

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

March 16, 2009

1:39 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Lesil McGuire  
Senator Gene Therriault

**MEMBERS ABSENT**

Senator Kim Elton

**COMMITTEE CALENDAR**

SENATE BILL NO. 52

"An Act relating to scheduling Salvia divinorum and Salvinorin A as controlled substances."

MOVED SB 52 OUT OF COMMITTEE

SENATE BILL NO. 51

"An Act relating to the installation of window tinting in automobiles."

MOVED CSSB 51(TRA) OUT OF COMMITTEE

SENATE BILL NO. 96

"An Act relating to nonpayment of child support; relating to certain judicial and administrative orders for medical support of a child; relating to periodic review and adjustment of child support orders; relating to relief from administrative child support orders; relating to child support arrearages; relating to medical support of a child and the Alaska Native family assistance program; amending Rule 90.3, Alaska Rules of Civil Procedure; and providing for an effective date."

MOVED CSSB 96 (HSS) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 10

Urging the United States Congress to adopt S. 371, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009.

MOVED SJR 10 OUT OF COMMITTEE

CS FOR HOUSE JOINT RESOLUTION NO. 17(JUD)

Urging the United States Congress to reject H.R. 45, the Blair Holt's Firearm Licensing and Record of Sale Act of 2009.

MOVED SCS CSHJR(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 52

SHORT TITLE: SALVIA DIVINORUM AS CONTROLLED SUBSTANCE

SPONSOR(s): SENATOR(s) THERRIAULT

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	HSS, JUD, FIN
02/11/09	(S)	HSS AT 1:30 PM BUTROVICH 205
02/11/09	(S)	Heard & Held
02/11/09	(S)	MINUTE(HSS)
02/23/09	(S)	HSS AT 1:30 PM BUTROVICH 205
02/23/09	(S)	Moved SB 52 Out of Committee
02/23/09	(S)	MINUTE(HSS)
02/25/09	(S)	HSS RPT 1DP 3NR 1AM
02/25/09	(S)	DP: DYSON
02/25/09	(S)	NR: DAVIS, ELLIS, PASKVAN
02/25/09	(S)	AM: THOMAS
03/02/09	(S)	JUD AT 2:00 PM BELTZ 211
03/02/09	(S)	Heard & Held
03/02/09	(S)	MINUTE(JUD)
03/13/09	(S)	JUD AT 1:30 PM BELTZ 211
03/13/09	(S)	Bills Previously Heard/Scheduled
03/16/09	(S)	JUD AT 1:30 PM BELTZ 211

BILL: SB 51

SHORT TITLE: MOTOR VEHICLE WINDOW TINTING

SPONSOR(s): SENATOR(s) FRENCH

01/21/09	(S)	PREFILE RELEASED 1/9/09
01/21/09	(S)	READ THE FIRST TIME - REFERRALS
01/21/09	(S)	TRA, JUD
02/24/09	(S)	TRA AT 1:00 PM BUTROVICH 205
02/24/09	(S)	Heard & Held
02/24/09	(S)	MINUTE(TRA)
03/03/09	(S)	TRA AT 1:00 PM BUTROVICH 205
03/03/09	(S)	Moved CSSB 51(TRA) Out of Committee
03/03/09	(S)	MINUTE(TRA)
03/05/09	(S)	TRA RPT CS 1DP 1NR 2AM SAME TITLE
03/05/09	(S)	DP: KOOKESH
03/05/09	(S)	NR: MEYER
03/05/09	(S)	AM: DAVIS, PASKVAN

03/09/09 (S) JUD AT 1:30 PM BELTZ 211  
03/09/09 (S) Heard & Held  
03/09/09 (S) MINUTE(JUD)  
03/16/09 (S) JUD AT 1:30 PM BELTZ 211

BILL: SB 96

SHORT TITLE: CHILD SUPPORT/ CASH MEDICAL SUPPORT  
SPONSOR(S): HEALTH & SOCIAL SERVICES

02/04/09 (S) READ THE FIRST TIME - REFERRALS  
02/04/09 (S) HSS, JUD, FIN  
02/25/09 (S) HSS AT 1:30 PM BUTROVICH 205  
02/25/09 (S) Heard & Held  
02/25/09 (S) MINUTE(HSS)  
03/02/09 (S) HSS AT 1:30 PM BUTROVICH 205  
03/02/09 (S) Moved CSSB 96(HSS) Out of Committee  
03/02/09 (S) MINUTE(HSS)  
03/03/09 (S) HSS RPT CS 2DP 2NR NEW TITLE  
03/03/09 (S) DP: DAVIS, PASKVAN  
03/03/09 (S) NR: THOMAS, ELLIS  
03/11/09 (S) JUD AT 1:30 PM BELTZ 211  
03/11/09 (S) Heard & Held  
03/11/09 (S) MINUTE(JUD)  
03/16/09 (S) JUD AT 1:30 PM BELTZ 211

