

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

April 12, 2012

1:43 p.m.

MEMBERS PRESENT

Representative Steve Thompson, Vice Chair
Representative Wes Keller
Representative Bob Lynn
Representative Lance Pruitt
Representative Max Gruenberg
Representative Lindsey Holmes
Representative Mike Hawker (alternate)

MEMBERS ABSENT

Representative Carl Gatto, Chair (deceased April 10, 2012)

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 210(FIN)

"An Act relating to crimes against children; and providing for an effective date."

- MOVED HCS CSSB 210(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 355

"An Act relating to the membership of, and member qualifications for, the Alaska Public Offices Commission; prohibiting certain uses of names and addresses contained in certain reports to the commission; and providing for an effective date."

- MOVED CSHB 355(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 210

SHORT TITLE: CRIMES AGAINST CHILDREN/SUPPORT/CINA

SPONSOR(S): SENATOR(S) MCGUIRE

02/21/12	(S)	READ THE FIRST TIME - REFERRALS
02/21/12	(S)	JUD, FIN
02/27/12	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/27/12	(S)	Heard & Held
02/27/12	(S)	MINUTE(JUD)
03/16/12	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

03/16/12 (S) Scheduled But Not Heard
 03/21/12 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/21/12 (S) Scheduled But Not Heard
 03/23/12 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 03/23/12 (S) Moved CSSB 210(JUD) Out of Committee
 03/23/12 (S) MINUTE(JUD)
 03/26/12 (S) JUD RPT CS 3DP 1NR NEW TITLE
 03/26/12 (S) DP: FRENCH, WIELECHOWSKI, PASKVAN
 03/26/12 (S) NR: COGHILL
 04/02/12 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/02/12 (S) Heard & Held
 04/02/12 (S) MINUTE(FIN)
 04/03/12 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/03/12 (S) Moved CSSB 210(FIN) Out of Committee
 04/03/12 (S) MINUTE(FIN)
 04/04/12 (S) FIN RPT CS 7DP NEW TITLE
 04/04/12 (S) DP: HOFFMAN, STEDMAN, THOMAS, EGAN,
 MCGUIRE, OLSON, ELLIS
 04/06/12 (S) TRANSMITTED TO (H)
 04/06/12 (S) VERSION: CSSB 210(FIN)
 04/09/12 (H) READ THE FIRST TIME - REFERRALS
 04/09/12 (H) JUD, FIN
 04/11/12 (H) JUD AT 1:00 PM CAPITOL 120
 04/11/12 (H) Heard & Held
 04/11/12 (H) MINUTE(JUD)
 04/11/12 (H) JUD AT 5:30 PM CAPITOL 120
 04/11/12 (H) Work Session on above Bill
 04/12/12 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 355

SHORT TITLE: APOC: MEMBERSHIP; USE OF REPORT INFO
 SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG

02/22/12 (H) READ THE FIRST TIME - REFERRALS
 02/22/12 (H) STA, JUD
 04/10/12 (H) STA RPT CS(STA) NT 2DP 4NR
 04/10/12 (H) DP: PETERSEN, LYNN
 04/10/12 (H) NR: P.WILSON, KELLER, SEATON, GRUENBERG
 04/10/12 (H) STA AT 8:00 AM CAPITOL 106
 04/10/12 (H) Moved CSHB 355(STA) Out of Committee
 04/10/12 (H) MINUTE(STA)
 04/12/12 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

AMY SALTZMAN, Staff
 Senator Lesil McGuire

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During discussion of SB 210, provided a comment on behalf of the sponsor, Senator McGuire.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: During discussion of SB 210, described the changes in the proposed House committee substitute (HCS), Version U, and responded to questions.

QUINLAN STEINER, Director
Central Office
Public Defender Agency (PDA)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Responded to a question during discussion of SB 210.

JOSHUA DECKER, Staff Attorney
American Civil Liberties Union of Alaska (ACLU of Alaska)
Anchorage, Alaska

POSITION STATEMENT: During discussion of SB 210, expressed concern with language in the proposed House committee substitute, Version U.

