

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

February 27, 2013

1:06 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Gabrielle LeDoux
Representative Charisse Millett
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

Representative Neal Foster

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Violent Crimes Compensation Board

Gerad G. Godfrey - Eagle River

- CONFIRMATION(S) ADVANCED

Board of Governors of the Alaska Bar

William J. Gordon - Fairbanks

- CONFIRMATION(S) ADVANCED

Commission on Judicial Conduct

Robert B. Groseclose - Fairbanks

- CONFIRMATION(S) ADVANCED

Board of Governors of the Alaska Bar

Adam R. Trombley - Anchorage

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 83

"An Act relating to certain federal statutes, regulations, presidential executive orders, and secretarial orders; relating to the duties of the attorney general; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 33

"An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

- MOVED HB 33 OUT OF COMMITTEE

HOUSE BILL NO. 104

"An Act relating to election practices and procedures; relating to public records; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 63

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

- ADOPTED JUDICIARY LETTER OF INTENT; HB 63 WAS REPORTED FROM COMMITTEE ON 2/25/13

PREVIOUS COMMITTEE ACTION

BILL: HB 83

SHORT TITLE: FEDERAL REGULATIONS & EXECUTIVE ORDERS

SPONSOR(S): REPRESENTATIVE(S) KELLER

01/22/13	(H)	READ THE FIRST TIME - REFERRALS
01/22/13	(H)	JUD
02/08/13	(H)	JUD AT 1:00 PM CAPITOL 120
02/08/13	(H)	Heard & Held
02/08/13	(H)	MINUTE(JUD)
02/18/13	(H)	JUD AT 1:00 PM CAPITOL 120
02/18/13	(H)	Scheduled But Not Heard
02/25/13	(H)	JUD AT 1:00 PM CAPITOL 120
02/25/13	(H)	Scheduled But Not Heard
02/27/13	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 33

SHORT TITLE: KNIVES, GRAVITY KNIVES, & SWITCHBLADES

SPONSOR(S): REPRESENTATIVE(S) NEUMAN

01/16/13 (H) PREFILE RELEASED 1/7/13
01/16/13 (H) READ THE FIRST TIME - REFERRALS
01/16/13 (H) JUD
02/27/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 104

SHORT TITLE: ELECTION PROCEDURES; REAA ADVISORY BOARDS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/06/13 (H) READ THE FIRST TIME - REFERRALS
02/06/13 (H) STA, JUD
02/19/13 (H) STA AT 8:00 AM CAPITOL 106
02/19/13 (H) Moved CSHB 104(STA) Out of Committee
02/19/13 (H) MINUTE(STA)
02/20/13 (H) STA RPT CS(STA) NT 5DP 2NR
02/20/13 (H) DP: HUGHES, ISAACSON, GATTIS, KREISS-
TOMKINS, LYNN
02/20/13 (H) NR: MILLETT, KELLER
02/27/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 63

SHORT TITLE: EXTEND BAR ASS'N BOARD OF GOVERNORS

SPONSOR(S): HAWKER

01/16/13 (H) READ THE FIRST TIME - REFERRALS
01/16/13 (H) JUD, FIN
02/25/13 (H) JUD AT 1:00 PM CAPITOL 120
02/25/13 (H) Moved Out of Committee
02/25/13 (H) MINUTE(JUD)
02/27/13 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

GERAD G. GODFREY, Appointee
Violent Crimes Compensation Board (VCCB)
Eagle River, Alaska

POSITION STATEMENT: Testified as appointee to the Violent
Crimes Compensation Board (VCCB).

WILLIAM J. GORDON, Appointee
Board of Governors of the Alaska Bar
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Governors of the Alaska Bar.

ROBERT B. GROSECLOSE, Appointee
Commission on Judicial Conduct (CJC)
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Commission on Judicial Conduct (CJC).

ADAM R. TROMBLEY, Appointee
Board of Governors of the Alaska Bar
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Governors of the Alaska Bar.

JIM POUND, Staff
Representative Wes Keller
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments on HB 83 on behalf of the sponsor, Representative Keller.

MICHAEL C. COONS
Palmer, Alaska

POSITION STATEMENT: Urged support and passage of HB 83.

REPRESENTATIVE MARK NEUMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 33.

REX SHATTUCK Staff
Representative Mark Neuman
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Assisted with the presentation of HB 33 on behalf of the sponsor, Representative Neuman.

TODD RATHNER, Director
Legislative Affairs
Knife Rights, Inc.
Tucson, Arizona

POSITION STATEMENT: Urged adoption of HB 33.

RAY THIBAUT, Owner
Northern Knives
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 33.

TOM WRIGHT, Staff
Representative Mike Chenault
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information regarding HB 104.

GAIL FENUMIAI, Director
Central Office
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 104.

