

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

May 6, 2006
9:17 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 were present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 347(JUD) am
"An Act relating to mandatory motor vehicle insurance, license suspensions, mandatory impoundments of vehicles used in certain offenses, notices relating to motor vehicles, and notices relating to driver's licenses."

MOVED SCS CSHB 347(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 482(JUD)
"An Act relating to harassment, intimidation, and bullying in schools."

MOVED SCS CSHB 482(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 347

SHORT TITLE: MOTOR VEHICLE INSURANCE/LICENSE/ NOTICES

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

01/09/06	(H)	PREFILE RELEASED 1/6/06
01/09/06	(H)	READ THE FIRST TIME - REFERRALS
01/09/06	(H)	STA, JUD
01/31/06	(H)	STA AT 8:00 AM CAPITOL 106
01/31/06	(H)	Heard & Held
01/31/06	(H)	MINUTE(STA)
02/14/06	(H)	STA AT 8:00 AM CAPITOL 106
02/14/06	(H)	Heard & Held
02/14/06	(H)	MINUTE(STA)
02/16/06	(H)	STA AT 8:00 AM CAPITOL 106

02/16/06 (H) Moved CSHB 347(STA) Out of Committee
 02/16/06 (H) MINUTE(STA)
 02/17/06 (H) STA RPT CS(STA) NT 3DP 3NR
 02/17/06 (H) DP: GARDNER, GATTO, SEATON;
 02/17/06 (H) NR: GRUENBERG, ELKINS, RAMRAS
 03/31/06 (H) JUD AT 1:00 PM CAPITOL 120
 03/31/06 (H) Heard & Held
 03/31/06 (H) MINUTE(JUD)
 04/07/06 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/06 (H) Moved CSHB 347(JUD) Out of Committee
 04/07/06 (H) MINUTE(JUD)
 04/10/06 (H) JUD RPT CS(JUD) NT 5DP 1AM
 04/10/06 (H) DP: GARA, WILSON, KOTT, GRUENBERG,
 MCGUIRE;
 04/10/06 (H) AM: ANDERSON
 04/21/06 (H) BEFORE THE HOUSE
 04/21/06 (H) TRANSMITTED TO (S)
 04/21/06 (H) VERSION: CSHB 347(JUD) AM
 04/22/06 (S) READ THE FIRST TIME - REFERRALS
 04/22/06 (S) STA, JUD
 04/27/06 (S) STA AT 3:30 PM BELTZ 211
 04/27/06 (S) -- Meeting Canceled --
 05/02/06 (S) STA AT 3:30 PM BUTROVICH 205
 05/02/06 (S) Scheduled But Not Heard
 05/03/06 (S) STA AT 3:30 PM BELTZ 211
 05/03/06 (S) SUPPORTING VETERANS HOME OWNERSHIP ACT
 05/04/06 (S) STA RPT 2NR 3DP
 05/04/06 (S) NR: THERRIAULT, HUGGINS
 05/04/06 (S) DP: ELTON, WAGONER, DAVIS
 05/06/06 (S) JUD AT 9:00 AM BUTROVICH 205

BILL: HB 482

SHORT TITLE: SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

02/13/06 (H) READ THE FIRST TIME - REFERRALS
 02/13/06 (H) EDU, HES, JUD
 03/16/06 (H) EDU AT 11:00 AM CAPITOL 106
 03/16/06 (H) Moved CSHB 482(EDU) Out of Committee
 03/16/06 (H) MINUTE(EDU)
 03/20/06 (H) EDU RPT CS(EDU) 1DNP 3NR 1AM
 03/20/06 (H) DNP: LYNN;
 03/20/06 (H) NR: GARA, THOMAS, NEUMAN;
 03/20/06 (H) AM: GATTO
 04/03/06 (H) FIN REFERRAL ADDED AFTER JUD
 04/04/06 (H) HES AT 3:00 PM CAPITOL 106
 04/04/06 (H) <Bill Hearing Postponed to 04/06/06>