RICHARD SVOBODNY, Deputy Attorney General
Central Office
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: During discussion of SB 210, provided comments and responded to questions.

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 355.

PAUL DAUPHINAIS, Executive Director
Alaska Public Offices Commission (APOC)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Provided a comment during discussion of HB 355.

ACTION NARRATIVE

[1:43:29 PM](#)

VICE CHAIR STEVE THOMPSON called the House Judiciary Standing Committee meeting to order at 1:43 p.m. Representatives Thompson, Gruenberg, Lynn, Keller, Hawker (alternate) were present at the call to order. Representatives Holmes and Pruitt arrived as the meeting was in progress.

SB 210 - CRIMES AGAINST CHILDREN/SUPPORT/CINA

[1:43:57 PM](#)

VICE CHAIR THOMPSON announced that the first order of business would be CS FOR SENATE BILL NO. 210(FIN), "An Act relating to crimes against children; and providing for an effective date." [Left pending from the hearing on 4/11/12 was the motion to adopt a proposed House committee substitute (HCS) for CSSB 210(FIN), Version 27-LS1362\0, Wayne, 4/10/12, as the work draft.]

[1:44:25 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt a new proposed House committee substitute (HCS) for CSSB 210(FIN), Version LS-1362\U, Wayne, 4/12/12, as the working document.

VICE CHAIR THOMPSON objected for discussion purposes.

[1:44:50 PM](#)

AMY SALTZMAN, Staff, Senator Lesil McGuire, Alaska State Legislature, on behalf of the sponsor of SB 210, Senator McGuire, explained that no change had been made to Section 1, and mentioned that there would be a forthcoming change to Section 2.

[1:46:59 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), concurred that no changes had been made to Section 1. She then discussed changes that would affect Section 2. She indicated that adopted

into Alaska's assault law, AS 11.41.255, there would be an addition to the definition of "serious physical injury" to address victims that are under 12 years of age whose injuries result in serious disfigurement, serious impairment of health by extensive bruising or other injury that would cause a reasonable person to seek medical attention for the child from a health professional in the form of diagnosis or treatment, or serious impediment of blood circulation or breathing.

REPRESENTATIVE GRUENBERG clarified that the new section in AS 11.41.255 would apply only to the term "serious physical injury" in AS 11.41.200-250.

MS. CARPENETI explained that the rationale for the change was that although children can be seriously injured, their injuries may not be prolonged as they would be for an adult.

MS. CARPENETI directed attention to Section 2 of Version O, and highlighted the proposed language: "**(4) recklessly fails to provide adequate food or liquids to a child, causing protracted impairment of the child's health.**" She explained that under Version U, the words "**quantity of**" would be inserted between "**adequate**" and "**food**" to clarify that the provision would not apply to parents who may not be in the position to feed their children healthful food. She said Section 4 of Version O would be eliminated from Version U, because of the addition already mentioned in Section 2, and Section 4 of Version O would not be in Version U. She stated that Sections 5-12 are unchanged.

[1:51:59 PM](#)

MS. CARPENETI said that subsection (i), in Section 13, of Version O has been removed, but the language in subsection (j) remains [now subsection (i), in Section 14]. She said Sections 14-18 of Version O were unchanged [now Sections 15-19 of Version U].

[1:53:12 PM](#)

VICE CHAIR THOMPSON removed his objection to the previous motion made to adopt a new proposed House committee substitute (HCS) for CSSB 210(FIN), Version LS-1362\U, Wayne, 4/12/12, as the working document. There being no further objection, Version U was before the committee.

[1:53:55 PM](#)

MS. CARPENETI, in response to Representative Keller, said the term, "fact finder", in Section 6, page 4, line 24, is used in other places in the proposed bill language. She said it is a term used to include a jury or a judge, depending on the situation. In response to a follow-up question, she emphasized that the definition of "fact finder" is clear to practitioners who would be using the sections of language in which the term is found.

