

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 23, 2007

1:07 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Bettye Davis

COMMITTEE CALENDAR

HOUSE BILL NO. 3

"An Act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 164

"An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by licensed marine engineers for purposes of monitoring compliance with state and federal requirements, and to the obligations of those engineers while aboard the vessels; and providing for an effective date."

- MOVED CSHB 164(JUD) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 7

Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

- MOVED CSHJR 7(STA) OUT OF COMMITTEE

HOUSE BILL NO. 213

"An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities."

- MOVED CSHB 213(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 194

"An Act relating to fines for certain offenses involving aeronautics, alcoholic beverages, boats, fish and game, health care records and public health, medical review organizations, public restroom facilities, smoking, shelter cabins, refrigerators and similar equipment, radiation sources, high voltage lines, child labor, employment in underground mines, marriage licenses, motor vehicles and driver's licenses, ignition interlock devices, pipelines, use of the state seal, and emissions requirements; relating to the maximum fine provided for violations and infractions and to the definition of 'minor offenses'; redesignating certain fish and game misdemeanor offenses as class A misdemeanors; relating to violations and offenses that are committed on state land, water, and land and water or that are related to water management or dam and reservoir safety; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

- BILL HEARING POSTPONED TO 4/27/07

PREVIOUS COMMITTEE ACTION

BILL: HB 3

SHORT TITLE: REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/16/07	(H)	PREFILE RELEASED 1/5/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD
02/27/07	(H)	STA AT 8:00 AM CAPITOL 106
02/27/07	(H)	Scheduled But Not Heard
03/01/07	(H)	STA AT 8:00 AM CAPITOL 106
03/01/07	(H)	Scheduled But Not Heard
03/06/07	(H)	STA AT 8:00 AM CAPITOL 106
03/06/07	(H)	Moved Out of Committee
03/06/07	(H)	MINUTE(STA)
03/07/07	(H)	STA RPT 3DP 2DNP 2NR
03/07/07	(H)	DP: JOHNSON, ROSES, LYNN

03/07/07 (H) DNP: GRUENBERG, DOLL
 03/07/07 (H) NR: JOHANSEN, COGHILL
 03/07/07 (H) FIN REFERRAL ADDED AFTER JUD
 04/20/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/20/07 (H) Heard & Held
 04/20/07 (H) MINUTE(JUD)
 04/23/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 164

SHORT TITLE: OCEAN RANGERS & REPORTING VESSEL LOCATION
 SPONSOR(S): TRANSPORTATION

02/28/07 (H) READ THE FIRST TIME - REFERRALS
 02/28/07 (H) TRA, FIN
 03/08/07 (H) TRA AT 1:30 PM CAPITOL 17
 03/08/07 (H) Heard & Held
 03/08/07 (H) MINUTE(TRA)
 03/13/07 (H) TRA AT 1:30 PM CAPITOL 17
 03/13/07 (H) Moved Out of Committee
 03/13/07 (H) MINUTE(TRA)
 03/14/07 (H) TRA RPT 2DP 1DNP 3NR
 03/14/07 (H) DP: KOHRING, JOHANSEN
 03/14/07 (H) DNP: DOOGAN
 03/14/07 (H) NR: FAIRCLOUGH, JOHNSON, NEUMAN
 03/14/07 (H) JUD REFERRAL ADDED AFTER TRA
 03/28/07 (H) JUD AT 1:00 PM CAPITOL 120
 03/28/07 (H) Heard & Held
 03/28/07 (H) MINUTE(JUD)
 04/13/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/13/07 (H) <Bill Hearing Canceled>
 04/16/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/16/07 (H) <Bill Hearing Rescheduled to 04/18/07>
 04/18/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/18/07 (H) -- MEETING CANCELED --
 04/20/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/20/07 (H) Heard & Held
 04/20/07 (H) MINUTE(JUD)
 04/20/07 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/20/07 (H) <Bill Hearing Postponed>
 04/23/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 7

SHORT TITLE: CONST AM: GENDER-NEUTRAL REFERENCES
 SPONSOR(S): REPRESENTATIVE(S) GATTO

01/30/07 (H) READ THE FIRST TIME - REFERRALS
 01/30/07 (H) STA, JUD, FIN

04/03/07 (H) STA AT 8:00 AM CAPITOL 106
 04/03/07 (H) Heard & Held
 04/03/07 (H) MINUTE(STA)
 04/10/07 (H) STA AT 8:00 AM CAPITOL 106
 04/10/07 (H) Moved CSHJR 7(STA) Out of Committee
 04/10/07 (H) MINUTE(STA)
 04/11/07 (H) STA RPT CS(STA) 4DP 3NR
 04/11/07 (H) DP: ROSES, GRUENBERG, DOLL, LYNN
 04/11/07 (H) NR: JOHNSON, JOHANSEN, COGHILL
 04/18/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/18/07 (H) -- MEETING CANCELED --
 04/23/07 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 213

SHORT TITLE: CRIMES AT DOMESTIC VIOLENCE SHELTERS

SPONSOR(S): REPRESENTATIVE(S) DOLL

03/21/07 (H) READ THE FIRST TIME - REFERRALS
 03/21/07 (H) HES, JUD
 04/10/07 (H) HES AT 4:00 PM CAPITOL 106
 04/10/07 (H) Moved CSHB 213(HES) Out of Committee
 04/10/07 (H) MINUTE(HES)
 04/13/07 (H) HES RPT CS(HES) 6DP
 04/13/07 (H) DP: CISSNA, SEATON, GARDNER, WILSON,
 FAIRCLOUGH, ROSES
 04/17/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/17/07 (H) <Bill Hearing Rescheduled to 04/20/07>
 04/20/07 (H) JUD AT 1:00 PM CAPITOL 120
 04/20/07 (H) <Bill Hearing Canceled>
 04/23/07 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

DIRK MOFFATT, Staff
 to Representative Bob Lynn
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented HB 3 on behalf of the sponsor,
 Representative Lynn.

