

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 25, 2009

1:14 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Bob Lynn
Representative Max Gruenberg

MEMBERS ABSENT

Representative Carl Gatto
Representative Lindsey Holmes

COMMITTEE CALENDAR

HOUSE BILL NO. 170

"An Act repealing the authority for day fines."

- MOVED HB 170 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 3

Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska and setting other requirements.

- MOVED HJR 3 OUT OF COMMITTEE

HOUSE BILL NO. 108

"An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 170

SHORT TITLE: REPEAL AUTHORITY FOR DAY FINES

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

03/09/09	(H)	READ THE FIRST TIME - REFERRALS
03/09/09	(H)	JUD

03/25/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 3

SHORT TITLE: CONST. AM: NO GAMING WITHOUT VOTER APPROVAL

SPONSOR(S): REPRESENTATIVE(S) CRAWFORD, DAHLSTROM

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) STA, JUD, FIN
02/12/09 (H) STA AT 8:00 AM CAPITOL 106
02/12/09 (H) Heard & Held
02/12/09 (H) MINUTE(STA)
03/17/09 (H) STA AT 8:00 AM CAPITOL 106
03/17/09 (H) Moved Out of Committee
03/17/09 (H) MINUTE(STA)
03/18/09 (H) STA RPT 6DP 1NR
03/18/09 (H) DP: GATTO, SEATON, WILSON, PETERSEN,
JOHNSON, LYNN
03/18/09 (H) NR: GRUENBERG
03/23/09 (H) JUD AT 1:00 PM CAPITOL 120
03/23/09 (H) Heard & Held
03/23/09 (H) MINUTE(JUD)
03/25/09 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

TOM WRIGHT, Staff
House Majority Office
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 170 on behalf of the sponsor,
Representative Mike Chenault.

DOUG WOOLIVER, Administrative Attorney
Administrative Staff
Office of the Administrative Director
Alaska Court System (ACS)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 170.

REPRESENTATIVE HARRY CRAWFORD
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as one of joint prime sponsors of
HJR 3.

ACTION NARRATIVE

[1:14:40 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:14 p.m. Representatives Ramras, Dahlstrom, Lynn, and Gruenberg were present at the call to order. Representative Coghill arrived as the meeting was in progress.

HB 170 - REPEAL AUTHORITY FOR DAY FINES

[1:14:56 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 170, "An Act repealing the authority for day fines."

[1:15:14 PM](#)

TOM WRIGHT, Staff, House Majority Office, Alaska State Legislature, explained on behalf of the sponsor, Representative Mike Chenault, that HB 170 repeals the authority granted to the Alaska Court System (ACS) to charge "day fines." The legislation establishing this authority was enacted in 1994, and required the Alaska Supreme Court to adopt a day-fine plan. To accomplish this, the court created a committee to establish a fine schedule based on the legislation's stipulations. That committee found several problems with adopting a day-fine plan, and requested legislation to address those problems, but that legislation did not pass. As a result, the ACS has still not adopted a day-fine schedule, and since this law isn't being used, HB 170 has been introduced to clean up the statutes by repealing this unused law.

[1:18:00 PM](#)

DOUG WOOLIVER, Administrative Attorney, Administrative Staff, Office of the Administrative Director, Alaska Court System (ACS), concurred that the committee established by the ACS found a number of problems such as a question of which misdemeanor crimes to include and which to exclude, since one of the goals of the original legislation was to reduce prison overcrowding by limiting the number of people incarcerated due to misdemeanor convictions. There were also problems in determining a defendant's income for purposes of calculating the amount of the day fine. Furthermore, using the guidelines recommended by the

legislature, many of the fines would have been very, very high, and the court was reluctant to impose such high fines given that there were a lot of other options available to the court. In addition, the legislation didn't provide for court-ordered treatment. In other words, there was a whole host of reasons why the ACS wanted more legislative direction before imposing day fines, but that direction never came and so that statute is sitting idle.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 170.

[1:21:22 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 170 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 170 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:21 p.m. to 1:23 p.m.

HJR 3 - CONST. AM: NO GAMING WITHOUT VOTER APPROVAL

[1:23:31 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 3, Proposing an amendment to the Constitution of the State of Alaska requiring an affirmative vote of the people before any form of gambling for profit may be authorized in Alaska and setting other requirements.

[1:23:54 PM](#)

REPRESENTATIVE HARRY CRAWFORD, Alaska State Legislature, as one of joint prime sponsors of HJR 3, noted that legislation similar to HJR 3 had passed the [House] during the prior legislature, and surmised that all committee members have had a chance to hear it at one point or another. He opined that Alaska couldn't afford an excursion into for-profit gambling.

REPRESENTATIVE DAHLSTROM, speaking as one of joint prime sponsors of HJR 3, concurred, and opined that gambling contributes to the disintegration of families, as well as many other ills such as crime and corruption. In conclusion, she requested that the committee vote in favor of moving HJR 3 out of committee.

REPRESENTATIVE CRAWFORD, in response to a question, indicated that the language of HJR 3 is identical to that of the legislation [that passed the House last year].

REPRESENTATIVE LYNN expressed strong support for HJR 3.

REPRESENTATIVE COGHILL suggested that requiring a vote of the people, should HJR 3 first be approved by the voters, would be a good way to continue the discussion regarding whether a community wants to allow [for-profit] gambling.

REPRESENTATIVE CRAWFORD, in response to a question, explained that a past ballot initiative proposing the establishment of a gambling commission would have taken the decision regarding whether to have for-profit gambling in Alaska out of the hands of both the legislature and the voters and would have instead placed the decision in the hands of a five-member commission that could have acted with only three members present. This is such an important decision, he asserted, that the legislature, the governor, and the communities and people of the state ought to have a say in it. He characterized that past ballot initiative as an attempted end-run around the legislature because it had blocked the formation of such a commission in the past, and characterized [HJR 3 as promoting] more democracy.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HJR 3.

[1:29:28 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HJR 3 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 3 was reported from the House Judiciary Standing Committee.

[1:29:57 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:30 p.m.