[1:55:35 PM](#)

VICE CHAIR THOMPSON, having earlier noted that Version U contained handwritten suggestions for change, made a motion to adopt Conceptual Amendment 1, which incorporates those handwritten changes as follows: on page 2, line 31, changing the heading; on page 3, lines 1-3, deleting the language; on page 3, lines 4-5, adding language; on page 3, line 6, deleting part of the language; and on page 4, lines 5-22, deleting Section 5.

REPRESENTATIVE HOLMES objected for the purpose of discussion.

MS. CARPENETI explained that a working group had discussed the expansion of the definition of "serious physical injury" being a big change to Alaska law, because the current definition has been in statute since its application in 1978. She said the group concluded that it would be best to limit the definition to crimes of assault in the first, second, third, and fourth degrees, and reckless endangerment.

[1:57:36 PM](#)

MS. CARPENETI, in response to a request from Vice Chair Thompson, read the language of Conceptual Amendment 1, which read in Version U, with the handwritten changes, as follows:

***Sec. 2.** AS 11.41 is amended by adding a new section to read:

Sec. 11.31.255. Definitions. In AS 11.41.200-11.41.250, "serious physical injury", in addition to the definition in AS 11.81.900(b), if the victim is under 12 years of age includes the following:

- (1) serious disfigurement;
- (2) serious impairment of health by extensive by extensive bruising or other injury that would cause a reasonable person to seek medical

attention for the child from a health care professional in the form of diagnosis or treatment; or
(3) impediment of blood circulation or breathing.

[1:58:40 PM](#)

MS. CARPENETI, in response to Representative Hawker, confirmed that she had added the word "serious", preceding "impediment of blood circulation or breathing", on page 3, line 9, paragraph (3). She explained that the work group had agreed upon the need to add "serious" before "impediment", but had not written it down.

VICE CHAIR THOMPSON said the committee needed to add "serious" on line 9.

[1:59:16 PM](#)

REPRESENTATIVE HOLMES asked if subsection (b), on page 3, line 10, should remain in the bill.

MS. CARPENETI indicated that subsection (b) should have been removed.

VICE CHAIR THOMPSON announced, "And so, the conceptual amendment is corrected."

REPRESENTATIVE HOLMES said, "Clarified."

VICE CHAIR THOMPSON responded, "Yeah, clarified."

[1:59:37 PM](#)

MS. CARPENETI, in response to Representative Gruenberg, said AS 11.81.900(b) contains the definitions that apply to all of Title 11.

[2:03:25 PM](#)

MS. CARPENETI, in response to Representative Gruenberg, said the intent is for the definitions [relating to "serious disfigurement" in children under the age of 12] to be an addition to the definitions found in AS 11.81.900(b)(56), so that it would be clear that "serious disfigurement" would apply to a victim under 12 years of age, whereas a victim over that

age would fall under "serious and protracted disfigurement". She reiterated that children heal faster.

[2:04:24 PM](#)

REPRESENTATIVE LYNN asked whether there is language addressing the abuse of children whose parents tie them up.

MS. CARPENETI said Section 3 talks about the endangering of a child. In response to a follow-up question, she offered her understanding that the situation described by Representative Lynn would be considered an assault.

REPRESENTATIVE GRUENBERG ventured that a child who has been tied up may not incur physical injury, but may suffer mental injury. He suggested an amendment could be made to Conceptual Amendment 1, to add "physical or mental" before "health".

[2:06:57 PM](#)

MS. CARPENETI said such conduct is already covered under Alaska's kidnapping statutes. In response to a question, she confirmed that a parent can kidnap his/her own child.

[2:08:38 PM](#)

REPRESENTATIVE HOLMES removed her objection to the motion to adopt Conceptual Amendment 1, [as amended]. There being no further objection, Conceptual Amendment 1, [as amended], was adopted.

