

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

February 14, 2008

8:05 a.m.

**MEMBERS PRESENT**

Representative Anna Fairclough, Co-Chair  
Representative Gabrielle LeDoux, Co-Chair  
Representative Nancy Dahlstrom  
Representative Mark Neuman  
Representative Kurt Olson  
Representative Sharon Cissna  
Representative Woodie Salmon

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 282

"An Act relating to eligibility for membership on state boards, commissions, and authorities."

- MOVED CSHB 282(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 344

"An Act relating to distribution of the Alaska Administrative Code and Alaska Administrative Register; and providing for an effective date."

- MOVED HB 344 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 282

SHORT TITLE: CANDIDATES INELIGIBLE FOR BDS/COMMISSIONS

SPONSOR(S): REPRESENTATIVE(S) DOOGAN

01/04/08	(H)	PREFILE RELEASED 1/4/08
01/15/08	(H)	READ THE FIRST TIME - REFERRALS
01/15/08	(H)	CRA, STA
02/14/08	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 344

SHORT TITLE: ADMINISTRATIVE CODE/REGISTER DISTRIBUTION

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/30/08 (H) READ THE FIRST TIME - REFERRALS  
01/30/08 (H) CRA, FIN  
02/14/08 (H) CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

REPRESENTATIVE MIKE DOOGAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke as the sponsor of HB 282.

JASON HOOLEY, Special Assistant/Legislature  
Office of the Lieutenant Governor  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 344 on behalf of the governor.

**ACTION NARRATIVE**

**CO-CHAIR ANNA FAIRCLOUGH** called the House Community and Regional Affairs Standing Committee meeting to order at [8:05:46 AM](#). Representatives Fairclough, LeDoux, Dahlstrom, Neuman, Olson, and Cissna were present at the call to order. Representative Salmon arrived as the meeting was in progress.

HB 282-CANDIDATES INELIGIBLE FOR BDS/COMMISSIONS

[8:06:26 AM](#)

CO-CHAIR FAIRCLOUGH announced that the first order of business would be HOUSE BILL NO. 282, "An Act relating to eligibility for membership on state boards, commissions, and authorities."

[8:06:41 AM](#)

REPRESENTATIVE MIKE DOOGAN, Alaska State Legislature, explained that HB 282 would require members of boards and commissions to resign from those positions prior to filing for office. The legislation also prohibits someone who ran for office from serving on a board or commission for a calendar year. Under existing law a number of people, including state employees, have to resign from positions if they want to run for office. Furthermore, [existing law stipulates that] members of boards and commissioners who receive anything more than per diem must

resign [prior to filing for office]. He informed the committee that [existing law] covers 22 of the 120 boards, commissions, [and authorities of the state]. The change proposed in HB 282 would impact about 984 people currently sitting on boards and commissions. Representative Doogan explained that he brought forth HB 282 after being informed that a member of a professional board ran for the State House and collected about \$20,000 from members of the profession in which the board oversaw. Representative Doogan characterized the aforementioned as problematic. He opined that it's better for the state and Alaskan's trust in the system that those running for office don't hold [positions with the state's boards, commissions, and authorities]. Representative Doogan explained that it's not his intent to prohibit legislators sitting on boards/commissions, and therefore the committee should have an amendment to address that.

8:10:34 AM

REPRESENTATIVE OLSON remarked that there was an example of this before this committee as recently as this past Tuesday.

8:10:47 AM

CO-CHAIR LEDOUX inquired as to how it's different if members on boards and commissions raise money versus legislators raising money.

REPRESENTATIVE DOOGAN opined that there are prohibitions against legislators raising money in the sense that there are clear rules regarding when and where legislators can raise funds while a sitting legislator. The difficulty is that the boards and commissions work on a different calendar than the legislature, and therefore the boards and commissions don't go into an interim time. Because there are so many boards and commissions with various rules, it's not clear how to construct a system that works with legislators.

CO-CHAIR LEDOUX questioned then whether this legislation should extend to all municipal officials if an individual sitting on a municipal planning board would have to resign in order to run for office.

REPRESENTATIVE DOOGAN specified that his concern is with regard to state boards and commissions. He related that he is an advocate for the state not telling municipalities what to do.

CO-CHAIR FAIRCLOUGH pointed out that the title of HB 282 is specific to state boards, commissions, and authorities of the state.

[8:13:46 AM](#)

REPRESENTATIVE CISSNA recalled an example in which a state board member used per diem funds to travel and then once at the location sought [campaign] funds.

