

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 16, 2006
9:27 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

SENATE BILL NO. 306

"An Act requiring an employing unit with a change in ownership, management, or control or similar change to notify the Department of Labor and Workforce Development of the change; relating to the unemployment contribution rate of an employing unit; defining 'business' for purposes of statutes setting unemployment contribution rates; establishing the crime of obtaining an unemployment rate by deception; and providing for an effective date."

MOVED SB 306 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 410(JUD)

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

MOVED CSHB 410(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 326(JUD) am

"An Act relating to the definition of the crime of harassment."

MOVED SCS CSHB 326(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 306

SHORT TITLE: UNEMPLOYMENT INSURANCE FUND & TAXES

SPONSOR(S): LABOR & COMMERCE

02/23/06 (S) READ THE FIRST TIME - REFERRALS

02/23/06 (S) L&C JUD
03/02/06 (S) L&C AT 2:00 PM BELTZ 211
03/02/06 (S) -- Meeting Canceled --
03/07/06 (S) L&C AT 1:30 PM BELTZ 211
03/07/06 (S) Moved SB 306 Out of Committee
03/07/06 (S) MINUTE(L&C)
03/09/06 (S) L&C RPT 3DP
03/09/06 (S) DP: BUNDE, DAVIS, STEVENS B
03/15/06 (S) JUD AT 8:30 AM BUTROVICH 205
03/15/06 (S) Heard & Held
03/15/06 (S) MINUTE(JUD)

BILL: HB 410

SHORT TITLE: REVISOR'S BILL

SPONSOR(s): RULES BY REQUEST OF LEGISLATIVE COUNCIL

01/30/06 (H) READ THE FIRST TIME - REFERRALS
01/30/06 (H) JUD
02/22/06 (H) JUD AT 2:30 PM CAPITOL 120
02/22/06 (H) Moved CSHB 410(JUD) Out of Committee
02/22/06 (H) MINUTE(JUD)
02/24/06 (H) JUD RPT CS(JUD) 4DP
02/24/06 (H) DP: COGHILL, ANDERSON, GRUENBERG,
MCGUIRE
03/01/06 (H) TRANSMITTED TO (S)
03/01/06 (H) VERSION: CSHB 410(JUD)
03/03/06 (S) READ THE FIRST TIME - REFERRALS
03/03/06 (S) JUD
03/16/06 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 326

SHORT TITLE: USE OF LEWD MATERIAL AS HARASSMENT

SPONSOR(s): REPRESENTATIVE(s) MEYER, LYNN

01/09/06 (H) PREFILE RELEASED 12/30/05
01/09/06 (H) READ THE FIRST TIME - REFERRALS
01/09/06 (H) JUD, FIN
01/18/06 (H) JUD AT 1:00 PM CAPITOL 120
01/18/06 (H) Moved CSHB 326(JUD) Out of Committee
01/18/06 (H) MINUTE(JUD)
01/26/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
01/26/06 (H) <Bill Hearing Postponed>
01/27/06 (H) JUD AT 1:00 PM CAPITOL 120
01/27/06 (H) Moved New CSHB 326(JUD) Out of
Committee
01/27/06 (H) MINUTE(JUD)
01/30/06 (H) JUD RPT CS(JUD) NT 4DP 1AM

01/30/06 (H) DP: GRUENBERG, WILSON, COGHILL,
MCGUIRE;
01/30/06 (H) AM: ANDERSON
01/31/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
01/31/06 (H) Moved CSHB 326(JUD) Out of Committee
01/31/06 (H) MINUTE(FIN)
02/01/06 (H) FIN RPT CS(JUD) NT 4DP 3NR
02/01/06 (H) DP: FOSTER, MOSES, KERTTULA, MEYER;
02/01/06 (H) NR: WEYHRAUCH, STOLTZE, HAWKER
02/22/06 (H) TRANSMITTED TO (S)
02/22/06 (H) VERSION: CSHB 326(JUD) AM
02/23/06 (S) READ THE FIRST TIME - REFERRALS
02/23/06 (S) JUD, FIN
03/16/06 (S) JUD AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

Jane Alberts, Legislative Aide
Staff to Senator Con Bunde
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 306

Paula Scavera, Special Assistant
Department of Labor & Workforce Development
PO Box 21149
Juneau, AK 99802-1149
POSITION STATEMENT: Commented on SB 306

Pamela Finley, Attorney
Legal Services Staff
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Presented and answered questions on HB 410

Representative Kevin Meyer
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 326

Mike Pawlowski, Legislative Aide
Staff to Representative Kevin Meyer
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on HB 326

Heather Brakes, Legislative Aide

Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on HB 326

Annie Carpeneti, Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on HB 326

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [9:27:43 AM](#). Present were Senators Hollis French, Charlie Huggins, Gene Therriault, and Chair Ralph Seekins.

SB 306-UNEMPLOYMENT INSURANCE FUND & TAXES

[9:28:49 AM](#)

CHAIR RALPH SEEKINS announced SB 306 to be up for consideration. He noted there was no one signed up to testify and so he closed public testimony.

SENATOR HOLLIS FRENCH asked whether there was any formal opposition to the bill.