DUANE BANNOCK, Director
 Division of Motor Vehicles (DMV)
 Department of Administration (DOA)
 Anchorage, Alaska

POSITION STATEMENT: Responded to questions during discussion of
 HB 3.

REPRESENTATIVE KYLE JOHANSEN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as the chair of the House Transportation Standing Committee, the sponsor of HB 164.

RANDALL RUARO, Staff
to Representative Kyle Johansen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 164 on behalf of the House Transportation Standing Committee, which sponsored the bill and which is chaired by Representative Johansen.

LYNN TOMICH KENT, Director
Division of Water
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 164.

RUTH HAMILTON HESSE, Assistant Attorney General
Environmental Section
Civil Division (Juneau)
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 164.

SANDRA WILSON, Intern
to Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 7 on behalf of the sponsor, Representative Gatto.

CHRIS ASHENBRENNER, Interim Program Administrator
Council on Domestic Violence and Sexual Assault (CDVSA)
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 213.

GERALD LUCKHAUPT, Attorney
Legislative Legal Counsel
Legislative Legal and Research Services

Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: Spoke as the drafter of HB 213 and responded to questions.

SARALYN TABACHNICK, Executive Director
Aiding Women in Abuse and Rape Emergencies Inc (AWARE)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 213.

PEGGY BROWN, Executive Director
Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 213.

DON SHIRCEL
Tanana Chiefs Conference, Inc. (TCC)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 213.

LINDA STANDFORD, Program Coordinator
Arctic Women in Crisis (AWIC)
Barrow, Alaska

POSITION STATEMENT: Testified in support of HB 213.

RICK SVOBODNY, Deputy Attorney General
Criminal Division
Office of the Attorney General
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Provided comments and responded to questions during discussion of HB 213.

ACTION NARRATIVE

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at [1:07:31 PM](#). Representatives Dahlstrom, Coghill, Samuels, Lynn, Holmes, Gruenberg, and Ramras were present at the call to order. Senator Davis was also in attendance.

HB 3 - REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

[1:09:39 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 3, "An Act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."

1:11:06 PM

DIRK MOFFATT, Staff to Representative Bob Lynn, Alaska State Legislature, sponsor, relayed on behalf of Representative Lynn that Section 1 of HB 3 conforms AS 18.65.310(a) to allow the validity period of an identity (ID) card to be longer or shorter than the standard five-year validity period. Section 2 amends AS 18.65.310(g) to require an eight-year validity period for an ID card issued to a person 60 years of age or older. Section 3 creates new subsections (h) and (i) in AS 18.65.310 referencing legal presence and validity dates. Subsection (h) requires proof that an applicant for an ID card is a citizen or a legal resident of the United States. Subsection (i) allows an ID card to be issued to a temporary resident of the United States under certain circumstances; requires a temporary resident to present documentation in person; requires the ID's expiration date to match the expiration date on the U.S. government's temporary resident document; requires an ID to expire one year from the date of issue when an applicant has indefinite temporary status; allows IDs to be renewed with documentary evidence that the U.S. government has extended the applicant's stay; and provides that the department may regulate what constitutes valid, documentary evidence for an ID card except it cannot approve matricula consular cards.

MR. MOFFATT, in response to a question, explained that matricula consular cards are cards that have a lot of fraud associated with them even though they are issued through Mexico's consulates or embassies.

REPRESENTATIVE LYNN, speaking as the sponsor of HB 3, relayed that matricula consular cards, typically issued by the Mexican government, basically say that the holder has that government's permission to be in the United States.

MR. MOFFATT explained that Section 4 amends AS 28.15.031(b)(1) to prohibit the issuance of a driver's license to a person whose privilege to drive has been canceled or who is disqualified from obtaining a license, and creates a new paragraph (8) with subparagraphs (A) and (B) referencing legal presence and validity dates. Subparagraph (A) prohibits the issuance of a driver's license to a person who has not presented proof that

he/she is a citizen or legal resident of the United States; exempts a person with an Alaska driver's license from the proof requirements as long as the license has not expired or been canceled, suspended, or revoked and the person has not been disqualified from obtaining a license, or unless the department is notified by a government agency that the person is not a citizen or legal resident; and provides that the department may regulate what constitutes valid, documentary evidence for driver's license except it cannot approve matricula consular cards.

MR. MOFFATT relayed that subparagraph (B) allows a driver's license to be issued to a temporary resident of the United States under certain circumstances; requires the applicant to present documentation in person; prohibits license renewal without proof that temporary status has been extended by the U.S. government; prohibits a name change unless the name change corresponds to the U.S. government's authorizing documents; prohibits the issuance of a duplicate license without proof that temporary status is still valid and in effect; and provides that the department may regulate what constitutes valid, documentary evidence for a driver's license except it cannot approve matricula consular cards. Section 5 conforms [AS 28.15.101(a)] to allow the validity period of a driver's license to be shorter than the standard five-year validity period.

MR. MOFFATT explained that Section 6 creates a new subsection (d) in AS 28.15.101 that requires a driver's license expiration date to match the expiration date on the U.S. government's temporary resident document, and provides that the license must expire one year from the date of issue when an applicant has indefinite temporary status. Section 7 provides for a January 1, 2008, effective date.

MR. MOFFATT, in response to a question, confirmed that language in proposed AS 28.15.031(b)(8)(A) addresses those seeking a legal name change due to marriage or divorce.

[1:19:21 PM](#)

DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), in response to questions, relayed that Sections 1-3 specifically address ID cards, and that HB 3 is designed to address those people who are not able establish that they are legally in the U.S. or who have stayed longer than they have been approved for. "We don't want them to have a driver's license or identification card," he added. In

response to further questions, he acknowledged that although a driver's license is meant to indicate that a person has sufficient knowledge and skill to drive a car and is physically able to do so, it is more often used for non-driving purposes; offered his understanding that the Transportation Security Administration (TSA) publishes information regarding what documents can be used to satisfy its requirements; and confirmed that driver's licenses are probably the most official photo ID that people carry, adding that they are probably the most common document used at airports.

