1:00 PM CAPITOL 124

03/17/05 (H) Moved Out of Committee  
 03/17/05 (H) MINUTE(MLV)  
 03/18/05 (H) MLV RPT 6DP  
 03/18/05 (H) DP: THOMAS, GRUENBERG, CISSNA, ELKINS,  
 MCGUIRE, LYNN  
 03/29/05 (H) STA AT 8:00 AM CAPITOL 106  
 03/29/05 (H) Heard & Held  
 03/29/05 (H) MINUTE(STA)  
 04/05/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 04/05/05 (H) <Pending Referral><Bill Postponed>  
 04/07/05 (H) STA AT 8:00 AM CAPITOL 106  
 04/07/05 (H) Moved CSHB 201(STA) Out of Committee  
 04/07/05 (H) MINUTE(STA)  
 04/08/05 (H) STA RPT CS(STA) NT 6DP 1NR  
 04/08/05 (H) DP: LYNN, GATTO, GRUENBERG, ELKINS,  
 RAMRAS, SEATON;  
 04/08/05 (H) NR: GARDNER  
 04/21/05 (H) TRANSMITTED TO (S)  
 04/21/05 (H) VERSION: HB 201  
 04/22/05 (S) READ THE FIRST TIME - REFERRALS  
 04/22/05 (S) STA, JUD  
 04/28/05 (S) STA AT 3:30 PM BELTZ 211  
 04/28/05 (S) Moved HB 201 Out of Committee  
 04/28/05 (S) MINUTE(STA)  
 04/29/05 (S) STA RPT 5DP  
 04/29/05 (S) DP: THERRIAULT, ELTON, WAGONER,  
 HUGGINS, DAVIS  
 05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205  
 05/02/05 (S) Scheduled But Not Heard  
 05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SB 74

SHORT TITLE: CRIMES INVOLVING MARIJUANA/OTHER DRUGS  
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/21/05 (S) READ THE FIRST TIME - REFERRALS  
 01/21/05 (S) HES, JUD, FIN  
 03/21/05 (S) HES AT 1:30 PM BUTROVICH 205  
 03/21/05 (S) Heard & Held  
 03/21/05 (S) MINUTE(HES)  
 03/23/05 (S) HES AT 1:30 PM BUTROVICH 205  
 03/23/05 (S) Heard & Held  
 03/23/05 (S) MINUTE(HES)  
 04/01/05 (S) HES AT 1:30 PM BUTROVICH 205  
 04/01/05 (S) Moved SB 74 Out of Committee  
 04/01/05 (S) MINUTE(HES)  
 04/04/05 (S) HES RPT 2DP 1DNP 1NR

04/04/05	(S)	DP: DYSON, WILKEN
04/04/05	(S)	DNP: ELTON
04/04/05	(S)	NR: OLSON
04/11/05	(S)	JUD AT 8:00 AM BUTROVICH 205
04/11/05	(S)	Heard & Held
04/11/05	(S)	MINUTE(JUD)
04/19/05	(S)	JUD AT 8:30 AM BUTROVICH 205
04/19/05	(S)	Scheduled But Not Heard
04/20/05	(S)	JUD AT 8:30 AM BUTROVICH 205
04/20/05	(S)	Heard & Held
04/20/05	(S)	MINUTE(JUD)
04/23/05	(S)	JUD AT 4:00 PM BUTROVICH 205
04/23/05	(S)	-- Rescheduled from 04/22/05 --
05/03/05	(S)	JUD AT 8:30 AM BUTROVICH 205

**WITNESS REGISTER**

Mr. Mike Pawlowski  
 Staff to Representative Kevin Meyer  
 Alaska State Capitol  
 Juneau, AK 99801-1182  
**POSITION STATEMENT:** Introduced HB 33

Mr. Chris Kennedy, Assistant Attorney General  
 Department of Law  
 PO Box 110300  
 Juneau, AK 99811-0300  
**POSITION STATEMENT:** Commented on HB 33

Ms. Sue Wright  
 Staff to Representative Mike Chenault  
 Alaska State Capitol  
 Juneau, AK 99801-1182  
**POSITION STATEMENT:** Introduced HB 184

Mr. Brian Judy  
 National Rifle Association  
**POSITION STATEMENT:** Commented on HB 184

Ms. Shalon Szymanski  
 Staff to Representative Lesil McGuire  
 Alaska State Capitol  
 Juneau, AK 99801-1182  
**POSITION STATEMENT:** Introduced HB 210

