

**27TH ALASKA STATE LEGISLATURE  
SENATE STATE AFFAIRS STANDING COMMITTEE**

February 15, 2011

9:01 a.m.

**MEMBERS PRESENT**

Senator Bill Wielechowski, Chair  
Senator Joe Paskvan, Vice Chair  
Senator Albert Kookesh  
Senator Kevin Meyer  
Senator Catherine Giessel

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 26

"An Act exempting vehicles fueled solely by electricity or compressed natural gas from motor vehicle registration fees and taxes; and providing for an effective date."

- HEARD AND HELD

SENATE CONCURRENT RESOLUTION NO. 2

Proposing amendments to the Uniform Rules of the Alaska State Legislature relating to the presiding officer pro tempore.

- MOVED CSSCR 2(STA) OUT OF COMMITTEE

SENATE BILL NO. 61

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

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 26

SHORT TITLE: FEE/TAX EXEMPTION FOR CERTAIN VEHICLES

SPONSOR(S): SENATOR(S) MCGUIRE

01/19/11 (S) PREFILE RELEASED 1/7/11  
01/19/11 (S) READ THE FIRST TIME - REFERRALS

01/19/11 (S) STA, FIN  
01/27/11 (S) STA AT 9:00 AM BUTROVICH 205  
01/27/11 (S) Heard & Held  
01/27/11 (S) MINUTE(STA)

BILL: SCR 2

SHORT TITLE: UNIFORM RULES: PRESIDING OFFICER PRO TEM  
SPONSOR(S): SENATOR(S) DAVIS

01/19/11 (S) READ THE FIRST TIME - REFERRALS  
01/19/11 (S) STA, JUD, FIN  
02/10/11 (S) STA AT 9:00 AM BUTROVICH 205  
02/10/11 (S) Heard & Held  
02/10/11 (S) MINUTE(STA)

BILL: SB 61

SHORT TITLE: 2011 REVISOR'S BILL  
SPONSOR(S): RULES BY REQUEST OF LEGISLATIVE COUNCIL

01/24/11 (S) READ THE FIRST TIME - REFERRALS  
01/24/11 (S) STA, JUD  
02/15/11 (S) STA AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

JENNIFER WOJTUSIK, Staff to Senator Lesil McGuire  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Explained the differences between SB 26 and the proposed CS, version B.

STACEY OATES, Administrative Officer  
Division of Motor Vehicles  
Department of Administration  
Anchorage, AK

**POSITION STATEMENT:** Answered questions regarding proposed committee substitute for SB 26.

SENATOR BETTYE DAVIS  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of SCR 2.

KATHERINE KURTZ, Assistant Revisor of Statutes  
Legal Services Agency  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented SB 61.

**ACTION NARRATIVE**

[9:01:44 AM](#)

**CHAIR BILL WIELECHOWSKI** called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Giessel, Meyer, Paskvan, and Chair Wielechowski.

**SB 26-FEE/TAX EXEMPTION FOR CERTAIN VEHICLES**

[9:02:25 AM](#)

CHAIR WIELECHOWSKI announced the first order of business to be SB 26.

SENATOR PASKVAN moved to adopt the work draft CS for SB 26( ), labeled 27-LS0291\X, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

SENATOR KOOKESH joined the meeting.

JENNIFER WOJUTSIK, staff to Senator Lesil McGuire, explained the changes in the proposed committee substitute. First, it imposes a minimum registration fee of \$20 for alternative fuel vehicles. The original version had eliminated the registration fee, but in this version the DMV does get some money. The proposed CS also leaves in the municipal taxes originally imposed by statute. This was done because the 16 affected municipalities wanted to be left in. On page 2, line 4, the change is from "must be acquired from the manufacturer on or after October 1, 2010" to "must be a model year of 2010 or newer" because the DMV has no way of knowing when a car was purchased. Page 2, line 16, adds hybrid cars and their definitions. Finally, the effective date was changed to January 2, 2012, and a sunset date of December 31, 2015 was added for hybrids, along with a sunset date of December 31, 2019, for the rest of the bill.

CHAIR WIELECHOWSKI asked about municipalities receiving taxes.

MS. WOJUTSIK said the word "taxes" is in the title, but the reference to taxes was taken out in the CS, so the bill will need a title change amendment.

[9:05:26 AM](#)

STACEY OATES, Administrative Officer, Division of Motor Vehicles (DMV), Department of Administration (DOA), said she was available to answer any questions.