REPRESENTATIVE GRUENBERG, after mentioning that he's provided members with a couple of proposed amendments, noted that the federal REAL ID Act of 2005 requires documents showing a place of residence, and asked how people in rural Alaska ought to list their addresses given that in some areas there are no street addresses.

MR. BANNOCK characterized that topic as being outside the purview of the bill.

REPRESENTATIVE GRUENBERG noted that under the bill, people seeking driver's licenses or ID cards must come into the DMV office and show their documentation in person. He asked how people living in Alaska's remote locations are expected to comply with that provision.

MR. BANNOCK, after noting that the DMV has an existing network of offices, explained that existing statute provides for the issuance of a specific type of [license or ID card] that he called, "Valid Without Photo," adding that many people from outlying areas of the state take advantage of that program. An applicant of such a license mails his/her documents to the DMV, which processes them and then mails back a license that doesn't contain a photograph of the person. House Bill 3 will not alter that statute.

MR. BANNOCK, in response to a question, offered his understanding that when people who live in rural areas of the state travel to the bigger towns, one of their purposes for doing so is to acquire a driver's license or ID card that does contain their photograph. In response to other questions, he explained that existing law requires a person whose license has been expired for longer than a year to retake the written exam; and that under HB 3, anyone seeking to have an expired license renewed will have to present other documentation verifying his/her identity even if the license has only been expired for a

brief time; and that the bill provides an exemption from its documentation requirements for those seeking to get their license renewed as long as their existing license has not expired.

REPRESENTATIVE HOLMES mentioned that that exemption language is located on page 3, [lines 18-22].

MR. BANNOCK added that under existing statute, a person is allowed to renew his/her license up to a year in advance of the expiration date. In response to questions, he explained that currently, someone with an expired license seeking license renewal needn't present further documentation.

CHAIR RAMRAS expressed disfavor with the concept of requiring a person with an expired driver's license to present additional documentation, characterizing that requirement as an unfair burden on rural Alaskans. He indicated that the bill would not be moving from committee until that issue is addressed.

[1:35:17 PM](#)

REPRESENTATIVE GRUENBERG pointed out, too, that under the REAL ID Act of 2005, if the person living in rural Alaska has an expired license, he/she won't even be able to board the plane in order to come into an urban center and get his/her license renewed. He concurred, therefore, that this provision does need to be corrected.

REPRESENTATIVE HOLMES asked how long the DMV intends to store the required documents, and how it intends to store them.

MR. BANNOCK, noting that HB 3 does not address those issues, indicated that the DMV intends to store electronic versions of those documents but hasn't begun the process of doing so. In response to a question, he offered his understanding that 40 other states already "practice legal presence." In response to a further question, he offered his understanding that the REAL ID Act of 2005 requires electronic copies of documents to be stored seven years and photocopies of documents to be stored ten years.

CHAIR RAMRAS asked Mr. Bannock to work with the sponsor to address members' concerns regarding the bill's potential detrimental impact on rural Alaskans.

REPRESENTATIVE LYNN, acknowledging that Alaska has unique demographics, agreed to address that issue.

REPRESENTATIVE GRUENBERG expressed a desire to inform the Bush caucus of HB 3's potential ramifications. In response to a comment, he indicated that he would not yet be offering his aforementioned proposed amendments.

CHAIR RAMRAS relayed that HB 3 would be set aside.

HB 164 - OCEAN RANGERS & REPORTING VESSEL LOCATION

[1:44:55 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 164, "An Act relating to reporting of vessel location by certain commercial passenger vessels operating in the marine waters of the state, to access to vessels by licensed marine engineers for purposes of monitoring compliance with state and federal requirements, and to the obligations of those engineers while aboard the vessels; and providing for an effective date." [In members' packets were two proposed committee substitutes for HB 164: Version 25-LS0585\V, Kane, 4/20/07; and Version 25-LS0585\N, Kane, 4/23/07.]

CHAIR RAMRAS, mentioning a potential conflict of interest, turned the gavel over to Vice Chair Dahlstrom.

REPRESENTATIVE GRUENBERG asked for an explanation of the differences between Version V and Version N.

[1:46:32 PM](#)

REPRESENTATIVE KYLE JOHANSEN, Alaska State Legislature, speaking as the chair of the House Transportation Standing Committee, sponsor of HB 164, relayed that Version N is the latest version; that Version V was drafted after the 4/20/07 meeting on the bill; and that one of the differences between the two version is that Version N - on page 2, lines 4-5 - uses the term, "wastewater treatment operator" instead of the term, "marine engineer licensed by the United States Coast Guard and", and provides a definition of "wastewater treatment operator" on page 2, lines 23-25:

(e) In this section, "wastewater treatment operator" means a Level III wastewater treatment operator

certified by the department under the authority of AS 46.30.080.

[1:48:37 PM](#)

RANDALL RUARO, Staff to Representative Kyle Johansen, Alaska State Legislature, speaking on behalf the House Transportation Standing Committee, sponsor of HB 164, in response to questions, relayed that the term "Level III wastewater treatment operator" - an existing position within the Department of Environmental Conservation (DEC) - is currently only defined in regulation, not statute.

REPRESENTATIVE JOHANSEN, in response to a question, indicated that a Level III wastewater treatment operator is specifically trained in wastewater analysis and sampling, and in [maintaining] advanced wastewater treatment plants, whereas a licensed marine engineer - as referenced in both the original bill and Version V - is not. Furthermore, language on page 2, lines 3-8, of Version N stipulates that the wastewater treatment operators will be allowed on board vessels at random times determined by the commissioner while vessels are in port or operating in Alaska waters between two Alaska ports; this new language, he offered, gives the commissioner the discretion to create a program that will satisfy the intent of the voters who approved the recent ballot initiative regarding cruise ship taxation, regulation, and disclosure.