Mr. Everett Robins, Police Officer  
 Anchorage Police Department

Anchorage, AK

**POSITION STATEMENT:** Commented on HB 210

Ms. Jane Piersen

Staff to Representative Jay Ramras

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Introduced HB 149

Mr. Dean Guaneli, Chief Assistant Attorney General

Department of Law

PO Box 110300

Juneau, AK 99811-0300

**POSITION STATEMENT:** Commented on HB 149 and SB 74

Mr. John Bittner

Staff to Representative Tom Anderson

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Commented on HB 81

Mr. John Bitney, Lobbyist

Alaska State Home Builders Association

Palmer, AK

**POSITION STATEMENT:** Commented on HB 81

Ms. Juli Lucky

Staff to Representative Mike Hawker

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Introduced HB

Ms. Tammy Campton

Alaska Public Office Commission

Juneau, AK

**POSITION STATEMENT:** Commented on HB 183

Mr. Eric Deland

Staff to Representative Mike Chenault

Alaska State Capitol

Juneau, AK 99801-1182

**POSITION STATEMENT:** Introduced HB 201

#### **ACTION NARRATIVE**

**CHAIR RALPH SEEKINS** called the Senate Judiciary Standing Committee meeting to order at [8:42:45 AM](#). Present were Senators Hollis French, Gretchen Guess, and Chair Ralph Seekins.

**CSHB 33(FIN)-EFFECT OF REGULATIONS ON SMALL BUSINESSES**

[8:44:11 AM](#)

CHAIR RALPH SEEKINS announced HB 33 to be up for consideration.

MR. MIKE PAWLOWSKI, staff to Representative Kevin Meyer introduced HB 33. The bill is modeled on the Federal Regulatory Flexibility Act of 1980, which saved small businesses over \$17 billion last year in compliance costs. Several states have instituted a version of HB 33. The administration and the state chamber of commerce support the bill.

[8:44:58 AM](#)

SENATOR GUESS asked Mr. Pawlowski to explain the excluded list on Page 3, lines 17-24.

MR. PAWLOWSKI said the exclusions on lines 18-20 are subject to confirmation by the Legislature and made up of individuals who represent the interest of industry. Lines 21-23 are a series of statutory authority for the Department of Environmental Conservation (DEC).

[8:47:32 AM](#)

The Local Boundary Commission was outside the intent of the sponsor. The issues related to Medicaid and Medicare cost reimbursement regulations were removed saving the state a large amount of money.

[8:49:01 AM](#)

Senator Charlie Huggins and Senator Gene Therriault joined the committee.

SENATOR GUESS asked the reason the four agencies are detailed on Page 4, lines 15-19.

MR. PAWLOWSKI responded the bill started with economic effect then moved to the "govern the conduct" standard. They quickly found an absurd amount of regulations and agencies. The primary agencies listed narrow things down to a pilot program.

[8:50:35 AM](#)

SENATOR GUESS asked the reason for not including the Department of Revenue.

MR. PAWLOWSKI responded the concern was largely based on taxing and reporting requirements for taxes.

SENATOR GUESS asked the reason there was no sunset.

MR. PAWLOWSKI explained the four departments listed on Page 4, lines 15-19 tell businesses how to conduct their business. The agencies affected outside the Department of Community and Economic Development (DCED), believe they can absorb the costs within their agencies, which is why there are fiscal notes.

[8:52:54 AM](#)

SENATOR GUESS stated for the record there would be an opportunity cost because a state employee will be performing an extra duty.

MR. PAWLOWSKI clarified HB 33 only applies to new, proposed, or regulations that are opened under the petition process.

[8:54:31 AM](#)

SENATOR FRENCH stated the model act calls for cutoff of 500 employees and HB 33 calls for cutoff at 100. He asked Mr. Pawlowski the reason for the difference.

MR. PAWLOWSKI directed committee members to a list in their packets, which is based on the employee size of the business. The bill is tailored to the needs of Alaska.

SENATOR FRENCH asked the watchdog agency in charge of ensuring the flexibility analysis is happening at the regulatory process.

MR. PAWLOWSKI answered DCED.

[8:57:23 AM](#)

MR. CHRIS KENNEDY, assistant attorney general, Department of Law (DOL), testified he has been working closely with Representative Meyer's staff. Governor Murkowski asked to exclude resource development regulations from the bill at this time because of the risk of delay.

