

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 1, 2009

1:05 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Lindsey Holmes

**COMMITTEE CALENDAR**

HOUSE BILL NO. 201

"An Act relating to the expiration date of a concealed handgun permit."

- MOVED CSHB 201(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 153

"An Act exempting municipal boards, committees, commissions, or other similar bodies from the requirements of conducting meetings open to the public when a meeting is administrative or managerial in nature; and amending the definition of 'meeting' as it relates to public governmental meetings."

- MOVED CSHB 153(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 13

"An Act relating to property crimes."

- MOVED HB 13 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 201

SHORT TITLE: CONCEALED HANDGUN PERMITS

SPONSOR(S): REPRESENTATIVE(S) JOHNSON

03/23/09            (H)            READ THE FIRST TIME - REFERRALS

03/23/09 (H) JUD  
04/01/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 153

SHORT TITLE: OPEN MEETINGS: EXCEPTION AND DEFINITION

SPONSOR(S): COMMUNITY & REGIONAL AFFAIRS BY REQUEST

02/25/09 (H) READ THE FIRST TIME - REFERRALS  
02/25/09 (H) CRA, JUD  
03/03/09 (H) CRA AT 8:00 AM BARNES 124  
03/03/09 (H) Heard & Held  
03/03/09 (H) MINUTE(CRA)  
03/12/09 (H) CRA AT 8:00 AM BARNES 124  
03/12/09 (H) Moved CSHB 153(CRA) Out of Committee  
03/12/09 (H) MINUTE(CRA)  
03/13/09 (H) CRA RPT CS(CRA) NT 2DP 5NR  
03/13/09 (H) DP: HERRON, MUNOZ  
03/13/09 (H) NR: CISSNA, MILLETT, HARRIS, KELLER,  
GARDNER  
04/01/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 13

SHORT TITLE: PROPERTY CRIMES

SPONSOR(S): COGHILL

01/20/09 (H) PREFILE RELEASED 1/9/09  
01/20/09 (H) READ THE FIRST TIME - REFERRALS  
01/20/09 (H) JUD, FIN  
02/18/09 (H) JUD AT 1:00 PM CAPITOL 120  
02/18/09 (H) Heard & Held  
02/18/09 (H) MINUTE(JUD)  
03/02/09 (H) JUD AT 1:00 PM CAPITOL 120  
03/02/09 (H) Heard & Held  
03/02/09 (H) MINUTE(JUD)  
04/01/09 (H) JUD AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

REPRESENTATIVE CRAIG JOHNSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 201.

JEANNE OSTNES, Staff  
Representative Craig Johnson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Assisted with the presentation of HB 201 on behalf of the sponsor, Representative Johnson.

MICK MANNS

Bettles Field, Alaska

**POSITION STATEMENT:** Provided comments during discussion of HB 201.

JACK McMANUS

Fairbanks, Alaska

**POSITION STATEMENT:** His testimony regarding HB 201 was read by Mick Manns.

JANE W. PIERSON, Staff

Representative Jay Ramras

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 153 on behalf of the House Community and Regional Affairs Standing Committee, sponsor by request.

A. RENE BROKER, Attorney

Fairbanks North Star Borough (FNSB)

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 153.

LUKE HOPKINS, Member

Fairbanks North Star Borough Assembly

Fairbanks North Star Borough (FNSB)

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 153, Version S.

RONALD ILLINGWORTH, District Chair

Twenty-three Mile Slough Road Service Area

Rural Services Division

Fairbanks North Star Borough (FNSB)

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in Support of HB 153.

KATHIE WASSERMAN, Executive Director

Alaska Municipal League (AML)

Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 153.

DOUG WOOLIVER, Administrative Attorney

Administrative Staff

Office of the Administrative Director

Alaska Court System (ACS)  
Anchorage, Alaska

**POSITION STATEMENT:** Responded to a question during discussion of HB 13.

#### **ACTION NARRATIVE**

[1:05:13 PM](#)

**CHAIR JAY RAMRAS** called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Ramras, Dahlstrom, Coghill, and Gatto were present at the call to order. Representatives Lynn and Gruenberg arrived as the meeting was in progress.