[2:08:56 PM](#)

VICE CHAIR THOMPSON made a motion to adopt Conceptual Amendment 2, as follows:

Page 8, line 24:

Delete "HUMAN TRAFFICKING TASK FORCE"
Insert "HUMAN TRAFFICKING/PROMOTING PROSTITUTION
(SEX TRAFFICKING) TASK FORCE"

REPRESENTATIVE KELLER objected.

[2:10:10 PM](#)

MS. CARPENETI said her boss suggested that since human trafficking provisions and promoting prostitution provisions are similar statutes, it would be helpful to law enforcement and the DOL to have a study that includes both. She relayed that yesterday the House passed a bill that changed the term "promoting prostitution" to "sex trafficking", and explained that because the law still uses the term "promoting prostitution", both terms are included in Conceptual Amendment 2.

[2:11:08 PM](#)

REPRESENTATIVE KELLER removed his objection. There being no further objection, Conceptual Amendment 2 was adopted.

[2:12:17 PM](#)

MS. CARPENETI, regarding the task force language of Section 19, expressed her hope that the committee would direct the Legislative Affairs Agency to change all references to the term "human trafficking" to "human trafficking and promoting prostitution". She recommended that language could be added to Conceptual Amendment 2 to that effect.

VICE CHAIR THOMPSON pointed out that Conceptual Amendment 2 had already been adopted.

[2:13:22 PM](#)

REPRESENTATIVE HAWKER recommended that Vice Chair Thompson state clearly for the record that the intent inherent in Conceptual Amendment 2 was that those specific words be conformed throughout Section 19.

VICE CHAIR THOMPSON announced that that wording has to be used consistently throughout Section 19, and that Conceptual Amendment 2 is the vehicle by which to make that happen.

REPRESENTATIVE GRUENBERG directed attention to Section 20, on page 10, line 1, and offered his understanding that it is no longer accurate in mentioning Section 19 and would have to be renumbered.

[2:14:25 PM](#)

REPRESENTATIVE HOLMES noted that a disagreement between the DOL and the PDA concerning Sections 10 and 11, on page 5, lines 25, through page 6, line 6, was still unsettled.

2:16:22 PM

QUINLAN STEINER, Director, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), said that the conceptual amendments seem consistent with discussions. Regarding Sections 10 and 11, he said under current law the full amount of suspended time of a sentence can be shortened, but [Sections 10 and 11 of Version U] raise some concern about "the possibility of this becoming an unreviewable sentence imposition in the sense that sentence time is not subject to appeal until it's imposed, and in this case the imposition of it would be statutorily required." He confirmed that was the topic on which the DOL and the PDA were unable to reach common ground.

2:18:36 PM

JOSHUA DECKER, Staff Attorney, American Civil Liberties Union of Alaska (ACLU of Alaska), said that Jeffrey Mittman, the executive director of ACLU of Alaska had submitted written testimony to the committee yesterday. He said while ACLU thinks the changes in Version U are an improvement, it still has concern that modifying the definition of "serious physical injury" - even just within the assault statutes - will result in a lack of clarity under Alaska law rather than simply enacting a new offense designed to address the committee's concern about serious physical injury of minors. He said ACLU encourages the committee to adopt a new offense specifically and narrowly tailored to that concern.

2:19:58 PM

RICHARD SVOBODNY, Deputy Attorney General, Central Office, Criminal Division, Department of Law (DOL), said Section 10 addresses conforming changes related to Section 11. He said Section 11 is his focus. He related that 33 or his 35 years in law have been spent as a prosecutor. He said prosecutors try to set goals, do justice, be fair, and protect the community. He said he thinks Section 11 is germane to those goals; it is the "a deal is a deal" section, where all the parties have come to an agreement. Mr. Svobodny said typically, in 95 percent of cases, the person on probation messes up by committing another crime, drinking, or not going to mental health counseling ordered by the court, for example. A petition to revoke

probation is filed by a probation officer. In a case where there is a two-year suspended sentence, the prosecutor may recommend that the person be given a year and the defense may ask for six months or no jail time. Mr. Svobodny said the final decision is up to the judge, but it is not doing justice to break the original agreement and do away with all the originally agreed upon suspended time.