[8:59:36 AM](#)

MR. KENNEDY continued HB 33 would not add much new process. The intent is to restructure what the agencies are already doing and impose a little structure to ensure that when considering the regulations they are thinking specifically about the impact on small businesses.

[9:02:33 AM](#)

SENATOR HUGGINS moved CSHB 33(FIN) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

Chair Seekins announced a brief recess at [9:03:32 AM](#).

Chair Seekins reconvened the meeting at [9:05:26 AM](#).

### **HB 184 AM -MUNICIPAL FIREARM ORDINANCES**

[9:05:41 AM](#)

CHAIR RALPH SEEKINS introduced HB 184.

MS. SUE WRIGHT, staff to Representative Mike Chenault introduced HB 184, which would ensure that citizens be able to look to one law as the single final authority regarding firearm regulation.

MR. BRIAN JUDY, member, National Rifle Association (NRA), voiced approval of the bill.

[9:08:08 AM](#)

SENATOR GUESS asked Mr. Judy whether HB 184 overturns any current municipal law.

MR. JUDY responded he does not believe any municipalities in Alaska have local ordinances that deal with firearms businesses more restrictively than other businesses.

SENATOR GUESS stated Anchorage has an ordinance where liquor stores have to be a certain distance from schools. She asked whether those types of restrictions could be imposed upon a firearm dealer.

MR. JUDY answered he is not sure.

[9:09:53 AM](#)

SENATOR FRENCH stated there are many businesses that incur restrictions.

CHAIR SEEKINS asserted selling firearms is not the same as selling pornography.

SENATOR HUGGINS mentioned the federal government has exclusionary laws around schools.

[9:12:00 AM](#)

SENATOR FRENCH wanted to know how restrictively a gun shop owner would be treated.

CHAIR SEEKINS moved Amendment 1.

24-LS0632\AA.1  
Luckhaupt  
4/28/05

**A M E N D M E N T 1**

OFFERED IN THE SENATE

TO: HB 184 am

Page 1, lines 3 - 11:

Delete all material.

Insert new bill sections to read:

\* **Sec. 1.** AS 29.35.145(a) is repealed and reenacted to read:

(a) The authority to regulate firearms is reserved to the state and, except as specifically provided by statute, a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms.

\* **Sec. 2.** AS 29.35.145 is amended by adding new subsections to read:

(c) Municipalities may enact and enforce ordinances

(1) that are identical to state law and that have the same penalty as provided for by state law;

(2) restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized; ordinances enacted or enforced under this paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of Alaska, to bear arms in defense of self or others;

(3) restricting the areas in their respective jurisdictions in which firearms may be sold; a business selling firearms may not be treated more restrictively than other businesses located within the same zone; and

(4) prohibiting the possession of firearms in the restricted access area of municipal government buildings; the municipal assembly shall post notice of the prohibition against possession of firearms at each entrance to the restricted access area.

(d) In this section,

(1) "firearms" includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components;

(2) "restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public.

(e) The prohibition on taxation in (a) of this section does not include imposition of a sales tax that is levied on all products sold within a municipality."

SENATOR FRENCH objected for discussion. He asked Chair Seekins how the new Section 1 would coexist with Section 1 of the underlying bill.

CHAIR SEEKINS asked Mr. Judy to comment.

[9:14:36 AM](#)

MR. JUDY indicated only the findings were taken out. He did not understand the question.

CHAIR SEEKINS asked whether the intent of the bill was restated in Amendment 1 or whether it was included in it.

MR. JUDY said the amendment would start with repealing and reenacting AS 29.35.145(a). The content of the original bill is clearly restated in the amendment.

SENATOR FRENCH said by leaving out "discharge" in Amendment 1 it implicitly cedes to municipalities the authority to regulate discharge.

[9:17:52 AM](#)

SENATOR FRENCH said he wanted to make sure subsection (a) in Section 2 doesn't override subsection (c) of Section 3.

CHAIR SEEKINS said it does not. The amendment gives municipalities the ability to regulate discharge.

[9:18:40 AM](#)

SENATOR GUESS referred to Section 2, subsection (a) and asked whether a municipality can tax firearms or anything associated with firearms.

MR. JUDY responded the end of the bill allows imposition of sales tax.

9:19:58 AM

SENATOR FRENCH removed his objection. Amendment 1 was adopted unanimously.

CHAIR SEEKINS moved Amendment 2.