VICE CHAIR DAHLSTROM asked whether the wastewater treatment operators will be state employees.

REPRESENTATIVE JOHANSEN relayed his intent to have that issue addressed in the House Finance Committee. In response to another question, he observed that the DEC's fiscal note will have to be recalculated after the adoption of the CS, though he anticipates it will be lower.

CHAIR RAMRAS noted that proposed AS 46.03.476(a) says in part, "The commissioner may require the owner or operator", and surmised that cruise ships wouldn't be prohibited from sailing if not all the Level III wastewater treatment operator positions were filled.

REPRESENTATIVE JOHANSEN offered his understanding that it is the commissioner who has the discretion to determine when a wastewater treatment operator should go on board a vessel.

CHAIR RAMRAS indicated that he wants to ensure that the department's inability to hire enough Level III wastewater treatment operators won't disrupt a cruise ship's schedule.

[1:55:20 PM](#)

LYNN TOMICH KENT, Director, Division of Water, Department of Environmental Conservation (DEC), in response to a question, first clarified that the department has estimated that under existing law it will need about 35 Ocean Rangers, and then relayed that Level III wastewater treatment operators have to have 14 years of education, which translates into two years of college and four years of wastewater treatment facility operator experience, at least half of which has to be on a similar type of system. And since many cruise ships operate with an advanced wastewater treatment system, which is not a system that's commonly used at shore-based facilities, there may be some challenges, at least in the first few years, finding staff who have a Level III operator certification for the types of systems that are on cruise ships. She observed, though, that the bill provides leeway to either hire state staff or obtain the services through contract.

MS. KENT, in response another question, said that Level II wastewater treatment operators have to have 12 years of education, which translates into a high school diploma and three years of experience operating a system at the next lower level, and at least half of that time must be spent working on a system that's similar to those found on cruise ships. With regard to a question of how the DEC determined that it would need 35 Ocean Rangers, she explained that the department had a contractor review a multitude of options for placing Ocean Rangers on board vessels, and it was the contractor's recommendation that the department could fully staff the vessels while they're operating in Alaskan waters with about 35 Ocean Rangers; this number would satisfy the ballot initiative as currently written with the assumption that a vessel would have just one Ocean Ranger on board, rather than two, working a 12 hour shift.

MS. KENT, in response to a question about the fiscal impact of the ballot initiative, relayed that in addition to the salaries paid to those monitoring the cruise ships, there are also costs associated with equipment, training, and traveling to and from vessels.

[2:00:03 PM](#)

REPRESENTATIVE LYNN asked what the difference is between a wastewater treatment operator and a marine engineer, and whether either would satisfy the requirements of the ballot initiative.

MS. KENT said that a Coast Guard licensed marine engineer - someone who is trained in how the systems on the vessel operate, including propulsion systems as well as wastewater systems - is required to have a certain amount of sea time in order to get certification, but doesn't have the kinds of training needed under the initiative as currently written - he/she would have to specifically trained in domestic wastewater sampling, foodservice, solid waste management, drinking water, air opacity, and a wide variety of pollution, health, and safety requirements. Therefore, licensed marine engineers would still have to be trained in those other aspects of environmental and public health rules. A wastewater treatment operator, on the other hand, has been trained in and has experience operating domestic or sewage treatment facilities, but may or may not - likely not - have experience in other kinds of environmental rules, though the way the CS is written, he/she won't have those responsibilities anyway for things like "sanitation" or "safety."

REPRESENTATIVE LYNN asked which type of person would be best qualified to ensure that wastewater discharge systems are working properly at the proper times.

MS. KENT offered her belief that a wastewater treatment operator would be better suited and better trained for the job as long as his/her duties are limited to wastewater discharge on the vessels, as is provided for via Version N.

REPRESENTATIVE GRUENBERG asked whether the legislature will have to further amend AS 46.30 as a result of the passage of HB 164.

MS. KENT said she's not yet had a chance to review the statutory authority that sets up the certification system for wastewater [treatment] operators.

REPRESENTATIVE GRUENBERG suggested to the sponsor that he research that issue as well.

REPRESENTATIVE LYNN, referring to page 2, line 3, of Version N, noted that it says in part, "The commissioner may require the owner or operator of a large commercial passenger vessel to allow". He questioned whether "may" should be changed to "shall" in order to more closely comply with the ballot initiative.

REPRESENTATIVE JOHANSEN said he doesn't see any problem with such a change.

REPRESENTATIVE SAMUELS opined that such a change would take away the commissioner's discretion to train personnel, and characterized it as a huge change.

2:05:52 PM

REPRESENTATIVE COGHILL moved to adopt the proposed committee substitute (CS) for HB 164, Version 25-LS0585\N, Kane, 4/23/07, as the work draft. There being no objection, Version N was before the committee.

VICE CHAIR DAHLSTROM concurred with Representative Samuels's point.

REPRESENTATIVE SAMUELS opined that changing "may" to "shall" could result in problems related to having sufficiently trained personnel.

REPRESENTATIVE LYNN disagreed, said he believes that the commissioner would maintain his/her discretion in that regard, and pointed out that such a change would only mandate that the commissioner must require the owner or operator of a vessel to allow a wastewater treatment operator on board.

REPRESENTATIVE COGHILL surmised that the issue is whether the owner or operator would be directed to allow or permitted to allow, and doesn't pertain to whether the commissioner still has the discretion to set the times of boarding or establish the duties of wastewater treatment operators. If the "may" is changed to "shall", vessels will be required to "lower the gangplank," he remarked, adding that he doesn't have a problem with that concept.