04/06/06 (H) HES AT 3:00 PM CAPITOL 106
 04/06/06 (H) -- Rescheduled from 04/04/06 --
 04/10/06 (H) JUD AT 1:00 PM CAPITOL 120
 04/10/06 (H) <Bill Hearing Postponed to 04/12/06>
 04/11/06 (H) HES AT 3:00 PM CAPITOL 106
 04/11/06 (H) Moved CSHB 482(HES) Out of Committee
 04/11/06 (H) MINUTE(HES)
 04/12/06 (H) HES RPT CS(HES) 4DP 1DNP 1AM
 04/12/06 (H) DP: CISSNA, GARDNER, ANDERSON, SEATON;
 04/12/06 (H) DNP: GATTO;
 04/12/06 (H) AM: WILSON
 04/12/06 (H) JUD AT 1:00 PM CAPITOL 120
 04/12/06 (H) Moved CSHB 482(JUD) Out of Committee
 04/12/06 (H) MINUTE(JUD)
 04/14/06 (H) JUD RPT CS(JUD) 5DP 1NR
 04/14/06 (H) DP: GARA, KOTT, WILSON, ANDERSON,
 MCGUIRE;
 04/14/06 (H) NR: COGHILL
 04/21/06 (H) FIN REFERRAL WAIVED
 04/24/06 (H) TRANSMITTED TO (S)
 04/24/06 (H) VERSION: CSHB 482(JUD)
 04/24/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/24/06 (H) <Bill Hearing Canceled>
 04/25/06 (S) READ THE FIRST TIME - REFERRALS
 04/25/06 (S) HES, JUD
 05/01/06 (S) HES AT 1:30 PM BUTROVICH 205
 05/01/06 (S) Scheduled But Not Heard
 05/05/06 (S) HES RPT 3NR 1DP
 05/05/06 (S) NR: DYSON, WILKEN, OLSON
 05/05/06 (S) DP: ELTON
 05/05/06 (S) HES AT 1:30 PM BUTROVICH 205
 05/05/06 (S) Moved CSHB 482(JUD) Out of Committee
 05/05/06 (S) MINUTE(HES)
 05/06/06 (S) JUD AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

Representative Les Gara
 Alaska State Capitol
 Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 347

Duane Bannock, Director
 Division of Motor Vehicles
 Department of Administration
 PO Box 110200
 Juneau, AK 99811-0200

POSITION STATEMENT: Commented on HB 347

Representative Tom Anderson
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 48

Crystal Novatney, Legislative Aide
Staff to Representative Anderson
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 482

Tom Harvey, Executive Director
NEA Alaska
114 Second St.
Juneau, AK 99801

POSITION STATEMENT: Testified in support of HB 482

Judy Komorowski
Tok, Alaska

POSITION STATEMENT: Testified in support of HB 482

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [9:17:58 AM](#). Present were Senators Hollis French, Gretchen Guess, Charlie Huggins, and Chair Ralph Seekins.

HB 347-MOTOR VEHICLE INSURANCE/LICENSE/ NOTICES

[9:18:12 AM](#)

CHAIR RALPH SEEKINS announced CSHB 347(JUD) am to be up for consideration.

REPRESENTATIVE LES GARA, bill sponsor, introduced the HB 347. The bill would close a loophole that has caused a number of drivers to be charged criminally for driving without auto insurance when, in fact, they had insurance.

The problem lies with the process of vehicle accident paperwork with the Department of Motor Vehicles (DMV). Drivers involved in an accident are required to fill out paperwork and prove that they carry insurance. If they fail to do so, the DMV is required to send a reminder notice to the address in their database even if there is a more current address on the police report. To

solve the problem, HB 347 provides that the DMV should send the required information to the driver's last known address.

9:22:03 AM

The bill would increase the penalty for uninsured motorists. The bill would also allow for the impoundment of vehicles that are used under the offenses of driving while suspended and driving under the influence of intoxicants. The decision whether to impound the vehicle would be left up to local law enforcement.

9:23:11 AM

Senator Gene Therriault joined the committee.

DUANE BANNOCK, Director, DMV, testified that the DMV loves the bill. He directed his comments to Section 4 and gave a hypothetical example of a person involved in an automobile accident. The law requires that for every accident that incurs over \$500 worth of damage that the DMV must be notified in writing of the name of the insurance company. For various reasons many people do not do that. Sometimes the person is whisked away to the hospital and sometimes people think that the police paperwork fulfilled that requirement.

At any rate, after the DMV receives the police report, they look for the yellow notification form and if they don't find it, they send the notification letter. By law, the DMV is required to send the notice to the address in their records even if they know the address in their database is incorrect and even if the address on the police report is updated and known to be accurate. As a result, the customer never gets the notification and has their license suspended without knowing it.

9:29:36 AM

CHAIR SEEKINS asked Mr. Bannock whether the police are required to have the person fill out the yellow form while they are performing the accident investigation.

MR. BANNOCK said yes but for some reason they often don't fulfill that requirement. He suggested that a representative from the Department of Public Safety respond to the question.

CHAIR SEEKINS referred to Section 4(f) and asked how the DMV would decide where to send the notification.

MR. BANNOCK replied the DMV would send the notice to the most recent date of address.

[9:32:18 AM](#)

CHAIR SEEKINS expressed concern with Section 5 because sometimes vehicles get impounded when someone other than the owner was driving. Often times the owner has to pay a storage fee of up to \$200 a day. The same thing happens in the position of a lien holder. The way Section 5 is written, it would establish a secondary lien on the vehicle and would establish that the lien holder could only get their vehicle back if they pay the accrued cost of towing and storage of the vehicle.