BILL: SJR 10

SHORT TITLE: ADOPT S. 371 IN CONGRESS  
SPONSOR(S): SENATOR(S) THOMAS

02/27/09 (S) READ THE FIRST TIME - REFERRALS  
02/27/09 (S) JUD  
03/13/09 (S) JUD AT 1:30 PM BELTZ 211  
03/13/09 (S) SALVIA DIVINORUM AS CONTROLLED  
SUBSTANCE  
03/16/09 (S) JUD AT 1:30 PM BELTZ 211

BILL: HJR 17

SHORT TITLE: OPPOSE H.R. 45 IN CONGRESS  
SPONSOR(S): REPRESENTATIVE(S) HARRIS

02/11/09 (H) READ THE FIRST TIME - REFERRALS  
02/11/09 (H) JUD  
02/16/09 (H) JUD AT 1:00 PM CAPITOL 120  
02/16/09 (H) Moved CSHJR 17(JUD) Out of Committee  
02/16/09 (H) MINUTE(JUD)  
02/18/09 (H) JUD RPT CS(JUD) 6DP

02/18/09 (H) DP: GRUENBERG, LYNN, COGHILL, HOLMES,  
GATTO, RAMRAS  
02/25/09 (H) TRANSMITTED TO (S)  
02/25/09 (H) VERSION: CSHJR 17(JUD)  
02/27/09 (S) READ THE FIRST TIME - REFERRALS  
02/27/09 (S) JUD  
03/16/09 (S) JUD AT 1:30 PM BELTZ 211

**WITNESS REGISTER**

SENATOR JOE THOMAS  
Alaska State Legislature  
Juneau AK

**POSITION STATEMENT:** Sponsor of SJR 10.

PETE FELLMAN, Staff  
to Representative John Harris  
Alaska Capitol Building  
Juneau AK

**POSITION STATEMENT:** Introduced HJR 17 on behalf of the sponsor.

**ACTION NARRATIVE**

[1:39:46 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:39 p.m. Present at the call to order were Senators Therriault, McGuire and French. Senator Wielechowski arrived soon thereafter.

**SB 52-SALVIA DIVINORUM AS CONTROLLED SUBSTANCE**

[1:40:17 PM](#)

CHAIR FRENCH announced the consideration of SB 52. The committee heard the bill last week and public testimony was taken.

[1:40:28 PM](#)

SENATOR THERRIAULT, speaking as sponsor, said someone from the Interior contacted him and suggested it would be appropriate to assess a fine and place an age limit on use of the drug. But when he looked at the drugs on the current schedule he decided that adopting that stance would likely result in subsequent legislation to remove drugs from the schedule. He doesn't sense that the public wants to do that so he is comfortable with the bill as proposed.

SENATOR THERRIAULT moved to report SB 52 from committee with individual recommendations and attached fiscal note(s). There

being no objection, SB 52 moved from the Senate Judiciary Standing Committee.

At ease at 1:41:44 pm.

**SB 51-MOTOR VEHICLE WINDOW TINTING**

[1:42:38 PM](#)

CHAIR FRENCH announced the consideration of SB 51 and noted that the transportation committee substitute is before the committee. Public testimony and committee discussion was taken previously.

[1:43:04 PM](#)

SENATOR WIELECHOWSKI moved to report CS for SB 51 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 51(TRA) moved from the Senate Judiciary Standing Committee.

At ease at 1:43:39 pm.

**SB 96-CHILD SUPPORT/ CASH MEDICAL SUPPORT**

[1:44:18 PM](#)

CHAIR FRENCH announced the consideration of SB 96. [Before the committee was CSSB 96(HSS).] The bill was presented last week including the definitions and an explanation of the new statutory sections. He said it seems to be a good idea to add cash medical support order, when necessary, to give the state flexibility when disbursing child support to the obligee. Finding no committee discussion, he asked for a motion.