VICE CHAIR DAHLSTROM asked what the impact will be on how cruise ships operate if the department is not able to fill the necessary positions.

REPRESENTATIVE JOHANSEN said he is not sure that a lack of sufficient personnel would preclude cruise ships from operating in Alaska's waters, but acknowledged that staffing concerns prompted the removal of language referring to licensed marine engineers. The intent is to give the commissioner the ability to put folks on board when he/she wants to, and so perhaps a

further solution to a potential staffing problem would be to remove the words, "Level III" from page 2, line 23, he added.

2:09:51 PM

CHAIR RAMRAS asked Representative Johansen whether he would be amenable to a conceptual amendment along the lines of, "in the event that positions cannot be filled on a timely basis by the commissioner of DEC, these large commercial passenger vessels shall be allowed to travel in Alaskan waters." He said he does not want to risk disturbing commerce based on the state's inability to hire sufficient staff.

REPRESENTATIVE JOHANSEN said he intended the language in Version N to give the commissioner the ability to put a person on a vessel, not to automatically have a person board every single ship. Thus, if the commissioner decides that certain vessels - because of a demonstrated good track record - don't need someone on board, the commissioner would have the discretion to adjust the program accordingly.

REPRESENTATIVE HOLMES said she does not think that changing "may" to "shall" will cause a problem because the times of boarding would still be determined by the commissioner, and using the word, "shall" simply means that a particular thing must be implemented. If there is a shortage of staff, she posited, the commissioner can simply chose to have people board vessels fewer times - a shortage of staff won't require cruise ships to be prohibited from entering Alaska waters. "So I would be in favor of changing 'may' to 'shall'," she added.

REPRESENTATIVE SAMUELS concurred.

REPRESENTATIVE JOHANSEN reiterated that he has no problem with such a change.

VICE CHAIR DAHLSTROM referred to that suggested change as Amendment 1: on page 2, line 3, changing "may" to "shall". [Although no formal motion was made, the committee treated Amendment 1 as having been adopted.]

2:15:20 PM

REPRESENTATIVE GRUENBERG referred to Amendment 2, labeled 25-LS0585\V.2, Kane, 4/23/07, which read:

Page 2, line 7:

Delete "between two Alaska ports"

REPRESENTATIVE GRUENBERG said he wants to be certain that vessels entering Alaska waters could be monitored before they arrive at their first Alaska port, and that vessels leaving Alaska waters could be monitored after they leave their last Alaska port. Without such a change as proposed by Amendment 2, a vessel operator could simply dump [untreated material] right after coming into Alaska waters or just before leaving Alaska waters. He asked whether eliminating the words, "between two Alaska ports" would address that point.

RUTH HAMILTON HESSE, Assistant Attorney General, Environmental Section, Civil Division (Juneau), Department of Law (DOL), indicated that it would.

REPRESENTATIVE GRUENBERG clarified that in order to apply to Version N, Amendment 2 would need to be altered to read:

Page 2, line 7-8:

Delete "between two Alaska ports"

[Although no formal motion was made, the committee treated Amendment 2 as having been amended to that effect.]

[2:19:27 PM](#)

MS. HAMILTON HESSE, in response to a question, offered her belief that the words, "or operating in Alaska waters" would include all Alaska waters [down] to Dixon Entrance, and that Alaska has a three-mile jurisdictional boundary. She surmised that the words, "between two Alaska ports" allows wastewater treatment operators to board a vessel while it is in port rather than trying to board the vessel while it is underway right at the Dixon Entrance border line.

REPRESENTATIVE COGHILL surmised, then, that if Amendment 2 were adopted, a wastewater treatment operator could still board a vessel while it is at port, but he/she would not be limited to that situation. He questioned whether, without the adoption of Amendment 2, vessels that choose to enter Alaska waters but not stop at any ports before leaving would be exempt from the provisions of the bill.

MS. HAMILTON HESSE said she didn't know, but offered that most cruise ships that come into Alaska waters stop at [at least] two ports. She surmised that the commissioner would still have the

discretion to address such a circumstance, though fiscal considerations might have to be made.

REPRESENTATIVE GRUENBERG reiterated that he simply wants to ensure that while in Alaska waters, vessels aren't simply performing improper discharge operations before they get to their first Alaska port or after they leave their last Alaska port.

REPRESENTATIVE JOHANSEN, in response to comments, using the example of marine pilots, said that Version N was written so as to make boarding by wastewater treatment operators practical, and noted that the waters of Dixon Entrance - wherein lies the Alaska-Canada maritime border - are quite dangerous, too dangerous for requiring wastewater treatment operators to board vessels while they are underway in those waters.

[2:26:39 PM](#)

REPRESENTATIVE GRUENBERG said he is more concerned about the jurisdictional aspect of the bill's language, not so much about when a wastewater treatment operator would board a vessel, and relayed that he doesn't want to endanger anyone. Alaska should exert its jurisdiction over "this dumping," he added.

REPRESENTATIVE LYNN concurred. He offered his understanding that although it would not be required that someone board a vessel while it's underway in dangerous waters, if the occasion demanded it, under Amendment 2, doing so would remain an option. He added, "I think there's a lot to gain and nothing to lose."

REPRESENTATIVE JOHANSEN posited that the commissioner will still have discretion in that regard; however, although he is not opposed to the amendment, he can't envision the commissioner putting someone on board a vessel while it was out in the middle of the ocean anyway.

REPRESENTATIVE HOLMES concurred with Representative Lynn. [Under Amendment 2,] the commissioner would have the discretion to have a wastewater treatment operator on board a vessel while it is entering or exiting Alaska waters, but doing so would not be mandated. She expressed favor with giving the commissioner more discretion in this area in case circumstances called for it.

[2:28:52 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 2, as amended [text provided previously].

CHAIR RAMRAS objected, and said, "I call the question."