[9:34:58 AM](#)

CHAIR SEEKINS added he has seen the situation happen many times where people lose their vehicles because they don't know where they are. He recounted an anecdotal story and said he had a problem with an "uncontrolled ability" to accrue storage costs and create a lien that would give de facto possession of the vehicle to someone other than the real owner.

[9:37:40 AM](#)

SENATOR FRENCH informed the committee that he had an amendment to address that concern.

[9:38:00 AM](#) at ease [9:40:21 AM](#)

SENATOR FRENCH moved Amendment 1.

24-LS1372\YA.1
Luckhaupt

A M E N D M E N T 1

OFFERED IN THE SENATE

TO: CSHB 347(JUD) am

Page 1, lines 1 - 2:

Delete "**mandatory impoundments of vehicles used in certain offenses,**"

Page 2, lines 12 - 20:

Delete all material.

Hearing no objections, Amendment 1 was adopted.

SENATOR GUESS moved SCS CSHB 347(JUD) out of committee with individual recommendations and attached fiscal notes. Hearing no objections, the motion carried.

HB 482-SCHOOL:BULLYING/HARASSMENT/INTIMIDATION

9:46:08 AM

CHAIR RALPH SEEKINS announced CSHB 482(JUD) to be up for consideration.

REPRESENTATIVE TOM ANDERSON, bill sponsor, introduced the bill and advised the committee that a member of his staff would explain the details.

CRYSTAL NOVATNEY, Staff to Representative Anderson, explained that HB 482 addresses the growing problem of "bullying" in the schools. Bullying has a negative effect on the social environment and on the emotional and mental well being of children. Recent studies suggest that bullying creates a climate of fear among students, inhibits their ability to learn, and leads to other anti-social behavior.

The bill would require school districts, city and borough offices of education, law enforcement agencies, and youth-serving agencies to develop and implement interagency strategies on bullying and harassment. Currently 21 states have similar laws and another 24 states are in the process of adopting similar legislation.

9:49:32 AM

SENATOR GRETCHEN GUESS referred to page 3, line 2 and asked whether the bill would open up the ability for a volunteer or student to be sued.

MS. NOVATNEY advised that was not the intent and that the language mirrored statutes from other states.

REPRESENTATIVE ANDERSON listed the states that have similar legislation.

CHAIR SEEKINS said he would be interested in knowing if the other states require an affirmative duty to report if the school employee, volunteer or student saw evidence of bullying.

9:53:03 AM

SENATOR HOLLIS FRENCH noted a person could construct a set of facts under which the failure to report was so egregious that it would rise to a level of action. People should be held responsible for what happens at school, he said. The problem with granting immunity to everyone at school is that there are

cases where a person is aware of the bullying but doesn't report it.

CHAIR SEEKINS commented that the bill has no requirement for the person to report it. It is encouraged but not required.

[9:55:10 AM](#)

REPRESENTATIVE ANDERSON said he would be willing to incorporate changes to strengthen the bill.

[9:56:27 AM](#) at ease [10:18:52 AM](#).

CHAIR SEEKINS asked for amendments.

SENATOR CHARLIE HUGGINS moved Amendment 1. Page 2, line 26, delete "is encouraged to" and insert "shall." Hearing no objections, the motion carried.

[10:19:49 AM](#)

SENATOR HUGGINS moved Amendment 2. Page 3, line 2 delete the word "promptly." Line 4 delete "an appropriate" and insert "a", delete "and in compliance with the procedures in the district's policy prohibiting harassment, intimidation, or bullying." Hearing no objections, the motion carried.

SENATOR HUGGINS moved Amendment 3. Page 3, line 11 following the word "act," delete the words "including an act directed at a student because of that person's race, age, sex, color, creed, sexual orientation, physical or mental disability, ancestry, or national origin or other distinguishing characteristics." Hearing no objections, the motion carried.

[10:21:59 AM](#)

SENATOR FRENCH asked whether that would include the nurse and the janitor.

SENATOR HUGGINS said yes.

SENATOR GENE THERRIAULT agreed and said the janitor is a paid professional in the school and should be held responsible to report bullying.

[10:23:29 AM](#)

CHAIR SEEKINS would now read "school official."

SENATOR HUGGINS moved Amendment 4. Add a new paragraph (3) to read; "school official" means all employees at such a school

including all teachers, administrators, and non-certified personnel such as para-professionals and other support staff. Hearing no objections, Amendment 4 was adopted.

[10:24:26 AM](#)

TOM HARVEY, Executive Director, NEA Alaska testified in support of the bill.

JUDY KOMOROWSKI, Tok, testified in support of the bill. She related a personal story of harassment that occurred to her son and told of her struggles with the school board in addressing the situation.

[10:35:17 AM](#)

CHAIR SEEKINS closed public testimony.

SENATOR GUESS moved SCS CSHB 482(JUD) from committee with individual recommendations and attached fiscal notes. Hearing no objections, the motion carried.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:36:23 AM](#).