

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 16, 2015

3:01 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Bob Lynn
Representative Max Gruenberg
Representative Charisse Millett
Representative Kurt Olson (alternate)

MEMBERS ABSENT

Representative Wes Keller, Vice Chair
Representative Neal Foster
Representative Matt Claman

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 30(FIN)

"An Act relating to controlled substances; relating to marijuana; relating to crimes and offenses related to marijuana and the use of marijuana; relating to open marijuana containers; relating to established villages and local options; relating to delinquent minors; making conforming amendments; and providing for an effective date."

- HEARD & HELD

CS FOR SENATE BILL NO. 43(JUD)

"An Act relating to immunity for a fire department and employees or members of a fire department."

- MOVED HCS CSSB 43(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 30

SHORT TITLE: MARIJUANA REG;CONT. SUBST;CRIMES;DEFENSES

SPONSOR(S): JUDICIARY

01/23/15	(S)	READ THE FIRST TIME - REFERRALS
01/23/15	(S)	JUD, FIN
01/26/15	(S)	JUD AT 1:00 PM BUTROVICH 205
01/26/15	(S)	Heard & Held

01/26/15 (S) MINUTE(JUD)
01/28/15 (H) JUD AT 1:00 PM CAPITOL 120
01/28/15 (H) -- Companion Bill --
01/30/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/30/15 (S) -- Meeting Postponed to Monday 2/2/2015
02/02/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/02/15 (S) -- Rescheduled from 01/30/15 --
02/05/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/05/15 (S) Scheduled but Not Heard
02/06/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/06/15 (S) -- MEETING CANCELED --
02/09/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/09/15 (S) Heard & Held
02/09/15 (S) MINUTE(JUD)
02/11/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/11/15 (S) Heard & Held
02/11/15 (S) MINUTE(JUD)
02/13/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/13/15 (S) Heard & Held
02/13/15 (S) MINUTE(JUD)
02/16/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/16/15 (S) -- MEETING CANCELED --
02/18/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/18/15 (S) Heard & Held
02/18/15 (S) MINUTE(JUD)
02/20/15 (S) JUD AT 1:30 PM BUTROVICH 205
02/20/15 (S) Moved CSSB 30(JUD) Out of Committee
02/20/15 (S) MINUTE(JUD)
02/23/15 (S) JUD RPT CS 1DP 3AM NEW TITLE
02/23/15 (S) DP: MCGUIRE
02/23/15 (S) AM: COSTELLO, COGHILL, MICCICHE
02/24/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/24/15 (S) Heard & Held
02/24/15 (S) MINUTE(FIN)
03/03/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/03/15 (S) Heard & Held
03/03/15 (S) MINUTE(FIN)
03/05/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/05/15 (S) Heard & Held
03/05/15 (S) MINUTE(FIN)
03/06/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/06/15 (S) -- MEETING CANCELED --
03/09/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/09/15 (S) -- MEETING CANCELED --
03/09/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
03/09/15 (S) Departments: Environmental Conservation
and

03/10/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 03/10/15 (S) Departments: Environmental Conservation
 and
 03/11/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 03/11/15 (S) -- Public Testimony --
 03/12/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 03/12/15 (S) Heard & Held
 03/12/15 (S) MINUTE(FIN)
 03/13/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/13/15 (S) -- MEETING CANCELED --
 03/13/15 (S) FIN AT 1:30 PM SENATE FINANCE 532
 03/13/15 (S) Heard & Held
 03/13/15 (S) MINUTE(FIN)
 03/14/15 (S) FIN AT 10:00 AM SENATE FINANCE 532
 03/14/15 (S) -- MEETING CANCELED --
 03/18/15 (H) JUD AT 1:00 PM CAPITOL 120
 03/18/15 (H) <Bill Hearing Canceled>
 03/23/15 (S) FIN RPT CS 1DP 3NR 3AM NEW TITLE
 03/23/15 (S) DP: MACKINNON
 03/23/15 (S) NR: BISHOP, DUNLEAVY, HOFFMAN
 03/23/15 (S) AM: KELLY, MICCICHE, OLSON
 03/23/15 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/23/15 (S) Moved CSSB 30(FIN) Out of Committee
 03/23/15 (S) MINUTE(FIN)
 03/25/15 (S) FIN CS ADOPTED Y16 N4
 03/30/15 (S) TRANSMITTED TO (H)
 03/30/15 (S) VERSION: CSSB 30(FIN)
 03/31/15 (H) READ THE FIRST TIME - REFERRALS
 03/31/15 (H) JUD, FIN
 04/06/15 (H) JUD AT 1:00 PM CAPITOL 120
 04/06/15 (H) Heard & Held
 04/06/15 (H) MINUTE(JUD)
 04/07/15 (H) JUD AT 1:30 PM CAPITOL 120
 04/07/15 (H) Heard & Held
 04/07/15 (H) MINUTE(JUD)
 04/08/15 (H) JUD AT 1:00 PM CAPITOL 120
 04/08/15 (H) Scheduled but Not Heard
 04/09/15 (H) JUD AT 1:00 PM CAPITOL 120
 04/09/15 (H) <Bill Hearing Canceled>
 04/10/15 (H) JUD AT 1:00 PM CAPITOL 120
 04/10/15 (H) Heard & Held
 04/10/15 (H) MINUTE(JUD)
 04/15/15 (H) JUD AT 1:00 PM CAPITOL 120
 04/15/15 (H) -- MEETING CANCELED --
 04/16/15 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 43