24-LS0632\AA.2  
Luckhaupt

**A M E N D M E N T 2**

OFFERED IN THE SENATE

TO: HB 184 am

Page 1, following line 11:

Insert a new bill section to read:

"\* **Sec. 3.** AS 18.65 is amended by adding a new section to read:

**Article 10A. Firearms.**

**Sec. 18.65.800. Possession of firearms in motor vehicles.** (a) Notwithstanding any other provision of law, the state, a municipality, or a person may not adopt or enforce a law, ordinance, policy, or rule that prohibits or has the effect of prohibiting an individual from possessing a firearm while that individual is within a motor vehicle or prohibiting an individual from storing a firearm that is locked in the individual's motor vehicle while the motor vehicle is otherwise legally parked in or on state or municipal property or another person's property. This section applies only to possession of a firearm by an individual who may legally possess a firearm under state and federal law.

(b) This section does not limit a person's rights or remedies under any other law.

(c) The state, a municipality, or a person is not liable for any injury or damage resulting from the storage of a firearm in the vehicle of an individual in accordance with this section."

SENATOR FRENCH objected for discussion.

MR. JUDY explained Amendment 2 would provide that a state, municipality, or person may not prohibit possession of firearms in vehicles. He said he sees a problem where an employer has a "no guns in the workplace" policy. The employer has a right to that policy in the workplace but the problem is when the policy is extended to the company parking lot. The policy would effectively disarm individuals for the entire day.

[9:22:34 AM](#)

The basis of Amendment 2 allows workplace restrictions but does not allow them to be extended to the vehicles.

SENATOR GUESS asked whether there are current state or local restrictions on having a firearm in a motor vehicle at a school. She asked whether this would be changing current practice in Alaska.

MR. JUDY said he didn't think so. Under Anchorage municipal ordinances, firearms are completely banned in vehicles but under state law, they are allowed with some restrictions. The preemption bill would modify the Anchorage ordinance but it would not modify state law.

[9:24:31 AM](#)

SENATOR FRENCH clarified Anchorage municipal law does not prohibit guns in vehicles. Possession of a gun on school grounds is prohibited. HB 184 would have the effect of overriding that.

CHAIR SEEKINS agreed.

MR. JUDY clarified under state law, firearms are prohibited on school grounds.

CHAIR SEEKINS asserted HB 184 would not modify state law.

SENATOR FRENCH pointed out municipal ordinance does not allow guns on school grounds.

[9:25:51 AM](#)

MR. JUDY understood Anchorage municipal ordinance restricts firearms from schools.

CHAIR SEEKINS acknowledged HB 184 would change that ordinance. Guns would have to be unloaded and locked in the vehicle.

SENATOR GUESS referred to line 16 of Amendment 2 and asked whether it would exempt a gun owner from anything resulting from the storage of their firearms.

CHAIR SEEKINS said the intent would be to exempt the property owner from liability for the action of the gun being in the vehicle.

MR. JUDY agreed.

[9:28:42 AM](#)

Chair Seekins proposed an amendment to Amendment 2.

Line 17, delete "an". Insert "another."

SENATOR FRENCH advised Mr. Judy of his concern regarding private property rights. Amendment 2 indicates a homeowner or employer would not be allowed to bar people from bringing guns to a home or to the workplace.

MR. JUDY claimed Amendment 2 is an attempt to strike a balance between property rights and individual rights.

[9:33:30 AM](#)

SENATOR FRENCH disagreed with the concept. He said private property is private property.

SENATOR HUGGINS asked Senator French whether he thought he should be able to search somebody's vehicle on his property.

SENATOR FRENCH answered yes.

SENATOR HUGGINS asserted individuals have privacy rights.

SENATOR FRENCH said the (US Constitution) Fourth Amendment applies to the government.

Chair Seekins announced a brief recess at [9:35:06 AM](#).

Chair Seekins reconvened the meeting at [9:41:59 AM](#).

Roll call proved Amendment 2 passed with Senator French dissenting.

Chair Seekins announced a brief recess at [9:43:01 AM](#).

Chair Seekins reconvened the meeting at [9:43:31 AM](#).

SENATOR HUGGINS moved SCS HB 184(JUD) from committee with individual recommendations and attached fiscal note(s).

SENATOR FRENCH objected. He said he hoped to vote for the bill when it came into committee but Amendment 2 strips the personal property rights of Alaskan citizens.