A roll call vote was taken. Representatives Lynn, Holmes, and Gruenberg voted in favor of Amendment 2, as amended. Representatives Coghill, Samuels, Dahlstrom, and Ramras voted against it. Therefore, Amendment 2, as amended, failed by a vote of 3-4.

The committee took an at-ease from 2:29 p.m. to 2:30 p.m.

REPRESENTATIVE SAMUELS moved to report the proposed committee substitute (CS) for HB 164, Version 25-LS0585\N, Kane, 4/23/07, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRUENBERG objected. He asked whether the words, "Level III" should remain on page 2, line 23.

REPRESENTATIVE JOHANSEN relayed that he is comfortable with keeping that language in.

REPRESENTATIVE GRUENBERG removed his objection.

CHAIR RAMRAS again stated that he has a potential conflict of interest.

REPRESENTATIVE COGHILL objected [thus requiring Chair Ramras to vote].

VICE CHAIR DAHLSTROM objected to the motion for the purpose of allowing a roll call vote.

A roll call vote was taken. Representatives Samuels, Lynn, Coghill, and Ramras voted in favor of reporting the proposed committee substitute (CS) for HB 164, Version 25-LS0585\N, Kane, 4/23/07, as amended, from committee. Representatives Holmes, Gruenberg, and Dahlstrom voted against it. Therefore, CSHB 164(JUD) was reported out of the House Judiciary Standing Committee by a vote of 4-3.

VICE CHAIR DAHLSTROM returned the gavel to Chair Ramras.

HJR 7 - CONST AM: GENDER-NEUTRAL REFERENCES

[2:32:35 PM](#)

REPRESENTATIVE SAMUELS moved to report CSHJR 7(STA) out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE SAMUELS then withdrew his motion.

CHAIR RAMRAS announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 7, Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document. [Before the committee was CSHJR 7(STA).]

[2:33:27 PM](#)

SANDRA WILSON, Intern to Representative Carl Gatto, Alaska State Legislature, sponsor, relayed on behalf of Representative Gatto that bringing HJR 7 before the committee recognizes the election of Alaska's first female governor, as well as the fact that the state now has [several] female legislators, a female chief justice, and [several] female commissioners. Six other states have [recently] amended their state constitution in a similar fashion. House Joint Resolution 7, she offered, would not alter the rights, powers, or privileges afforded Alaska's citizens via the Alaska State Constitution. In conclusion, she asked the committee to support HJR 7. In response to a question, she confirmed that if HJR 7 were to pass both bodies of the legislature, the resolution's proposed constitutional amendment would be placed on the ballot for approval by the voters.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HJR 7.

REPRESENTATIVE SAMUELS again moved to report CSHJR 7(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 7(STA) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:36 p.m. to 2:38 p.m.

HB 213 - CRIMES AT DOMESTIC VIOLENCE SHELTERS

[2:38:49 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 213, "An Act relating to an aggravating factor at sentencing for crimes committed at certain shelters and facilities." [Before the committee was CSHB 213(HES).]

2:39:18 PM

CHRIS ASHENBRENNER, Interim Program Administrator, Council on Domestic Violence and Sexual Assault (CDVSA), Department of Public Safety (DPS), noted that members' packets contain a letter of support for HB 213 from the CDVSA. She offered her understanding that an incident at the AWARE (Aiding Women in Abuse and Rape Emergencies) shelter in Juneau engendered HB 213, and, after briefly describing that incident, relayed that such incidents are not unique in Alaska: perpetrators [of sexual assault and domestic violence] across the state continue to pursue their victims even when they are in a safe home or shelter. She opined that it is important to hold such perpetrators extra accountable for those crimes; accountability for such perpetrators is a key factor in stopping such offenses and helping to make the people in shelters safer.

MS. ASHENBRENNER, in response to a question, relayed that although perhaps there are other institutions that need protection from individuals that are angry at the system, perpetrators of domestic violence and sexual assault are generally after a particular victim - a victim whom the perpetrator has victimized and hurt before.

REPRESENTATIVE SAMUELS questioned what the term, "offense", as used on line 5 of the bill, means.

2:43:53 PM

GERALD LUCKHAUPT, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), speaking as the drafter of HB 213, offered his understanding that the term "offense" as used in the bill refers to any felony offense under Title 11. Thus, he surmised, it could apply to one who commits embezzlement while at a shelter.

REPRESENTATIVE SAMUELS asked for clarification regarding the term, "recognized shelter".

MR. LUCKHAUPT explained that the House Health, Education and Social Services Standing Committee inserted the term "recognized" because the state doesn't recognize all shelters.

For example, in some rural areas there are certain houses that are known to be safe houses, and so the state would have to prove that the crime did occur at a "recognized" shelter.

[2:46:21 PM](#)

REPRESENTATIVE SAMUELS expressed interest in limiting the bill such that it only applied to crimes associated with someone at a shelter - not just all felonies.

MR. LUCKHAUPT surmised that those would be felony crimes against a person under AS 11.41, or arson in the first degree under AS 11.46.400.

REPRESENTATIVE COGHILL questioned whether some of the crimes listed in those statutes fall outside of the realm of domestic violence acts.

MR. LUCKHAUPT acknowledged that it would be up to the legislature to decide which felony crimes the proposed aggravating factor should apply to.

REPRESENTATIVE COGHILL indicated that he wants to include just those felony crimes that are specifically targeted [at the people in a shelter or at the shelter itself simply because of the fact that it protects victims of domestic violence and sexual assault]; for example, committing certain property crimes could be connected to domestic violence and sexual assault issues.

MR. LUCKHAUPT, in response to a question, offered his understanding that it is the prosecutors who have the authority to decide whether to seek an aggravating factor at sentencing, and the judge, if that factor is proven beyond a reasonable doubt, can then take into account that aggravating factor during sentencing and decide how much weight to give it when determining whether the sentence should exceed the presumptive sentencing scheme set out in statute. In response to another question, he pointed out that the perpetrator to which this bill applies wouldn't necessarily have had any prior charges related to domestic violence or sexual assault against him/her before then committing the felony crime at the shelter, and mentioned that the crime of burglary consists of breaking into a building with the intent to commit any crime inside that structure, and that the crime of burglary is always a felony crime under Alaska law.