CHAIR WIELECHOWSKI asked if she knew what the fiscal note might be.

MS. OATES said she received the CS late last night, and there was not time to revise the fiscal note.

CHAIR WIELECHOWSKI asked if the DMV has a position on SB 26.

MS. OATES replied the DMV is neutral.

[9:06:42 AM](#)

SENATOR PASKVAN asked if the issue regarding taxes and municipalities was resolved.

MS. OATES confirmed that it was.

[9:07:41 AM](#)

CHAIR WIELECHOWSKI removed his objection and announced that version X was before the committee. He noted the committee had not received an updated fiscal note.

SENATOR MEYER asked if the DMV had a ballpark figure for the new fiscal note.

CHAIR WIELECHOWSKI responded that the committee could wait for an updated fiscal note.

SENATOR MEYER said he didn't want to hold up the bill, but it would affect the policy decision if there was a fiscal impact.

CHAIR WIELECHOWSKI agreed that the committee needed an updated fiscal note. He announced that SB 26 would be held in committee.

**SCR 2-UNIFORM RULES: PRESIDING OFFICER PRO TEM**

[9:10:13 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be SCR 2. {Version M was before the committee.}

SENATOR DAVIS, sponsor of SCR 2, said she hoped to see the resolution moved today.

[9:11:37 AM](#)

SENATOR PASKVAN moved to report CS for SCR 2, version M, from committee with individual recommendations and accompanying fiscal notes.

CHAIR WIELECHOWSKI announced that without objection, CSSCR 2(STA) passed from the Senate State Affairs Standing Committee.

[9:11:45 AM](#)

CHAIR WIELECHOWSKI announced a brief at-ease.

**SB 61-2011 REVISOR'S BILL**

[9:13:38 AM](#)

CHAIR WIELECHOWSKI reconvened the meeting and announced the next order of business would be SB 61.

KATHERINE KURTZ, Assistant Revisor of Statutes, Legal Services, Legislative Affairs Agency, said the Legislative Legal Services Agency prepares a revisor's bill almost every year. This is directed by statute. Under AS 01.05.036, the purpose of the revisor's bill is to correct or remove deficiencies and obsolete provisions from the statutes. It is a clean-up bill. They don't fix every problem, because they are policy-neutral, so they steer clear of policy decisions. The revisor's bill covers many subject areas, and is a constitutional exception to the single subject rule.

MS. KURTZ said she would group the changes into broader areas. The biggest single change this year relates to the administrative director of the Alaska Court System, formerly known as the administrative director of courts. This position is established by the constitution, but the constitution does not establish a title. At some point, the court system changed its usage to administrative director of the Alaska Court System. In recent years this title has been used in statutes, but there remain a number of statutes that refer to the "administrative director of courts." SB 61 cleans up all those references and makes the title uniform throughout the statutes. That change covers 20 sections of SB 61.

MS. KURTZ explained that another change relates to the United States Soil Conservation Service, which has changed its name to the United States Department of Agriculture & Natural Resources Conservation Service. When government departments change names, the revisor's bill tries to keep up with those changes. Revisions in federal statutes may also change statute references

in Alaska statutes. For instance, Sheldon Jackson College no longer functions as a college, so SB 61 removes references to Sheldon Jackson College in Alaska statutes. Obsolete date references are also removed.

CHAIR WIELECHOWSKI asked about the definition of vulnerable adult referred to on page 2, lines 6 -7.

MS. KURTZ replied that this was missed when the switch occurred.

CHAIR WIELECHOWSKI asked if this is a substantive change.

MS. KURTZ responded that it has to do with reporting requirements.

CHAIR WIELECHOWSKI stated the current law says "report incidents of harm suffered by an elderly person or a disabled adult." It would seem that the change limits the definition.

MS. KURTZ answered that the sentence continues, ". . . as required by AS 47.24. She explained that AS 47.24 doesn't talk about disabled persons and elderly adults; instead it talks about "vulnerable adults," which it defines as both elderly persons and disabled adults.

CHAIR WIELECHOWSKI then asked if section 4, page 2, lines 14 - 17, was a name change only.

[9:22:16 AM](#)

MS. KURTZ affirmed that it was.

SENATOR PASKVAN said the reference in section 3 on page 2, line 6, refers to licensed professional counselors, and says that "a person licensed under this chapter shall report incidents of harm or assault suffered by an elderly person or disabled adult." SB 61 would change that phrase to "vulnerable adult."