ALPHEUS BULLARD, Attorney
Legislative Legal Counsel
Legislative Legal and Research Services
Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: As the drafter of HB 104, provided comments regarding Section 37 of the proposed committee substitute (CS), Version O.

REPRESENTATIVE SHELLEY HUGHES
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 104, recommended a change to Version O.

ACTION NARRATIVE

[1:06:14 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:06 p.m. Representatives Keller, LeDoux, Lynn, and Pruitt were present at the call to order. Representatives Millett and Gruenberg arrived as the meeting was in progress. Representative Foster was excused.

CONFIRMATION HEARING(S): **Violent Crimes Compensation Board**

[1:07:53 PM](#)

CHAIR KELLER announced that the committee would first consider the reappointment of Gerad G. Godfrey to the Violent Crimes Compensation Board (VCCB).

[1:08:26 PM](#)

GERAD G. GODFREY, Appointee, Violent Crimes Compensation Board (VCCB), after mentioning that he's served on the VCCB for the past 10 years and found it to be gratifying work, relayed that his interest in serving on the VCCB stemmed from his having family members that were the victims of a violent crime.

CHAIR KELLER reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[The motion to advance from committee the nomination of Gerad G. Godfrey to the Violent Crimes Compensation Board (VCCB) was offered later in the meeting.]

Board of Governors of the Alaska Bar

[1:10:29 PM](#)

CHAIR KELLER announced that the committee would next consider the appointment of William J. Gordon to the Board of Governors of the Alaska Bar.

[1:10:58 PM](#)

WILLIAM J. GORDON, Appointee, Board of Governors of the Alaska Bar - after relaying that he's been what he termed a "consumer" of legal services, and that while serving on the Alaska Judicial Council (AJC), he gained knowledge about the legal profession in Alaska - indicated that he was encouraged by others to consider serving on the Board of Governors of the Alaska Bar, and that he believes he can be of help to that organization, having attended two of its meetings thus far [as appointee]. In response to a question, he noted that all of the Board of Governors' actions are subject to approval by the Alaska Supreme Court, and that the Board of Governors is periodically subject to a sunset review by the legislature.

[The motion to advance from committee the nomination of William J. Gordon to the Board of Governors of the Alaska Bar was offered later in the meeting.]

Commission on Judicial Conduct

[1:16:25 PM](#)

CHAIR KELLER announced that the committee would next consider the appointment of Robert B. Groseclose to the Commission on Judicial Conduct (CJC).

[1:16:47 PM](#)

ROBERT B. GROSECLOSE, Appointee, Commission on Judicial Conduct (CJC), mentioned that he's been a member of the Alaska Bar Association (ABA) since 1976, having served in many ABA capacities, and that he has also served on the Alaska Judicial Council (AJC) in the past. Characterizing Alaska's judicial-selection process as second to none in the nation, he said he'd be happy to serve on the CJC in order to ensure that the judicial performance of Alaska's judges comports with the level of excellence that Alaska has set in place, because everyone benefits from having a strong judiciary, and everyone has a part to play in ensuring its continuance.

REPRESENTATIVE GRUENBERG disclosed that he's worked with Mr. Groseclose in the past, and offered his belief that Mr. Groseclose would be good as a member of the CJC.

CHAIR KELLER again reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[The motion to advance from committee the nomination of Robert B. Groseclose to the Commission on Judicial Conduct (CJC) was offered later in the meeting.]

Board of Governors of the Alaska Bar

[1:26:39 PM](#)

CHAIR KELLER announced that the committee would next consider the appointment of Adam R. Trombley to the Board of Governors of the Alaska Bar.

[1:27:45 PM](#)

ADAM R. TROMBLEY, Appointee, Board of Governors of the Alaska Bar, relayed that he's been interested in serving the state in some capacity, and that he's always had an interest in the law.

REPRESENTATIVE GRUENBERG disclosed that he knows Mr. Trombley, and offered his belief that Mr. Trombley would do a good job serving on the Board of Governors of the Alaska Bar.

MR. TROMBLEY, in response to questions, concurred with Mr. Gordon that all of the Board of Governors' actions are subject to approval by the Alaska Supreme Court; offered his understanding that a lot of Alaska's attorneys already complete more hours of continuing legal education (CLE) than is currently required; and indicated that the Board of Governors doesn't like the idea of a multi-state bar examination because none of the nation's law schools teach Alaska law specifically.

REPRESENTATIVE LEDOUX disclosed that she's worked with Mr. Trombley, and indicated concurrence with Representative Gruenberg.