#### HB 201 - CONCEALED HANDGUN PERMITS

[1:05:29 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 201, "An Act relating to the expiration date of a concealed handgun permit."

[1:05:39 PM](#)

REPRESENTATIVE CRAIG JOHNSON, Alaska State Legislature, sponsor, relayed that HB 201 would provide that a person's permit to carry a concealed handgun would expire on [the person's birthday in the fifth year following issuance of the permit]; that a constituent had first suggested to him that the department ought to notify permit holders that their permits were about to expire, but doing so would have resulted in a substantial fiscal note; and that the bill constitutes a compromise.

[1:07:13 PM](#)

JEANNE OSTNES, Staff, Representative Craig Johnson, Alaska State Legislature, mentioned on behalf of the sponsor, Representative Johnson, that members' packets contain information regarding existing regulations and the various costs of [the handgun safety courses] offered around the state, and a copy of both the initial application and the renewal application.

REPRESENTATIVE JOHNSON surmised that since a permit is not required in Alaska, the bill is primarily for those who desire a permit for purposes of reciprocity with other states.

MS. OSTNES added that 34 states recognize Alaska's permit and 15 states do not.

REPRESENTATIVE JOHNSON, in response to a question, offered his understanding that Alaska's permit would not be valid in either Canada or Mexico.

REPRESENTATIVE JOHNSON then directed members' attention to what would become Amendment 1, labeled 26-LS0683\R.1, Luckhaupt, 4/1/09, which read:

Page 1, line 5:  
Delete "license"  
Insert "permit"

CHAIR RAMRAS offered his understanding that the Department of Public Safety (DPS) supports HB 201.

[1:10:46 PM](#)

MICK MANNS relayed that he is a former deputy sheriff and a former police officer, and indicated that he had a "concealed carry permit" but didn't get into town in time to get it renewed. Fingerprints never change and therefore it doesn't make sense to have to get fingerprinted again or to have to retake the [handgun safety] course after simply missing the renewal deadline, he remarked, but acknowledged that he has no objection to having to pay a reasonable late fee. At issue, particularly if one lives in a remote location, is having to take the time to come into town to do those things. He opined that there should be an exception offered to those who just don't get into town in time to renew the permit, even if that exception includes having to pay a late fee.

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JACK McMANUS had his testimony regarding HB 201 read by Mick Manns as follows:

Honorable members of the Alaska legislature, my name is Jack McManus, a retired lawyer who moved to Alaska 20 years ago. I live in Fairbanks, and have substantial property at Chandalar Lake. I also write extensively on the Constitution of the United States, particularly the Second Amendment. In regard to the concealed permit regulations, I would like to point out, in Alaska you do not need a permit, however, a

concealed carry permit requires one to take an instructional course ... and to shoot for record, which we have already done. As your supplicants, we have done this but because of an excusable neglect or inadvertent -- we have not, at this time, got our permits renewed on time, and have lost the permits. We ask you to allow the former permit holders to reestablish your permit by application and perhaps a reasonable renewal fee. However, we have already passed the educational requirements and have shot for record. Thank you, Semper Fidelis, Jack McManus, 907-479-5001.

MR. MANNS relayed that his son is in the same situation in that at one time he too had a concealed handgun permit. Mr. Manns relayed that the three of them would appreciate any consideration that the legislature could give to the concept of establishing a way to renew such permits without having to drive into town from the Brooks Range and sit through a class lasting several days.

CHAIR RAMRAS closed public testimony on HB 201.

[1:15:19 PM](#)

REPRESENTATIVE COGHILL made a motion to adopt Amendment 1 [text provided previously]. There being no objection, Amendment 1 was adopted.

REPRESENTATIVE JOHNSON, in response to a question, relayed that he is unfamiliar with whether any other states have pending legislation addressing concealed handguns.

[1:16:25 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 201, as amended, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHB 201(JUD) was reported from the House Judiciary Standing Committee.

HB 153 - OPEN MEETINGS: EXCEPTION AND DEFINITION

[1:16:50 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 153, "An Act exempting municipal boards,

committees, commissions, or other similar bodies from the requirements of conducting meetings open to the public when a meeting is administrative or managerial in nature; and amending the definition of 'meeting' as it relates to public governmental meetings." [Before the committee was CSHB 153(CRA).]