[1:45:08 PM](#)

SENATOR WIELECHOWSKI moved to report CS for SB 96 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 96(HSS) moved from the Senate Judiciary Standing Committee.

At ease at 1:45:21 pm.

**SJR 10-ADOPT S. 371 IN CONGRESS**

[1:46:52 PM](#)

CHAIR FRENCH announced the consideration of SJR 10.

SENATOR JOE THOMAS, Alaska State Legislature, sponsor, said the right to keep and bear arms is cherished by Alaskans. SJR 10 calls for passage of federal legislation that protects Alaskan traditions.

Passage of the federal Respecting States Rights and Concealed Carry Reciprocity Act will establish a nationwide reciprocity agreement for carrying concealed firearms. This will allow a citizen who is permitted to carry a concealed firearm in their home state to do so in states with similar laws. Laws of the host state must be followed including laws concerning specific locations where firearms may not be carried. Any individual prohibited by federal law from carrying a firearm will continue to be prohibited under the bill.

Many states currently offer reciprocity to states with similar laws, but these agreements can change or lapse. For example, North Dakota recently phased out training requirements from the concealed carry licensing process and that resulted in the lapse of several reciprocity agreements with other states. Shifting agreements can make it difficult for a bearer of a concealed firearm to keep track of which states offer reciprocity. Provisions of the law ensure that residents of Alaska and Vermont, which have unique concealed carry laws, are not prohibited from enjoying the same rights as the residents from states having more common conceal and carry laws.

[1:48:44 PM](#)

CHAIR FRENCH asked for clarification that there is not a uniform rule with respect to carrying a concealed firearm from state to state.

SENATOR THOMAS said that's the case now, but this federal legislation would make a uniform rule.

CHAIR FRENCH asked if the federal legislation intends to set up an interstate concealed carry compact to which each state would belong.

SENATOR THOMAS said yes. It's the same concept of mutual reciprocity that makes your driver's license valid in other states.

CHAIR FRENCH noted that this probably would have no bearing on the relationship between Alaska and Canada; carrying firearms from Alaska through Canada to Washington will remain a fairly major impediment.

SENATOR THOMAS said that's correct.

[1:50:34 PM](#)

CHAIR FRENCH noted the letters of support from the two U.S. Senators. Finding no questions or anyone who wanted to testify, he closed public testimony and asked for a motion.

SENATOR WIELECHOWSKI moved to report SJR 10 from committee with individual recommendations and attached zero fiscal note(s). There being no objection, SJR 10 move from the Senate Judiciary Standing Committee.

At ease at 1:51:55 PM.

**HJR 17-OPPOSE H.R. 45 IN CONGRESS**

1:52:55 PM

CHAIR FRENCH announced the consideration of HJR 17. [Before the committee was CSHJR 17(JUD).] He noted the companion Senate resolution in the bill packet.

PETE FELLMAN, Staff to Representative John Harris said HJR 17 urges Congress to reject H.R. 45, which is known as the Blair Holt's Firearm Licensing and Record of Sale Act of 2009. The sponsor feels the federal legislation is out of step with Alaskan values.

The resolution is self defining, he said, and offered to provide a brief summary or answer questions.

CHAIR FRENCH found no questions from the committee. He noted that his office reviewed the resolution and he believes there was an agreement with the sponsor to change one word of the resolution. On page 2, line 4, the second "Whereas" clause currently states that "under H.R. 45, a firearm owner could be charged with a federal felony based on the actions of a juvenile who might gain access to the firearm;" and his office believes it will be a misdemeanor.

CHAIR FRENCH moved Amendment 1 as follows:

**AMENDMENT 1**

Page 2, line 4 following "charged with a":  
Delete "felony"  
Insert "**misdemeanor**"

Finding no objection, he announced that Amendment 1 carries.

1:55:47 PM

SENATOR THERRIAULT asked Mr. Fellman what modifications were made in the House Judiciary Committee.

MR. FELLMAN explained that the second "WHEREAS" was inserted on page 1, lines 6-8.

CHAIR FRENCH closed public testimony.

SENATOR THERRIAULT moved to report the committee's substitute for HJR 17 from committee with individual recommendations and attached fiscal note. There being no objection, SCS CSHJR 17(JUD) moved from the Senate Judiciary Standing Committee.

1:57:21 PM

There being no further business to come before the committee, Chair French adjourned the meeting at 1:57 pm.