[1:41:04 PM](#)

REPRESENTATIVE LYNN made a motion to advance from committee the nominations of: Gerad G. Godfrey to the Violent Crimes Compensation Board (VCCB); William J. Gordon to the Board of Governors of the Alaska Bar; Robert B. Groseclose to the Commission on Judicial Conduct (CJC); and Adam R. Trombley to the Board of Governors of the Alaska Bar. There being no objection, the confirmations were advanced from the House Judiciary Standing Committee.

HB 83 - FEDERAL REGULATIONS & EXECUTIVE ORDERS

[1:42:09 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 83, "An Act relating to certain federal statutes, regulations, presidential executive orders, and secretarial orders; relating to the duties of the attorney general; and providing for an effective date."

[1:42:25 PM](#)

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, on behalf of the sponsor, Representative Keller, indicated that under HB 83, if the attorney general feels after review that a federal statute, federal regulation, presidential executive order, or secretarial order is unconstitutional or was not properly adopted in accordance with federal statutory authority, the attorney general shall notify the chairs of the House and Senate Standing Judiciary Committees, which may then consider whether legislative action is warranted. In response to a question, he explained that the attorney general's notification would come in the form of a report [as outlined in Section 4's proposed new AS 44.23.020(h)(1)-(4)].

CHAIR KELLER, as the sponsor of HB 83 and in response to comments, clarified that the bill itself doesn't specify what legislative action the House and Senate Standing Judiciary Committees might then take. In response to questions and further comments, he concurred that the bill basically addresses notification, and explained that under Section 4 of the bill, it would be mandatory for the attorney general - under the existing process - to continue reviewing federal statutes, federal regulations, presidential executive orders, and secretarial orders. It is not his intention, he assured the committee, to impose a burden on the Department of Law (DOL) other than to require it to furnish the aforementioned report. He surmised that that's why the DOL has submitted a zero fiscal note for HB 83.

REPRESENTATIVE GRUENBERG expressed interest in having the DOL address its fiscal note specifically in light of that reporting requirement.

[1:51:43 PM](#)

MICHAEL C. COONS offered his belief that there is a general misconception that any statute passed by legislators bearing the appearance of law does indeed constitute the law of the land. However, for any statute to be valid, it must comport with the U.S. Constitution - the supreme law of the land. He paraphrased language from select U.S. Supreme Court rulings in support of that concept:

Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. *Miranda v. Arizona*, 384 U.S. 436 (1966)

An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed. Norton v. Shelby County, 118 U.S. 425 (1886)

Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void. Marbury v. Madison, 5 U.S. 1 Cranch 137 137 (1803)

MR. COONS, in conclusion, indicated disfavor with certain actions taken at both the state and federal level and distrust of those taking the federal actions; referencing the Tenth Amendment to the U.S. Constitution, offered his belief that the bill could potentially stop such actions in the future and help Alaska recover from those already taken; and urged full support and passage of HB 83.

REPRESENTATIVE LYNN questioned whether any given measure could be ruled unconstitutional by other than a supreme court.

CHAIR KELLER noted that some folks believe that others can and should do so.

REPRESENTATIVE LYNN indicated that he would be comfortable receiving a report from the attorney general as outlined under Section 4 of the bill.

REPRESENTATIVE GRUENBERG indicated favor with Sections 3 and 4 of the bill, but disfavor with Section 2 of the bill, characterizing the language therein that reads, "may not be considered to preempt a state law" as somewhat vague.

CHAIR KELLER ascertained that no one else wished to testify and closed public testimony on HB 83.

REPRESENTATIVE LYNN said he supports HB 83.

The committee took a brief at-ease.

CHAIR KELLER, in response to comments, relayed that HB 83 would be held over.

HB 33 - KNIVES, GRAVITY KNIVES, & SWITCHBLADES

[2:05:33 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 33, "An Act adding definitions of 'gravity knife' and 'switchblade' to the criminal law; and relating to reserving the authority to regulate knives to the state with limited exceptions for municipalities to regulate knives."

[2:05:47 PM](#)

REPRESENTATIVE MARK NEUMAN, Alaska State Legislature, sponsor, indicated that HB 33 would clarify that [knives with a spring, detent, or other mechanism designed to create a bias toward closure, such as those on] hunting, fishing, and utility knives, do not qualify as [either gravity knives or] switchblades - prohibited under state law - and can therefore be owned legally. Rulings by the court indicate that Alaska's criminal statutes warrant clarification with regard to what constitutes a gravity knife or a switchblade for purposes of prosecution, and so the goal with HB 33 is to provide that clarification [by defining those terms in AS 11.81.900(b)]. He mentioned that some other states have also addressed this issue; characterized [knives with a spring, detent, or other mechanism designed to create a bias toward closure, such as those on hunting, fishing, and utility knives] as important tools for working Alaskans; offered his belief that HB 33 would provide protection to Alaskans who carry such knives; and indicated that the bill also addresses the state's right [to regulate knives].