CHAIR WIELECHOWSKI asked why the wording is being changed.

MS. KURTZ replied, to be consistent with the statute referred to, AS 47.24, which contains the term "vulnerable adult."

[9:24:03 AM](#)

SENATOR PASKVAN stated that under AS 47.24.010(a) there is a reference to persons who, in the performance of their professional duties, have reasonable cause to believe that a "vulnerable adult" suffers from abandonment, exploitation,

abuse, neglect, or self-neglect. The statute says these persons shall, within 24 hours, report the belief to the department of central information service for vulnerable adults.

MS. KURTZ stated that the term "vulnerable adult" is defined in AS 47.24.900(16). The change is to make the wording consistent throughout the statutes. The Legal Services Agency can pull this section out if there is a policy question.

CHAIR WIELECHOWSKI replied that he had no problem; he just wanted to make sure there was not a policy question.

SENATOR GIESSEL said she would advocate for the term "vulnerable adult" because it is the contemporary term of use.

[9:26:33 AM](#)

CHAIR WIELECHOWSKI asked if this change was actually expanding the definition.

MS. KURTZ responded that the definition was expanded in 1994, when the terminology changed, but this section was not updated at that time.

CHAIR WIELECHOWSKI stated that right now, if a licensed social worker witnessed harm or assault on a vulnerable adult, they would not be required to report that. So it is a substantive change, but probably a good one.

SENATOR GIESSEL said this is not a substantive change. That was made in the definition. This is simply correcting an oversight.

[9:27:45 AM](#)

MS. KURTZ responded that the required reports referred to a vulnerable adult. The distinction is which statute imposes the duty. The term "vulnerable adult" is defined in AS 47.24.900(16). It means a person 18 years of age or older who because of physical or mental impairment is unable to meet the person's own needs or to seek help without assistance. Again, the change is to make the usage consistent. However, if there is a policy question, the Legal Services Agency would be happy to take out that change.

SENATOR PASKVAN asked if a licensed professional counselor falls within the classification of other licensed health care providers.

MS. KURTZ responded that was open to interpretation.

9:30:11 AM

CHAIR WIELECHOWSKI asked if the change on page 4 is referring to federal courts.

KURTZ answered that it refers to state courts only.

CHAIR WIELECHOWSKI asked why "mathematics" is used on page 4 instead of "math."

MS. KURTZ said it was done to be consistent with other statutes.

CHAIR WIELECHOWSKI asked about the change on page 7, line 13, from AS 16.05.060 to 16.20.060.

MS KURTZ said that was correcting an error.

CHAIR WIELECHOWSKI asked if on page 11, lines 19 - 20, the definition of school district was being changed.

MS. KURTZ responded that the former definition was repealed, so this definition needed to be added.

CHAIR WIELECHOWSKI asked what the section pertains to.

MS. KURTZ replied that it refers to insurance tax education credit. The statute says, "A taxpayer is allowed a credit against the tax due under AS 21.09.210 or 21.66.110" for cash contributions accepted for direct instruction, research, and so forth.

CHAIR WIELECHOWSKI noted this was the bill that allowed companies and organizations to contribute to schools.

MS. KURTZ replied that the statute was amended in 2010.

9:35:12 AM

SENATOR MEYER asked if the statute referenced a school district that didn't exist.

MS. KURTZ answered that it did exist when the statute was added, but was subsequently repealed. This change makes it easier for people to find the reference.

CHAIR WIELECHOWSKI asked if Ms. Kurtz could explain the change on page 20, line 4.

MS. KURTZ responded that was another one where the federal statutes have been revised. When this law was first enacted, it referred to the interstate commerce act. That federal act has been revised and spread out in many places; therefore, the reference cannot be updated. For that reason, going back to the short title was the most minimal change possible.

[9:37:16 AM](#)

CHAIR WIELECHOWSKI noted there was a letter of support for SB 61 from the Department of Law, and a zero fiscal note. He announced he would hold SB 61 in committee.

SENATOR MEYER asked how the revision process works.

MS. KURTZ said that every year the Legal Services Agency assigns attorneys to read various titles, so every title gets read every few years. The attorneys note any changes that are needed. Legal Services also receives suggestions from the Department of Law.

[9:40:05 AM](#)

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee at 9:40 a.m.