[1:17:22 PM](#)

REPRESENTATIVE DAHLSTROM moved to adopt the proposed committee substitute (CS) for HB 153, Version 26-LS0653\S, Kane, 3/25/09, as the work draft. There being no objection, Version S was before the committee.

[1:17:38 PM](#)

JANE W. PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, on behalf of the House Community and Regional Affairs Standing Committee, sponsor by request, explained that HB 153 proposes changes to the [Administrative Procedure Act] to make it workable for municipal service area boards while still preserving the intent of the Act, which requires that all meetings of public bodies be open to the public and that a public body must provide reasonable advance notice of its meetings. The basic intent of the Act is to protect the public's right to know. Currently, there are exemptions excluding meetings of juries, parole boards, staff meetings of public employees, and certain other groups/entities. There is no exemption, however, for members of government bodies that also have administrative and managerial responsibilities. This is causing a hardship for volunteer advisory board members - such as road and fire service area commissioners - who often find that they must choose between complying with the Act and providing delayed or unresponsive services.

MS. PIERSON said HB 153 would add an exemption to the Administrative Procedure Act for meetings by municipal service area boards when meeting solely to act on matters that are administrative or managerial in nature; this would allow them to conduct business more effectively without harming any of the purposes or intent of the [Administrative Procedure Act]. Examples of such activities include calling out snowplows, clearing brush, or fixing potholes, as needs arise. These advisory bodies would still be required to comply with the [Administrative Procedure Act] whenever they meet to discuss any policy or budgetary matter; under Fairbanks North Star Borough ordinance, such boards must meet publicly four times a year. Version S also addresses an anomaly in state law by amending the

definition of "meeting" for advisory boards. Currently, the law governing advisory boards is more stringent than the law governing actual policy-making bodies such as a borough assembly. House Bill 153 will allow members of an advisory board to have a prearranged meeting as long as it does not result in a violation of the proposed "three or a majority" rule applicable to policy-making bodies.

CHAIR RAMRAS relayed that he is familiar with the problem HB 153 is intended to address.

[1:21:20 PM](#)

A. RENE BROKER, Attorney, Fairbanks North Star Borough (FNSB), relayed that the FNSB supports HB 153. Because service areas are far too small and lack the financial resources to hire employees, their administrative functions have to be performed by volunteer boards, which have been authorized by state law to oversee the furnishing of service in a service area, and so when service area boards perform that administrative function, they are performing work that would otherwise have to be done by paid employees. House Bill 153 would extend the existing statutory exemption to municipal service area boards only when they are conducting work of an administrative or managerial nature, and not when they are performing their other duties. House Bill 153 would also clarify that more than three members or a majority of the members, whichever is less, must be present in order for a gathering to be considered a "meeting". In conclusion, she reiterated that the FNSB strongly supports HB 153.

[1:25:59 PM](#)

LUKE HOPKINS, Member, Fairbanks North Star Borough Assembly, Fairbanks North Star Borough (FNSB), relayed that he supports Version S, and that as a member of the FNSB Assembly, he's received calls from volunteer road service area commissioners who are frustrated by the current inability of two members to meet to discuss administrative functions such as those pertaining to road maintenance/repairs. He noted that the bill would provide an exemption for such members in such situations, and would conform the definition of "meeting" as it pertains to advisory boards to that pertaining to governmental bodies that have the authority to establish policies and make decisions for a public entity. In conclusion, he asked the committee to support HB 153 and move it forward.

[1:29:12 PM](#)

RONALD ILLINGWORTH, District Chair, Twenty-three Mile Slough Road Service Area, Rural Services Division, Fairbanks North Star Borough (FNSB), indicated that he would be speaking in support of HB 153. Current law, he remarked, results in service area board members having to choose between complying with the Administrative Procedure Act, ignoring it, or circumventing it, and this is not an acceptable practice, he opined. Currently, board members of road service areas are unable to conduct routine administrative or managerial duties without having to hold a public meeting and provide advance notice of it. He then offered an example involving an established contract. House Bill 153 would address this problem by providing an exemption for municipal service area boards when performing routine administrative or managerial duties.