[8:15:12 AM](#)

REPRESENTATIVE NEUMAN related his understanding that if HB 282 passes, those currently sitting on state boards and commissions wouldn't be able to run for office unless they resigned.

REPRESENTATIVE DOOGAN replied yes.

REPRESENTATIVE NEUMAN inquired as to the effective date of HB 282.

REPRESENTATIVE DOOGAN explained that HB 282 would become law when the governor signs it or when the governor allows it to become law without signature, on the day after expiration of the period allowed for gubernatorial action by art. II, Sec. 17 of the Alaska Constitution.

[8:16:34 AM](#)

CO-CHAIR FAIRCLOUGH, upon determining no one else wished to testify, closed public testimony.

[8:17:00 AM](#)

REPRESENTATIVE DAHLSTROM moved to adopt HB 282 as the working document.

CO-CHAIR FAIRCLOUGH announced the HB 282 was before the committee.

REPRESENTATIVE NEUMAN objected for purposes of an amendment. [This objection was treated as withdrawn and HB 282 before the committee.]

[8:17:33 AM](#)

REPRESENTATIVE NEUMAN moved that the committee adopt Amendment 1, labeled 25-LS1117\C.1, Bullard, 2/13/08, which read:

Page 1, line 7, following "year":

Insert ", unless holding a particular elective state or federal office is required by law for appointment"

REPRESENTATIVE DOOGAN explained that his staff discovered that in drafting HB 282 it applied to legislators who are members of boards and commissions by virtue of their position as a legislator. The aforementioned, he stated, is not his intent. Representative Doogan opined that it's difficult to imagine a situation in which being a member of a board or commission enhances or detracts from a legislator's ability to run for re-election. Furthermore, statute often requires that some of the boards and commissions have legislative members.

8:19:16 AM

REPRESENTATIVE DAHLSTROM opined that the intent of this is great, but highlighted the difficulty in obtaining enough individuals to fill the seats of these boards and commissions. She then inquired as to the impact of this legislation in a situation in which a member of a board or commission is appointed to a legislative seat by the governor.

REPRESENTATIVE DOOGAN explained that this provision wouldn't impact such a situation because the legislation only addresses a legislator who must wait one year before being able to serve on a state board or commission. Being on a board or commission doesn't prohibit the governor from appointing that individual to a legislative seat. Furthermore, since that board or commission member hasn't really filed for that office, this provision wouldn't impact that. He related his understanding that a member of a board or commission could be appointed to a legislative seat by the governor and remain a member of the board or commission because the member never went through the process of running for office.

REPRESENTATIVE DAHLSTROM surmised then that a member of a board or commission must resign prior to filing for office, but an elected official must wait a year before he/she can serve on a board or commission.

REPRESENTATIVE DOOGAN replied yes.

8:21:47 AM

REPRESENTATIVE DOOGAN, in response to Co-Chair LeDoux, confirmed that the provision prohibiting an individual from being a member of a board or commission when he/she is running for office is in Section 2 on page 2. He explained that currently there's a prohibition against state employees running for office. There are a number of exceptions to that prohibition, Section 2 removes the current exception for those who are members of boards and commissions and who only receive essentially per diem for attending meetings.

CO-CHAIR LEDOUX asked if an individual who serves on a board or commission without pay is considered an employee in the classified, partially-exempt, or exempt service.

REPRESENTATIVE DOOGAN said he can't speak to why it's done this way in existing law nor could he speak to why unpaid members of boards and commissions are included in the exceptions for state employees.

CO-CHAIR LEDOUX said that she suspected that it was done to be cautious. She inquired as to the definition of employee in the classified, partially exempt, or exempt services. She opined that she wasn't sure that simply eliminating paragraph (8) accomplishes what is desired.

8:24:20 AM

CO-CHAIR FAIRCLOUGH related that she serves on the National Sexual Violence Resource Center, and thus under HB 282 she would have to resign that position.

REPRESENTATIVE DOOGAN said that's certainly not the intent. The question comes when an individual sitting on a state board or commission files for state office. He clarified that it's not the intent to force those sitting on federal commissions to resign. Representative Doogan said he didn't believe HB 282 would apply in a situation in which an individual serves on a federal board or commission.

CO-CHAIR FAIRCLOUGH surmised then that the legislation is specific to service on state boards and commissions. Therefore, she further surmised that her service on the Alaska Veterans' Memorial Museum is allowable.

REPRESENTATIVE DOOGAN replied yes. He opined that HB 282 wouldn't apply to any of the wide variety of federal boards and commissions.