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REPRESENTATIVE LYNN surmised that the intent of the bill is to protect people who are already victims who've sought help at domestic violence and sexual assault shelters, which are often run on small budgets; thus even the crimes of burglary and embezzlement constitute an indirect assault on [all the victims] because a perpetrator is damaging these facilities via the crime he/she is committing. He remarked, therefore, that he would like to see the bill apply to all felony crimes.

REPRESENTATIVE SAMUELS pointed out, though, that under the bill, a person embezzling from a shelter would be treated differently than if he/she were embezzling from any other nonprofit organization regardless that his/her crime has no direct connection to the victims of the shelter.

REPRESENTATIVE DAHLSTROM noted that sometimes a victim of domestic violence or sexual assault will take shelter in someone's private residence, and so by including the qualifier, "recognized", an assault on the victim in that home would be treated like a lesser crime than if the victim were staying at a "recognized" shelter.

MR. LUCKHAUPT clarified that the crime itself is still the same regardless of where it occurs. The bill is simply proposing to provide for an aggravating factor that could be applied if the crime took place at a recognized shelter, whereas that aggravating factor [couldn't] be applied in situations involving someone's private residence - just the presumptive sentencing scheme for that crime would be used.

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SARALYN TABACHNICK, Executive Director, Aiding Women in Abuse and Rape Emergencies Inc (AWARE), relayed that she would be speaking in support of HB 213. When people come to AWARE Inc. for services, there is a higher expectation of and need for safety - they are a specific high-risk population because of the domestic violence or sexual assault that they've endured. Confirming that the Aware Inc. shelter did suffer a break-in the summer of 2005 to the administrative side of the facility, she expressed support for the concept of holding such perpetrators accountable.

REPRESENTATIVE GRUENBERG, noting that he agrees that certain crimes are not particularly related [to the issues of domestic

violence and sexual assault] - for example, the crime of forgery - said he's been reviewing the range of felony crimes that the bill should apply to because those crimes could have a nexus with a domestic violence shelter, and a number of them are not considered to be crimes against a person: criminal mischief, solicitation, conspiracy, and various weapons offenses. He opined, therefore, that it is important to determine which specific crimes should be subject to this proposed aggravating factor.

3:04:24 PM

PEGGY BROWN, Executive Director, Alaska Network on Domestic Violence & Sexual Assault (ANDVSA), relayed that statewide, there is an increased level of violence, and that when people come to a shelter for help, there is a presumption of safety. House Bill 213 is intended to address acts of terroristic threatening or other kinds of misbehavior towards shelter inhabitants and staff by those who have broken into a shelter. She indicated that HB 213 will send a clear message that one shouldn't break into a place of safety - it won't be tolerated.

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DON SHIRCEL, Tanana Chiefs Conference, Inc. (TCC), relayed that over the years, tribal leaders of Interior Alaska villages have passed numerous resolutions at the TCCs annual convention focusing on the need to provide safety to residents of rural Alaska. Unfortunately, women and other victims of domestic violence who reside in Alaska's rural communities have nowhere near the access to the protections and services afforded other Alaskan citizens who reside in the state's more metropolitan areas. Many victims of domestic violence living in remote villages of the Interior rely on local safe homes which have been established through federal funding obtained by their tribal governments under the Family Violence Prevention and Services Act.

MR. SHIRCEL said that local individuals who work with their tribal government to provide a safe place for victims of domestic violence do so with the knowledge that they have little or no backup from state law enforcement and only limited support from its judicial system in the event that a perpetrator elects to violate the haven they provide to victims and children. House Bill 213 is a step in the right direction and at the very least sends a strong message that the consequences for felonious acts perpetrated at a shelter or safe home can and should be

based on what they really are - escalated acts of violence which can result in harsher penalties. The TCC, he concluded, strongly supports HB 213 and hopes the committee will move the bill from committee and support its passage into law.

3:08:19 PM

LINDA STANDFORD, Program Coordinator, Arctic Women in Crisis (AWIC), relayed that in addition to [AWIC's main] shelter, AWIC has safe homes in all of the region's villages; these safe homes are not funded - volunteers simply open up their homes anytime, day or night. She said she is speaking in support HB 213, and hopes that the state will send a strong message that offenders will be held accountable. Safety must be the primary goal and concern. When women and children arrive at AWIC's doors, they are expecting to find a safe haven, so when individuals terrorize staff and clients, everything is changed. She then mentioned a couple of instances of the sort of behavior that HB 213 is meant to address. Last July, a perpetrator was angry at another of AWIC's clients for giving his victim a ride, and so he beat in her windshield and threatened shelter staff and other residents - this perpetrator's behavior terrified all the women and children at the shelter. Four years prior to that incident, a perpetrator attempted to break into the shelter - he was totally focused on getting a hold of his victim - and he almost got through the door before the police arrived; this, too, was terrifying for the residents and staff. Criminals know how far they can go and how much they can get away with, so if the state sends a strong message to them, they will probably hear it.

MS. STANDFORD relayed that there have been several instances of this sort of behavior occurring in the volunteer safe homes, which, again, are not funded. In one instance, a perpetrator beat on the house all through the day and night for two days. In these outlying villages, these volunteer homes are known by all in the community as a safe home - as safe shelter. There have even been instances of women and children running to these shelters with their perpetrators still chasing them. "We really do need additional help in keeping the victims safe and also keeping shelter staff safe," she said, and asked the committee to send a strong message that acts of violence and/or trespassing will be taken seriously. She asked the committee to give strong consideration to ensuring that the bill applies to any acts of violence on a shelter's premises, not just crimes against persons.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 213.