SHORT TITLE: IMMUNITY FOR FIRE DEPT. & MEMBERS
SPONSOR(s): COGHILL

02/06/15	(S)	READ THE FIRST TIME - REFERRALS
02/06/15	(S)	CRA, JUD
02/17/15	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
02/17/15	(S)	Heard & Held
02/17/15	(S)	MINUTE(CRA)
03/05/15	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/05/15	(S)	Moved CSSB 43(CRA) Out of Committee
03/05/15	(S)	MINUTE(CRA)
03/06/15	(S)	CRA RPT CS 3DP SAME TITLE
03/06/15	(S)	DP: BISHOP, EGAN, MACKINNON
03/16/15	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/16/15	(S)	Scheduled but Not Heard
03/18/15	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/18/15	(S)	Heard & Held
03/18/15	(S)	MINUTE(JUD)
03/20/15	(S)	JUD AT 1:30 PM BUTROVICH 205
03/20/15	(S)	Moved CSSB 43(JUD) Out of Committee
03/20/15	(S)	MINUTE(JUD)
03/23/15	(S)	JUD RPT CS 4DP SAME TITLE
03/23/15	(S)	DP: MCGUIRE, COGHILL, COSTELLO, WIELECHOWSKI
04/01/15	(S)	TRANSMITTED TO (H)
04/01/15	(S)	VERSION: CSSB 43(JUD)
04/02/15	(H)	READ THE FIRST TIME - REFERRALS
04/02/15	(H)	CRA, JUD
04/06/15	(H)	CRA REFERRAL REMOVED
04/09/15	(H)	JUD AT 1:00 PM CAPITOL 120
04/09/15	(H)	Heard & Held
04/09/15	(H)	MINUTE(JUD)
04/15/15	(H)	JUD AT 1:00 PM CAPITOL 120
04/15/15	(H)	-- MEETING CANCELED --
04/16/15	(H)	JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

JORDAN SHILLING, Staff

Senator John Coghill

Alaska State Legislature, Juneau, Alaska

POSITION STATEMENT: Presented HCS for CSSB 43 on behalf of the prime sponsor, Senator John Coghill.

SUZI SHUTTS, Attorney

Legislative Legal Counsel

Legislative Legal and Research Services

Juneau, Alaska

POSITION STATEMENT: During the hearing of HCS for CSSB 43, answered questions.

ACTION NARRATIVE

[3:01:1PM](#)

CHAIR GABRIELLE LEDOUX called the House Judiciary Standing Committee meeting to order at 3:01 p.m. Representatives Lynn, Gruenberg, Olson, and LeDoux were present at the call of the meeting. Representative Millett arrived as the meeting was in progress.

SB 30-MARIJUANA REG;CONT. SUBST;CRIMES;DEFENSES

[3:01:19 PM](#)

CHAIR LEDOUX announced that the first order of business would be SENATE BILL NO. 30, "An Act relating to controlled substances; relating to marijuana; relating to driving motor vehicles when there is an open marijuana container; and providing for an effective date."

[3:02:24 PM](#)

The committee took a brief at-ease.

[3:02:58 PM](#)

REPRESENTATIVE OLSON moved to adopt HCS for CSSB 30, Version 29-LS0231\K, Martin, 4/14/15, as the working document. There being no objection, Version K was before the House Judiciary Standing Committee.

[CSSB 30 was held over.]

SB 43-IMMUNITY FOR FIRE DEPT. & MEMBERS

[3:03:29 PM](#)

CHAIR LEDOUX announced that the final order of business would be SENATE BILL NO. 43, "An Act relating to immunity for a fire department and employees or members of a fire department."