[8:26:21 AM](#)

CO-CHAIR LEDOUX emphasized the difficulty in finding individuals to serve on some of the state's boards and commissions. She opined that although she could understand the [reasoning] behind HB 282 in relation to boards that actually govern a profession such as the Alaska State Medical Board, there are many boards and commissions that don't govern the profession and individuals aren't looking to the board or commission to make an income. She reiterated her earlier concern with regard to HB 282 making it more difficult to find individuals willing to serve on boards and commissions.

CO-CHAIR FAIRCLOUGH pointed out that the situations in which legislators are involved in various task forces is specified in law.

CO-CHAIR LEDOUX opined that HB 282 may be overly broad.

[8:28:25 AM](#)

REPRESENTATIVE CISSNA drew attention to the language on page 1, lines 5-7, which read: "A person is not eligible for appointment to a state board, commission, or authority if the person sought nomination or became a candidate for elective state or federal office ...." She inquired as to the inclusion of the federal office.

REPRESENTATIVE DOOGAN explained that the reference to federal office is included because there's no difference in the behavior the legislation attempts to prevent. He acknowledged that HB 282 will make it somewhat more difficult to find folks to serve on boards and commissions. Representative Doogan clarified that the legislation attempts to keep people from campaigning on the state dime, which applies equally to federal and state office.

[8:30:46 AM](#)

CO-CHAIR FAIRCLOUGH reminded the committee that it has a motion before it regarding the adoption of Amendment 1. Upon determining there was no objection, Co-Chair Fairclough announced that Amendment 1 was adopted.

The committee took an at-ease from 8:30 a.m. to 8:32 a.m.

[8:33:25 AM](#)

CO-CHAIR FAIRCLOUGH related her understanding that there is a question with regard to the employee classification in Section 2 on page 2, line 7.

CO-CHAIR LEDOUX announced that she doesn't like HB 282, but won't object to it.

[8:33:58 AM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 282, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 282(CRA) was reported from the House Community and Regional Affairs Standing Committee.

HB 344-ADMINISTRATIVE CODE/REGISTER DISTRIBUTION

[8:35:01 AM](#)

CO-CHAIR FAIRCLOUGH announced that the final order of business would be HOUSE BILL NO. 344, "An Act relating to distribution of the Alaska Administrative Code and Alaska Administrative Register; and providing for an effective date."

[8:35:29 AM](#)

JASON HOOLEY, Special Assistant/Legislature, Office of the Lieutenant Governor, explained that by law the lieutenant governor is required to distribute paper copies of the Alaska Administrative Code and its quarterly supplements to all 158 local government units in Alaska. In the last several years, the Office of the Lieutenant Governor has received feedback that they don't use the paper copies of the materials and they don't have office space to store them. In many cases, the local government units are transitioning to the electronic versions available for free on the Internet. This legislation simply allows the local governments who don't want to receive the paper documents to opt-out, and if they later determine that they wish to receive the paper copies they can opt-in. This legislation attempts to save the state some money while responding to the desires of the local communities. Mr. Hooley then turned to the zero fiscal note and related that currently \$22,000 a year is spent on this portion of the contract with the publisher.

Therefore, when communities opt-out of the program, money will be saved.

[8:37:03 AM](#)

REPRESENTATIVE SALMON asked if this information is available on line.

MR. HOOLEY replied yes.

[8:37:13 AM](#)

REPRESENTATIVE CISSNA asked if it will remain possible for a local government to call and request a paper copy because some communities may not have the capability to obtain the information on line.

MR. HOOLEY said that it will be entirely up to the local communities. The Office of the Lieutenant Governor arranges the distribution of the documents through the contractor/publisher. In Section 2 subsection (b), the language provides time to absorb in the budget when a community decides at a later date that it wishes to resume receipt of paper copy.

REPRESENTATIVE CISSNA surmised then that this legislation allows communities the ability to opt-out rather than opt-in.

MR. HOOLEY explained that currently all communities are opted-in and that will continue until a community opts out.

[8:39:10 AM](#)

CO-CHAIR LEDOUX surmised then that HB 344 is necessary because currently even if a community doesn't want the paper copies, they have to be sent out to it anyway.

MR. HOOLEY noted his agreement.

[8:40:06 AM](#)

CO-CHAIR FAIRCLOUGH, upon determining no one wished to testify, closed public testimony.

[8:40:28 AM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 344 out of committee with individual recommendations and the accompanying fiscal

notes. There being no objection, HB 344 was reported from the House Community and Regional Affairs Standing Committee.

[8:41:56 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:42 p.m.