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RICK SVOBODNY, Deputy Attorney General, Criminal Division, Office of the Attorney General, Department of Law (DOL), relayed that the term, "recognized" was added to delineate between someone's private home and a shelter situation. When criminal laws are drafted, he explained, the DOL attempts to define each term as best it can so that a case won't be voided for vagueness, and surmised that by including the term, "recognized", a jury will be instructed to use a person's common understanding of that term and will then have to consider whether the incident involved a person who merely allowed a victim on the run from a perpetrator to stay in the back of the person's store for a few minutes, for example, or whether it involved a facility that is specifically operated to provide shelter for people.

MR. SVOBODNY suggested that one way of easily dealing with the issue of which offenses are covered is to say that they must be crimes that involve domestic violence as defined under Title 18. And because HB 213 proposes to add an aggravating factor to statute, it will only legally apply in felony cases, although in situations where a perpetrator is only charged with a misdemeanor crime, a prosecutor could then point out to the sentencing judge that an aggravating factor would have applied had the same crime risen to a felony level.

MR. SVOBODNY, with regard to the question of what would happen if a victim sought shelter in a someone's private residence and the victim's perpetrator attempted to get at him/her, explained that the DOL already treats crimes that occur in private residences as more serious than crimes that occur in some other type of building, and HB 213 will do something similar but via the proposed aggravating factor. In other words, regardless of what the ensuing crime is, if an offender unlawfully enters and/or remains in a private residence to commit a crime, it would be considered a class B felony simply because the offender entered and/or remained in a private residence to commit that crime. Currently, without HB 213, if a perpetrator broke into a shelter, he/she could be charged with a class A misdemeanor. However, such an incident could involve circumstances about which a prosecutor could argue that a shelter is also a dwelling depending on what part of the shelter the perpetrator entered.

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REPRESENTATIVE HOLMES asked whether, if the committee goes with Mr. Svobodny's suggestion to have the bill apply only to crimes that involve domestic violence as defined under Title 18, the bill would apply to someone who broke into a shelter with the intent to commit another crime even if no further crime is committed, and whether it would apply to arson at a shelter.

MR. SVOBODNY indicated that it would apply to instances involving arson, and reiterated that entering or remaining in a building unlawfully in order to commit another crime is in and of itself an offense, though there could be difficulty in proving a person's intent. For example, if a person is outside a shelter creating a disturbance and promising to break in and promising to hurt someone once inside, that behavior could rise to the level of a class C felony, or, if the person gets inside and gets as far as attempting to break into the victim's individual room, that crime could rise to the level of burglary in the first degree.

REPRESENTATIVE GRUENBERG said:

This generally looks like a good starting point, but it doesn't look to me like it covers some crimes that ought to be covered, and it covers [some] that [it] shouldn't because they're misdemeanors. For example, harassment under subsection (h) is a misdemeanor, I believe; (g), violating a protective order, is a misdemeanor. Certain crimes against the person would be misdemeanors, too, but that would shake itself out if you just said, "under 11.41". But I think there are some others that are not included in here that ought to be, such as solicitation to commit any of these crimes - which means getting somebody else to do it - ... any of the conspiracy statutes that apply ought to be on here, and I think there's some weapons offenses that aren't on here that ought to be.

MR. SVOBODNY said he agrees with those comments in part, specifically with the idea of including crimes involving solicitation. With regard to the misdemeanors that Representative Gruenberg mentioned, he pointed out that they wouldn't be covered anyway because aggravating factors only apply to felony crimes.

REPRESENTATIVE GRUENBERG asked whether crimes involving conspiracy or crimes involving weapons ought to be included.

MR. SVOBODNY said that with regard to conspiracy, there are only a few crimes that conspiracy applies to, one being homicide and another being sexual assault. With regard to weapons offenses, he indicated that he would have no opposition to including them, adding that if a convicted felon possesses a firearm and takes it onto a shelter's premises, it ought to be treated as an aggravated offense.

REPRESENTATIVE GRUENBERG referred to Conceptual Amendment 1, and explained that it would make the bill also apply to offenses that affect persons or property on the premises; Conceptual Amendment 1 read [original punctuation provided]:

p 1 1 5 after "on" add "or to affect persons or property on"

REPRESENTATIVE GRUENBERG asked Mr. Svobodny whether any crimes other than those that have already been discussed ought to be added to HB 213.

MR. SVOBODNY indicated that he knows of no other crimes.

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REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 1, and explained that it would cover someone who is not physically on the premises but who takes an action that affects persons or property on the premises: for example, someone standing across the street from a shelter and shooting a gun at the building or its residents or staff.

REPRESENTATIVE DOLL characterized the change proposed by Conceptual Amendment 1 as a good idea, conceptually. She mentioned, though, that she doesn't want the bill changed such that it gets out hand and applies to "twenty other kinds of crimes."

CHAIR RAMRAS asked whether there were any objections to Conceptual Amendment 1. There being none, Conceptual Amendment 1 was adopted.

[3:28:38 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 2 such that proposed AS 12.55.155(c)(34) would apply to crimes that involve domestic violence as defined in AS 18.66.990, solicitation to commit "any of these domestic violent crimes listed," conspiracy as it would apply already to certain of these crimes, and felony weapons offenses.

MR. LUCKHAUPT, in response to a question, said that the problem with using the definition of a crime involving domestic violence is that it requires the victim of the crime to be a household member of the offender, and so if the intended victim of the perpetrator's act is an employee, the crime would no longer be covered.

REPRESENTATIVE DOLL, in response to a question, concurred that Conceptual Amendment 2 is too broad.

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 2.

REPRESENTATIVE LYNN moved to report CSHB 213(HES), as amended, out of committee with individual recommendations and the accompanying zero fiscal notes. There being no objection, CSHB 213(JUD) was reported from the House Judiciary Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:31 p.m.