[3:04:07 PM](#)

REPRESENTATIVE LYNN moved to adopt HCS for CSSB 43, Version [29-LS0325\I], Shutts, 4/14/15, as the working document. There being no objection, Version I was before the House Judiciary Standing Committee.

[3:04:41 PM](#)

JORDAN SHILLING, Staff, Senator John Coghill, said the prior version applied immunity too broadly, and this version includes professional municipally operated firemen. He opined the change was for the contract departments that serve the Municipality of Anchorage and the Fairbanks North Star Borough. He explained that the change is rather than apply the immunity to both the contract department and municipally operated department, this committee substitute reads that there would be immunity to the contract departments, which would be university fire departments and non-profit fire departments.

[3:06:15 PM](#)

CHAIR LEDOUX opened public testimony and after ascertaining no one wished to testify closed public testimony.

[3:06:33 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 1 for discussion.

REPRESENTATIVE MILLETT objected.

[3:06:59 PM](#)

SUZI SHUTTS, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, said she did not have a copy of Conceptual Amendment 1.

[3:07:25 PM](#)

REPRESENTATIVE GRUENBERG read Conceptual Amendment 1, as follows [original punctuation provided]:

This section does not limit the authority of a municipality or village to maintain an action against a contractor, vendor or supplier providing services or goods to the municipality or village.

REPRESENTATIVE GRUENBERG advised it would be a separate subsection. He then asked whether the term would be "municipality or village," or should it be left as it is with the instruction to make it right. He posited that Conceptual Amendment 1 is talking about an entity that can maintain suit and that types of villages were types of municipalities, but he was not certain.

MS. SHUTTS responded that under AS 09.65.080, which read:

An action may be maintained by an incorporated borough, city, or other public corporation of like character in its corporate name and upon a cause of action accruing to it in its corporate character ...

MS. SHUTTS advised she was not sure whether that would go to his concern and whether that language would be used.

REPRESENTATIVE GRUENBERG asked whether it was possible to say that they intend it to apply to any entity AS 09.65.0[8]0 applies, and that Legislative Legal and Research Services could use the correct drafting and coordinate with staff, Mr. Wheeler, and himself.

CHAIR LEDOUX noted it was obviously the intent to do as Representative Gruenberg suggested, and he was asking Legislative Legal and Research Services to make it correct.

[3:10:17 PM](#)

REPRESENTATIVE GRUENBERG agreed.

MS. SHUTTS advised Representative Gruenberg she had not yet received a copy of Conceptual Amendment 1.

[3:11:01 PM](#)

The committee took an at-ease from 3:11:01 to 3:12:38 p.m.

[3:12:51 PM](#)

MR. SHILLING referred to [Sec.1, AS 09.65.083(a)(d)(2)], page 2, line 9, which read:

(2) a nonprofit that provides services under contract or agreement with a municipality or village.

MR. SHILLING said [(d)] defines a nonprofit fire department that includes a municipality or village.

[3:13:36 PM](#)

REPRESENTATIVE GRUENBERG remarked he would like to leave the language up to the drafter. Secondly, he referred to the phrase "an action against a contractor, vendor, or supplier providing services or goods to the municipality or village," and opined that there may be a situation where a suit would be against an entity other than one of those entities. He said he would leave it up to the bill drafter if they preferred "to maintain an action under this section," or something.

[3:14:39 PM](#)

MR. SHILLING agreed, and said that in the event it is something the legislative attorneys believe is appropriate, the sponsor would be good with it.

REPRESENTATIVE GRUENBERG opined that if the suit was against the municipality which wasn't contracting, the suit against them could be maintained. He said he has no problem with the language because it deals with a totally different issue and that he wants the records to reflect this is another issue and is covered here. He noted that the title of the bill reads as follows:

An Act relating to immunity for a fire department and employees or members of a fire department.

REPRESENTATIVE GRUENBERG pointed out that the title of the section is "Civil liability of nonprofit and university fire departments." He opined that Conceptual Amendment 1 does not fall within that catch line so when Ms. Shutts processes the amendment that she may want to change the tag line, or put it in something separate. He noted that this deals with the government as a plaintiff rather than a defendant.

[3:16:54 PM](#)

REPRESENTATIVE MILLETT withdrew her objection.

[3:17:03 PM](#)

CHAIR LEDOUX advised there being no objection, Conceptual Amendment 1 was adopted.

3:17:58 PM

REPRESENTATIVE MILLETT moved to report [HCS for CSSB 43, as amended,] out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 43(JUD) moved from the House Judiciary Standing Committee.

3:18:19 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:18 p.m.