Roll call proved SCS HB 184(JUD) passed out of committee with Senator French dissenting.

Chair Seekins announced a brief recess at [9:45:46 AM](#).

Chair Seekins reconvened the meeting at [9:46:40 AM](#).

CSHB 210(JUD)-BLOODBORNE PATHOGEN TESTING

CHAIR RALPH SEEKINS announced HB 210 to be up for consideration.

SENATOR THERRIAULT moved Version \F as the working document before the committee.

MS. SHALON SZYMANSKI, staff to Representative Lesil McGuire, introduced HB 210. The changes from Senate State Affairs Standing Committee addressed employees under contract in correctional facilities.

[9:48:27 AM](#)

A technical change was made on Page 2, line 30 to add "adult or juvenile offender or" before "prisoner."

SENATOR GUESS wondered how a parent or guardian would be involved with HB 210.

MS. SZYMANSKI admitted HB 210 does not address the parent or guardian.

[9:49:49 AM](#)

MR. EVERETT ROBINS, officer, Anchorage Police Department (APD), testified in support of HB 210. He said there are certain laws where juveniles are handled as adults. The department does not need permission from parents to process somebody in the system including drawing blood.

[9:51:50 AM](#)

SENATOR GUESS referred to Section 2 and noted there might be a need to ensure parental or guardian contact before the juvenile signs away consent.

MR. ROBINS agreed that would be appropriate. HB 210 is a good bill for first responders to have because suspects often spit on police officers and correctional officers.

[9:54:33 AM](#)

SENATOR FRENCH asked Ms. Szymanski whether a person has to be charged with a crime in order to be subject to the testing requirements.

MS. SZYMANSKI responded the bill states it could be an offender, a prisoner, or victims of accidents. They wouldn't necessarily be charged.

[9:56:38 AM](#)

MR. ROBINS added HB 210 wasn't intended for victims, it was intended for suspects not necessarily under arrest.

SENATOR FRENCH asked the definition of "adult or juvenile defender."

MS. SZYMANSKI did not know.

[9:58:19 AM](#)

SENATOR FRENCH moved Amendment 1.

Page 6, line 22 after the word "person" insert "in custody, arrested, or".

[9:59:41 AM](#)

Amendment 1 was unanimously adopted.

SENATOR HUGGINS moved SCS CSHB 210(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

**CSHB 149(FIN)AM -CONTROLLED SUBSTANCES**

[10:01:41 AM](#)

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

MS. JANE PIERSEN, staff to Representative Jay Ramras, introduced HB 149. There are proposed amendments attached to the bill.

[10:02:58 AM](#)

SENATOR GRETCHEN GUESS moved SCS CSHB 149(JUD) Version \K as the working document. She asked Ms. Piersen whether there was anything in the committee substitute that wasn't part of an amendment passed prior in the Senate Judiciary Standing Committee.

MS. PIERSEN replied no. The first proposed amendment deletes the log in several sections and puts it in a new subsection. The person would no longer be guilty of a class A misdemeanor but a violation.

[10:05:02 AM](#)

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

**A M E N D M E N T 1**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, lines 13 - 16:

Delete "The log and the information entered into the log is confidential. The retailer may not allow access to the log or release information contained within the log except to the Department of Public Safety or other law enforcement officers."

Page 11, following line 3:

Insert a new subsection to read:

(g) The log required to be maintained by a retailer under (b) of this section and the information entered into the log is confidential. The retailer may not allow access to the log or release information contained within the log except to the Department of Public Safety or other law enforcement officers."

Reletter the following subsections accordingly.

Page 11, line 15:

Delete "(g)"

Insert "(h)"

Page 11, line 21, following "violation.":

Insert "A retailer who knowingly violates (g) of this section is guilty of a violation."

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

**A M E N D M E N T 2**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 11, line 3:

Delete "subsequent"

Following "period":

Insert "following the written request"

SENATOR GUESS moved Amendment 3.

24-LS0596\K.4  
Luckhaupt

**A M E N D M E N T 3**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, line 20, following "regulation":

Insert "due to the product's potential for diversion to the manufacture of methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors"

CHAIR SEEKINS objected for explanation.

[10:06:18 AM](#)

MR. DEAN GUANELI, chief assistant attorney general, Department of Law (DOL), explained the proposed language gives the DOL additional guidance, which is due to the product's potential for diversion to the manufacture of crystal methamphetamine (meth).