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KATHIE WASSERMAN, Executive Director, Alaska Municipal League (AML), said that the AML encourages all communities to abide by the Administrative Procedure Act, believes that they do, and has no intention of breaking existing laws. However, current law is onerous in that the definition of what constitutes a meeting is different for advisory groups than it is for governmental bodies, and this is particularly onerous on road service area boards because often they only have three members. Precluding two such board members from discussing road repair/maintenance issues can result in only one person making all the decisions. The AML doesn't want municipal service area board members attempting to circumvent current law, and so is seeking to have the law changed to address this issue. In conclusion, she relayed that the AML supports HB 153, and is hoping to assist the FNSB in its efforts.

MS. BROKER, in response to questions, explained that the bill would apply only to authorized members, that the new language in proposed AS 44.62.310(h)(2)(B) was obtained from existing 44.62.310(h)(2)(A), that subparagraph (B) applies the same standard for a quorum as subparagraph (A), and that vacancies in membership are not addressed in the bill.

MS. WASSERMAN, in response to a question, acknowledged that whenever there is a vacancy on a board there can be problems with getting business done, but pointed out that this is not an issue being addressed by the bill, which stipulates in proposed AS 44.62.310(h)(2) that a quorum is based on full membership, not on how many seats are filled or vacant, which can fluctuate.

In response to another question, she said she doesn't believe that Anchorage has very many road service areas.

REPRESENTATIVE GRUENBERG, in response to a question, relayed that his concern is that Section 2 of the bill doesn't apply only to service area boards but instead to many types of governmental bodies. He also questioned whether having to consider the entirety of an advisory board's membership for purposes of establishing a quorum would be a problem.

MS. WASSERMAN said she is unaware of any such problems, particularly given that usually communities actively strive to fill any vacancies.

REPRESENTATIVE GRUENBERG expressed satisfaction with [that answer].

CHAIR RAMRAS closed public testimony on HB 153.

[1:40:48 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed CS for HB 153, Version 26-LS0653\S, Kane, 3/25/09, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHB 153(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:41 p.m. to 1:47 p.m.

HB 13 - PROPERTY CRIMES

[1:47:52 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 13, "An Act relating to property crimes."

CHAIR RAMRAS, after ascertaining that no one wished to testify, closed public testimony on HB 13.

REPRESENTATIVE COGHILL, speaking as the sponsor, offered his belief that some of the existing fines for property crimes are not equitable, and opined that it's the right policy call to effect the changes proposed by HB 13, surmising that doing so would result in a less costly legal system.

CHAIR RAMRAS asked whether felony property crimes that have been plead down to misdemeanors always get heard in superior court anyway.

[1:50:54 PM](#)

DOUG WOOLIVER, Administrative Attorney, Administrative Staff, Office of the Administrative Director, Alaska Court System (ACS), said it depends on when the plea agreement occurs, and that oftentimes, most "low value" [property] crime cases don't ever go to superior court because they are resolved before then.

CHAIR RAMRAS offered his understanding that there are a lot of property crimes that "go under investigated." He expressed favor with establishing higher thresholds for property crimes, and characterized doing so as good public policy, though he acknowledged that to some extent the proposed thresholds are arbitrary.

REPRESENTATIVE LYNN said HB 13 seems to be inflation-proofing crime, and relayed that he has concerns with doing so.

CHAIR RAMRAS acknowledged that concern, but noted that the current thresholds have not changed in over 30 years.

REPRESENTATIVE LYNN said he does not support HB 13 regardless.

REPRESENTATIVE GATTO referred to the language on page 1, lines 10-13, which refers to property crimes involving safety equipment and survival equipment from vessels and aircraft, and questioned whether those provisions are meant to protect vessels and aircraft to a greater degree.

REPRESENTATIVE COGHILL said the bill is only establishing higher property value thresholds between misdemeanor and felony property crimes, and is not intended to alter any specific property descriptions.

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REPRESENTATIVE DAHLSTROM moved to report HB 13 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 13 was reported from the House Judiciary Standing Committee.

[1:59:46 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:59 p.m.