JANE ALBERTS, staff to Senator Con Bunde, said the bill was brought forward on the behalf of the Department of Labor and Workforce Development and they have not heard any opposition.

[9:30:44 AM](#)

PAULA SCAVERA, Special Assistant, Alaska Department of Labor and Workforce Development (DOLWD) testified that her department supports the bill. Knowing that Senator Guess has questions regarding the bill, she contacted her office and requested her to let them know if she had concerns. They have not heard from her.

SENATOR GENE THERRIAULT moved SB 306 from committee with individual recommendations and attached zero fiscal notes. Hearing no objections, the motion carried.

HB 410-REVISOR'S BILL

[9:32:26 AM](#)

CHAIR RALPH SEEKINS announced HB 410 to be up for consideration.

PAMELA FINLEY, Revisor, Legal Services, introduced HB 410 and explained to the committee that the bill was required by statute for the purpose of clean up errors in the statute when the policy has been decided and is clear. The source of the revisions is their own review, suggestions from the Executive Branch and members of the public. She offered to answer questions.

SENATOR GENE THERRIAULT asked the reason for Sections 27 and 29 of the bill.

MS. FINLEY said the statute was renumbered to keep the references to money in the same provisions.

SENATOR THERRIAULT asked what would happen if the change wasn't made.

MS. FINLEY said the court would construe it to read as it reads. She said it should be cleared up so that wouldn't be necessary.

[9:34:16 AM](#)

SENATOR THERRIAULT asked Ms. Finley her criteria for evaluating the difference between pure clean up and substantive change.

MS. FINLEY explained, for example, Section 17 on page 6 established a division of worker's compensation because SB 130 created the division and kept talking about the director but it was never established in statute. She said the only thing she didn't know was who would appoint the director and so she used the standard procedure of the commissioner appointing the director. That was an example of a substantive change.

[9:36:37 AM](#)

SENATOR THERRIAULT moved CSHB 410(JUD) from committee with individual recommendations. Hearing no objections, the motion carried.

HB 326-USE OF LEWD MATERIAL AS HARASSMENT

[9:40:02 AM](#)

CHAIR RALPH SEEKINS announced HB 326 to be up for consideration.

SENATOR GRETCHEN GUESS joined the committee.

REPRESENTATIVE KEVIN MEYER introduced HB 326. The bill would add the posting, publishing or distribution of lewd and obscene

pictures into the current definition of harassment. The definition in current statute is limited to obscene electronic communication. The conduct prohibited by HB 326 is limited to lewd and obscene because of the fine line between freedom of expression and an individual's right to be free from harassment. The current harassment definition has been challenged and has held up and so it appears it is a solid statute.

[9:43:02 AM](#)

SENATOR GENE THERRIAULT asked the reason for no immediate effective date.

REPRESENTATIVE MEYER said there was no reason.

MIKE PAWLOWSKI, staff to Representative Meyer, said it had not been previously brought up and that the sponsor had no objection over an immediate effective date.

SENATOR THERRIAULT asked whether that would trigger a title change.

HEATHER BRAKES, staff to Senator Therriault, said she questioned the drafters about that and they indicated adding an immediate effective date would not trigger a title change resolution since it would be a technical change.

[9:45:20 AM](#)

SENATOR THERRIAULT moved Amendment 1. Add an immediate effective date.

ANNIE CARPENETI, Assistant Attorney General, Department of Law (DOL), said the DOL had no objection to the bill.

Hearing no objections, Amendment 1 was adopted.

SENATOR THERRIAULT asked Ms. Carpeneti whether the committee needed to add a statement saying the effective date would be applicable to crimes that were committed after.

MS. CARPENETI said criminal statutes do apply prospectively so it would probably not be necessary.

CHAIR SEEKINS asked the definition of "sexual act."

MS. CARPENETI responded it was defined in AS 11.41.470 (6) as "sexual contact or sexual penetration."

[9:47:31 AM](#)

SENATOR FRENCH said this kind of harassment is seen often in domestic violence. He asked Representative Meyer for clarification of whom the bill would be targeting.

REPRESENTATIVE MEYER said the intent was to cover the person who was being harassed. Sending emails is already covered in statute. It is intended to cover incidences of people producing lewd pictures of somebody that they wish to annoy.

[9:50:06 AM](#)

CHAIR SEEKINS noted he read AS 11.61.120(a)(4) as vague.

SENATOR FRENCH clarified that the intent would have to be to annoy or harass the person.

CHAIR SEEKINS said it wouldn't necessarily be connected to any threat of physical injury or sexual contact.

SENATOR FRENCH said even an anonymous phone call could be harassment if the intent is to harass.

[9:53:45 AM](#)

CHAIR SEEKINS asked Ms. Carpeneti whether the DOL supported the bill.

MS. CARPENETI responded in affirmation.

CHAIR SEEKINS closed public testimony.

SENATOR CHARLIE HUGGINS moved SCS CSHB 326(JUD) from committee with individual recommendations and attached fiscal notes. Hearing no objections, the motion carried.

[9:54:22 AM](#) brief recess [9:57:48 AM](#)

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [9:58:00 AM](#).