[10:07:51 AM](#)

Once state law is adopted where only the sole active ingredient products go behind the counter, the meth cooks will begin to cook the combination ingredient products. HB 149 should add language that allows flexibility to incorporate multi-ingredient products into the bill.

[10:09:41 AM](#)

Chair Seekins removed his objection and hearing no others, Amendment 3 was adopted.

SENATOR GUESS moved Amendment 4.

24-LS0596\K.5  
Luckhaupt

**A M E N D M E N T 4**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 4, lines 17 - 25:

Delete all material and insert:

"(2) less than 24 grams of ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals, kept in a locked storage area on the premises of a legitimate business or nonprofit organization operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants, makes it impractical for the participants in the activity to obtain medicinal products."

CHAIR SEEKINS objected for explanation.

MR. GUANELI explained the amendment allows the police the opportunity to obtain a search warrant.

[10:12:22 AM](#)

SENATOR FRENCH objected. He said the words "consistent with typical medicinal or household use" should be enough for the police to make a determination between a meth lab and a household.

MR. GUANELI informed some meth labs are operated where the people collect ingredients separately. In order to obtain a search warrant the police have to prove other factors exist. In some circumstances it is not possible for the police to do.

[10:14:52 AM](#)

MR. GUANELI continued the amendment is an attempt to limit the organizations that store many products.

SENATOR FRENCH removed his objection. Amendment 4 was unanimously adopted.

[10:16:58 AM](#)

SENATOR GUESS moved Amendment 5.

24-LS0596\K.6  
Luckhaupt

#### A M E N D M E N T 5

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, line 8, following "regulation":

Insert "due to the product's potential for diversion to the manufacture of methamphetamine, its immediate precursors, or the

salts, isomers, or salts of isomers of methamphetamine or its immediate precursors"

CHAIR SEEKINS objected for explanation.

MR. GUANELI explained the amendment is necessary to give the Department of Public Safety (DPS) more direction as to how to regulate additional substances that go behind the counter.

CHAIR SEEKINS removed his objection. Hearing no others, Amendment 5 was adopted.

SENATOR GUESS moved Amendment 6.

24-LS0596\K.7  
Luckhaupt

A M E N D M E N T 6

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 1, line 9, through page 2, line 3:  
Delete all material.

Page 2, line 4:  
Delete "**Sec. 2**"  
Insert "**Section 1**"

Renumber the following bill sections accordingly.

Page 12, line 31:  
Delete "Section 8"  
Insert "Section 7"

Page 13, line 6:  
Delete "Sections 2 - 12 and 15:"  
Insert "Sections 1 - 11 and 14"

Page 13, line 9:  
Delete "Sections 1 - 16"  
Insert "Sections 1 - 15"

Page 13, line 10:  
Delete "Section 17"  
Insert "Section 16"

CHAIR SEEKINS objected for explanation.

MR. GUANELI explained Amendment 6 would remove the findings from the bill. It also relates to the danger of manufacturing meth. It addresses a mandatory bail amount for repeat offenders. He expressed a preference for leaving Section 1 in the bill.

[10:19:35 AM](#)

SENATOR THERRIAULT offered to provide a letter of intent from the committee in lieu of Section 1.

CHAIR SEEKINS removed his objection. Hearing no others, Amendment 6 was adopted.

[10:21:20 AM](#)

SENATOR GUESS moved Amendment 7.

24-LS0596\K.8  
Luckhaupt

**A M E N D M E N T 7**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 13, line 8:

Delete "AS 17.30.090"

Insert "AS 17.30.090(b)"

CHAIR SEEKINS objected for explanation.

MS. PIERSEN explained Amendment 7 was intended to be part of sunsetting the logs. The amendment is incorrect and should be "Insert AS 17.30.090(g)."

SENATOR GUESS speculated (b) was correct.

MS. PIERSEN stood corrected.

CHAIR SEEKINS removed his objection.

SENATOR GUESS asked whether the checking of identification (ID) would be repealed.

MS. PIERSEN said the intent is to repeal the log.

CHAIR SEEKINS said he had no problem continuing the checking of ID. The intent was to remove the log-keeping at sunset if proven non-effective.

[10:23:51 AM](#)

SENATOR FRENCH noted a need to reinsert the photo ID portion elsewhere in the bill.

Amendment 7 was tabled.

SENATOR GUESS moved Amendment 8 and explained this would put everything in the log in regulation. Hearing no objections, the motion carried.