MR. SVOBODNY said when he was involved in plea negotiations he would consider a case in terms of protecting the victim and the public. He said five years with one suspended may be better than two years with no suspension, because the person would have the supervision of a probation officer and if the person breaks his/her parole, another jury trial is not necessary, there just needs to be proof to the court by a preponderance of the evidence, from which the judge can figure out what is right for the situation. He opined that the decisions made in the last year have violated the principles of fairness, justice, and protecting the community.

MR. SVOBODNY said often the period and length of probation is determined based upon getting the victim paid. If a judge terminates [the original agreement] because the person has violated the terms of probation, then the victim will have to go through civil court for restitution. He stated that when everything has been bargained for up front, the person who violates his/her probation should not be rewarded. He opined that Section 11 is good public policy.

[2:29:32 PM](#)

REPRESENTATIVE HOLMES said she is questioning who should take the lead in terms of probation revocation and proceedings and whether the judge should have more or less flexibility. She said it seems that tying the hands of the judge by saying that he/she cannot make decisions unless both sides agree gives a lot of power to the prosecutor. She related that because the issue is complex, her recommendation would be to remove [Sections 10 and 11] and address the issue further during the interim.

MR. SVOBODNY clarified that no one is trying to tie the judge's hands with regard to whether or not to impose suspended time. Using his previous example of two years' time or five years' time with four years suspended, he said the judge would still have the discretion to impose from nothing to up to two years in jail - whatever he/she deems is appropriate within, but not less than, the originally bargained for range.

[2:34:52 PM](#)

MR. SVOBODNY, in response to Representative Lynn, reiterated that he supports Section 11. With regard to the concern expressed by Mr. Steiner that [Sections 10 and 11] would limit a defendant's right to appeal a sentence, he pointed out that there are specific provisions of Alaska law addressing the appeal of sentences, and those laws are not being amended.

[2:35:51 PM](#)

VICE CHAIR THOMPSON, after ascertaining that no one else wished to testify, closed public testimony on SB 210.

[2:36:06 PM](#)

REPRESENTATIVE HOLMES relayed that she still wasn't comfortable with Sections 10 and 11 of SB 210, but was not at this time going to make a motion to delete them.

VICE CHAIR THOMPSON said he would like Sections 10 and 11 to remain in the bill.

[2:36:42 PM](#)

REPRESENTATIVE KELLER moved to report the proposed HCS for CSSB 210(FIN), Version 27-LS1362\U, Wayne, 4/12/12, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 210(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:37 p.m. to 2:40 p.m.

HB 355 - APOC: MEMBERSHIP; USE OF REPORT INFO

[2:40:14 PM](#)

VICE CHAIR THOMPSON announced that the final order of business would be HOUSE BILL NO. 355, "An Act relating to the membership of, and member qualifications for, the Alaska Public Offices Commission; prohibiting certain uses of names and addresses contained in certain reports to the commission; and providing for an effective date." [Before the committee was CSHB 355(STA).]

[2:40:51 PM](#)

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, sponsor, explained that HB 355 would alter the statute pertaining to the Alaska Public Offices Commission (APOC) - AS 15.13.020 - such that its members would be required to have experience working on political campaigns and [complying with] the reporting requirements of AS 15.13, the statute pertaining to state election campaigns. Members serving on other boards and commissions are required to have experience in the industry they have purview over; in contrast, members of the APOC are currently appointed without regard to experience. House Bill 355 would ensure that APOC members understand the intricacies of campaigning. He noted that CSHB 355(STA) no longer contains a provision [that would have prohibited certain uses of names and addresses of persons making contributions or expenditures contained in reports and statements filed with the APOC].

The committee took an at-ease from 2:44 p.m. to 2:45 p.m.