24-LS0596\K.9  
Luckhaupt

**A M E N D M E N T 8**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, lines 10 - 11:

Delete "requires the purchaser to sign a written log completed by the retailer"

Insert "completes a written log"

SENATOR GUESS moved Amendment 9. Hearing no objections, the motion carried.

24-LS0596\K.10  
Luckhaupt

**A M E N D M E N T 9**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, line 2, following "or a":

Insert "shorter"

[10:25:26 AM](#)

SENATOR GUESS moved Amendment 10.

24-LS0596\K.11  
Luckhaupt

**A M E N D M E N T 10**

OFFERED IN THE SENATE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, line 12, following "regulation.":

Insert "The log shall be maintained for one year or a shorter period of time established by the Department of Public Safety by regulation."

CHAIR SEEKINS objected for explanation.

MS. PIERSEN advised the amendment maintains the same language for retailers that the log is maintained for one year or shorter period of time established by the DPS by regulation.

CHAIR SEEKINS removed his objection. Hearing no further objections, Amendment 10 was adopted.

SENATOR GUESS moved Amendment 11.

24-LS0596\K.13  
Luckhaupt

#### A M E N D M E N T 11

OFFERED IN THE HOUSE

TO: SCS CSHB 149(JUD), Draft Version "K"

Page 10, line 16, following "officers":

Insert "A retailer is not liable in a civil action for release of information contained in the log in violation of the confidentiality requirements of this section unless the retailer intentionally released the information or was aware at the time of the release that the information was being released in violation of this section."

CHAIR SEEKINS objected for explanation.

SENATOR GUESS advised the amendment is to relieve the retailer from civil liability for an accidental release of information kept in the log.

CHAIR SEEKINS removed his objection. Hearing no further objections, Amendment 11 was unanimously adopted.

The committee revisited Amendment 7.

[10:27:23 AM](#)

SENATOR FRENCH asked for directions to the sunset.

SENATOR GUESS directed Page 13; line 8 (Section 17) says it will be repealed. Section 19 says Section 17 would go into effect June 30, 2007.

SENATOR FRENCH stated unless action is taken prior to the repealer date, all the requirements go away.

[10:29:11 AM](#)

Amendment 7 was unanimously adopted.

SENATOR GUESS alerted the committee to a drafting error on Page 10, lines 7 and 19. Both paragraphs talk about a product or substance. She proposed Amendment 12.

#### **A M E N D M E N T 12**

Page 10, line 7, after (3) insert "ephedrine, pseudo ephedrine, phenylpropanolamine, their salts, isomers, or salts of isomers, and."

[10:31:36 AM](#)

MR. GUANELI said red phosphorus is also an essential ingredient of meth and regulating ingredients that are too common can be problematic.

[10:33:48 AM](#)

Amendment 12 was unanimously adopted.

SENATOR GUESS moved Amendment 13. Hearing no objections, the motion carried.

#### **A M E N D M E N T 13**

Page 10, line 19, delete "any additional product." Insert "other ingredient."

[10:36:19 AM](#)

SENATOR GUESS moved SCS CSHB 149(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

Chair Seekins recessed the meeting at [10:37:18 AM](#).

Chair Seekins reconvened the meeting at [4:19:41 PM](#).

Senators Huggins, Therriault and Chair Seekins were present.

#### **CSHB 81(L&C)-CONTRACTOR LICENSE ENFORCEMENT**

[4:19:41 PM](#)

CHAIR SEEKINS announced HB 81 to be up for consideration. He recognized it as a very controversial bill and a difficult one to consider.

Senator French and Senator Guess joined the meeting.

CHAIR SEEKINS directed committee members to Page 4, Paragraph 8. He expressed concern with legitimizing a black market labor force.

[4:21:53 PM](#)

CHAIR SEEKINS suggested amending HB 81 in two places, which would raise the aggregate contract price allowable to \$10,000.

[4:23:38 PM](#)

Mr. JON BITTNER, staff to Representative Tom Anderson, agreed with the proposal.

MR. JOHN BITNEY, lobbyist, Alaska Home Builders Association, agreed with the proposal.

[4:25:27 PM](#)

Chair Seekins proposed Amendment 1. Hearing no objections, the motion carried.

Page 4, lines 16 and 19, delete \$5,000. Insert \$10,000.