[2:45:25 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt [Conceptual] Amendment 1, a hand-altered version of an amendment labeled 27-LS1388\D.2, Bullard, 4/12/12, which, after alteration, read:

Page 1, line 2, following "**Commission;**":

Insert "**relating to candidate forums and contributions in state election campaigns;**"

Page 4, following line 6:

Insert new bill sections to read:

"* **Sec. 11.** AS 15.13.150 is amended to read:

Sec. 15.13.150. Election educational activities not prohibited. This chapter does not prohibit a person from engaging in educational election-related communications and activities, including

(1) the publication of the date and location of an election;

(2) the education of students about voting and elections;

(3) the sponsorship of [OPEN] candidate debate forums open to the public;

(4) participation in get-out-the-vote or voter registration drives that do not favor a

particular candidate, political party, or political position;

(5) the dissemination of the views of all candidates running for a particular office.

* **Sec. 12.** AS 15.13.400(4) is amended to read:

(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of

(i) influencing the nomination or election of a candidate;

(ii) influencing a ballot proposition or question; or

(iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; [OR]

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party; or

(vii) an opportunity to participate in a candidate debate forum provided to a candidate without compensation to the candidate by another person and for which a candidate is not ordinarily charged;"

Renumber the following bill sections accordingly.

REPRESENTATIVE HOLMES objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG - referring to a letter dated April 2, 2012, from the APOC, and a memorandum dated April 10, 2012, from Legislative Legal and Research Services - explained that by adding two new sections that would respectively amend AS 15.13.150(3) and AS 15.13.400(4)(B), Conceptual Amendment 1 would clarify that a permitted election-educational-activity could include the sponsorship of candidate debate forums that are open to the public, and that the term, "contribution" as used in AS 15.13 does not include providing a candidate with an opportunity to participate without compensation in a candidate debate forum for which he/she is not ordinarily charged. In conclusion, he mentioned that the drafter has indicated to him that the alteration included in Conceptual Amendment 1 was acceptable.

REPRESENTATIVE LYNN expressed interest in having Amendment 1's proposed change to AS 15.13.400(4)(B) apply to all candidate forums, not just those involving debate.

REPRESENTATIVE GRUENBERG made a motion to amend Conceptual Amendment 1 such that the word "debate" would be deleted from its proposed change to AS 15.13.400(4)(B). There being no objection, Conceptual Amendment 1 was amended.

REPRESENTATIVE GUTTENBERG, in response to a question, indicated that he was amenable to Conceptual Amendment 1, as amended.

REPRESENTATIVE HOLMES removed her objection.

VICE CHAIR THOMPSON announced that Conceptual Amendment 1, as amended, was adopted.

[2:52:50 PM](#)

REPRESENTATIVE LYNN opined that unless one has been a candidate, one can't really understand what's involved with running for office, and characterized HB 355 as a good bill.

REPRESENTATIVE HOLMES - remarking that many APOC violations stem from difficulties with filling out the required paperwork, and surmising that APOC members with campaign experience could suggest ways of improving [the system] - opined that HB 355 strikes a really good balance, and characterized it as a really good bill.

REPRESENTATIVE GUTTENBERG, in response to a question, explained that HB 355 would temporarily add two nonvoting advisory members to the APOC - accounted for in the APOC's fiscal note - but makes no other changes to the APOC's procedures. It is anticipated that by the time both of those temporary positions [sunset], that the voting members would have the requisite campaign experience. In response to further questions, he indicated that under both existing law and the bill, all [but one of] the members of the APOC must, in equal numbers, be members of one of the two political parties whose gubernatorial candidate received the highest number of votes at the most recent preceding general election at which a governor was elected; and appointments to the APOC are subject to legislative confirmation.

[2:59:53 PM](#)

PAUL DAUPHINAIS, Executive Director, Alaska Public Offices Commission (APOC), Department of Administration (DOA), relayed that the points he was going to make about HB 355 have already been addressed.

VICE CHAIR THOMPSON, after ascertaining that no one else wished to testify, closed public testimony on HB 355.

[3:01:38 PM](#)

REPRESENTATIVE KELLER moved to report CSHB 355(STA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 355(JUD) was reported from the House Judiciary Standing Committee.

[3:02:00 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:02 p.m.