SENATOR HUGGINS moved SCS CSHB 81(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

**CSHB 183(JUD)AM-CAMPAIGN FINANCE: SHARED EXPENSES/LISTS**

[4:27:17 PM](#)

CHAIR RALPH SEEKINS announced HB 183 to be up for consideration.

MS. JULI LUCKY, staff for Representative Mike Hawker introduced the bill. HB 183 makes two changes to the campaign reporting statutes. It allows a candidate to reimburse another candidate for costs incurred in a shared campaign expense and allows candidates and political parties to share fundraising lists.

SENATOR HOLLIS FRENCH noted it is currently illegal for one campaign to write a check to another campaign. He asked whether HB 183 would change that.

MS. LUCKY said yes.

SENATOR FRENCH voiced support for the idea of HB 183. He asked whether it was strictly for shared campaign fundraisers.

MS. LUCKY said she did not believe there was a strict definition. The intent is for any shared campaign activity.

[4:30:47 PM](#)

SENATOR CHARLIE HUGGINS voiced support of the bill.

SENATOR GENE THERRIAULT asked in the case of two campaign expenditures being exactly the same, whether each candidate could simply pay the tab for one or would they both have to be evenly split.

[4:33:35 PM](#)

MS. TAMMY CAMPTON, Alaska Public Offices Commission, answered that would be something that should be covered in regulation.

[4:35:02 PM](#)

SENATOR FRENCH asked the process for splitting the costs of a shared activity.

MS. CAMPTON said under the current regulations, costs have to be allocated equally.

SENATOR FRENCH asked the definition of "shared campaign activity."

MS. CAMPTON answered candidates sharing any expense.

[4:36:42 PM](#)

SENATOR HUGGINS moved SCS CSHB 183(STA) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

**HB 201-PERM. FUND DIVIDEND APPS OF MILITARY**

[4:41:07 PM](#)

CHAIR RALPH SEEKINS announced HB 201 to be up for consideration.

MR. ERIC DELAND, staff to Representative Mike Chenault introduced HB 201.

[4:43:01 PM](#)

SENATOR HOLLIS FRENCH asked the number of people to which the bill applies.

MR. DELAND responded there are 3,800 military people ready to deploy in the next few weeks. There are 300 currently deployed.

SENATOR HUGGINS moved HB 201 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

**SB 74-CRIMES INVOLVING MARIJUANA/OTHER DRUGS**

[4:48:42 PM](#)

CHAIR RALPH SEEKINS announced SB 74 to be up for consideration. He advised the committee was working off Version \A.

[4:51:07 PM](#)

MR. DEAN GUANELI, chief assistant attorney general, Department of Law (DOL), commented in the last meeting Senator French proposed a committee substitute to the bill (Version \G). He proposed an amendment to Version \A.

[4:52:51 PM](#)

SENATOR HOLLIS FRENCH moved Amendment 2.

**A M E N D M E N T 2**

Delete Section 3 of the bill and re-number bill sections accordingly.

Page 6, line 20:

Change "aggregate weight of one-half ounce or more" to read "aggregate weight of **less than one ounce** [ONE-HALF OUNCE OR MORE]"

Page 6, delete lines 22-25

Do not renumber paragraphs.

Page 7, delete lines 22-25 and re-number paragraphs accordingly.

CHAIR SEEKINS objected for discussion.

MR. GUANELI explained the amendment would remove Section 3, which experienced the most resistance.

[4:55:40 PM](#)

MR. GUANELI continued possession of smaller amounts of marijuana should be a misdemeanor.

[4:57:42 PM](#)

The next bullet on the amendment would repeal the provisions on lines 22-25 so less than one-half ounce provision goes away. The final change deletes language about growing or selling less than one-half ounce of marijuana.

[4:59:25 PM](#)

The affect of the amendment is what is now a class B misdemeanor becomes a class A misdemeanor.

[5:02:40 PM](#)

SENATOR GENE THERRIAULT asked the number of cigarettes in one ounce of marijuana.

MR. GUANELI responded it was approximately one hundred.

[5:04:33 PM](#)

Chair Seekins removed his objection. Hearing no further objections, Amendment 2 was unanimously adopted.

Chair Seekins announced a brief recess at [5:05:14 PM](#).

Chair Seekins reconvened the meeting at [5:08:42 PM](#).

SENATOR FRENCH withdrew his proposed committee substitute, which was Version \G.

CHAIR SEEKINS held SB 74 in committee.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [5:10:11 PM](#).