[2:08:20 PM](#)

REX SHATTUCK Staff, Representative Mark Neuman, Alaska State Legislature, on behalf of the sponsor, Representative Neuman, explained that Section 1 of HB 33 would add new paragraphs (65) and (66) to AS 11.81.900(b), respectively defining the terms, "gravity knife" and "switchblade"; both of these definitions include language specifying that such a knife does not include [one with a spring, detent, or other mechanism designed to create a bias toward closure that requires a person to apply exertion to the blade by hand, wrist, or arm to overcome the bias toward closure and open the blade]. Sections 2, 3, and 4 of HB 33 would, respectively, add a reference to knives to AS 29.10.200(40) - addressing a limitation of home rule powers - and to AS 29.35.145(a) and (b) - addressing the regulation of

firearms - thereby stipulating that the authority to regulate knives is reserved to the state and limiting municipal ordinances addressing knives.

MR. SHATTUCK explained that both AS 11.61.210(a)(5) and AS 11.61.220(a)(5) - addressing the existing class A and class B misdemeanor crimes of misconduct involving weapons in the fourth and fifth degree, respectively - reference both gravity knives and switchblades, but don't define them. Again, Section 1 of HB 33 would provide those definitions. He noted that members' packets contain a memorandum from Legislative Legal and Research Services that references two court cases wherein the [Alaska Court of Appeals] mentioned Alaska's current lack of a statutory definition for the terms, "gravity knife" and "switchblade" - State v. Weaver, 736 P.2d 781 (Alaska Ct. App. 1987), and State v. Strange, 785 P.2d 563 (Alaska Ct. App. 1990). He offered his understanding that under both federal law and the bill's proposed definition, a switchblade would not be a knife with a spring, detent, or other mechanism designed to create a bias toward closure that requires a person to apply exertion to the blade by hand, wrist, or arm to overcome the bias toward closure and open the blade. He then demonstrated opening and closing various knives brought as examples.

MR. SHATTUCK, in conclusion, ventured that HB 33 would protect Alaskans by providing definitions for the terms, "gravity knife" and "switchblade", and by ensuring that the laws pertaining to knives are uniform throughout Alaska.

[2:19:21 PM](#)

TODD RATHNER, Director, Legislative Affairs, Knife Rights, Inc. - mentioning that his organization has filed a lawsuit against the city of New York asserting civil rights violations, and has been working at the local level in numerous states to address uniformity in their laws pertaining to knives - offered his belief that some people around the country are being wrongfully arrested for carrying a so-called illegal knife simply because of inadequate statutory/regulatory definitions. In a rural state like Alaska, carrying a knife of some kind, in addition to being common, is practically a necessity, and HB 33 would clearly define what is and what is not either a "gravity knife" or a "switchblade", and would stipulate that the authority to regulate knives is reserved to the state, thereby eliminating confusion for both law enforcement and citizens. In conclusion, he urged adoption of HB 33.

[2:21:40 PM](#)

RAY THIBAUT, Owner, Northern Knives, expressed agreement with the previous speakers, adding that as the owner of a retail store selling knives, he is frequently asked to define what constitutes a "gravity knife" or a "switchblade" and which knives are legal to own/carry, and thus HB 33 would help by clarifying what is meant by those terms.

REPRESENTATIVE NEUMAN, in response to a question and in conclusion, indicated that the goal of HB 33 is to clarify state law at it pertains to knives.

[2:25:00 PM](#)

REPRESENTATIVE LYNN moved to report HB 33 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 33 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:26 p.m. to 2:27 p.m.

HB 104 - ELECTION PROCEDURES; REAA ADVISORY BOARDS

[2:27:01 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 104, "An Act relating to election practices and procedures; relating to the election of an advisory school board in a regional educational attendance area; and providing for an effective date." [Before the committee was CSHB 104(STA).]

[2:27:45 PM](#)

REPRESENTATIVE LYNN moved to adopt the proposed committee substitute (CS) for HB 104, Version 28-GH1983\0, Bullard, 2/27/13, as the working document. There being no objection, Version 0 was before the committee.

[2:28:24 PM](#)

TOM WRIGHT, Staff, Representative Mike Chenault, Alaska State Legislature, referred to Version 0's proposed repeal and reenactment of AS 15.25.150 via Section 24, and explained that this provision would address an issue that's arisen with regard to candidates for political office seeking nomination by petition, whose names appear only on the ballot for the general

election and who [therefore may not necessarily have submitted their documents in time to] be subject to the same campaign-disclosure [deadlines] as candidates whose names appear on the ballot for the primary election. Under Section 24's proposed changes to AS 15.25.150, candidates seeking nomination by petition would be required to submit their documents by June 1 and thereby be subject to the same campaign-disclosure [deadlines] as all other candidates [except write-in candidates].

CHAIR KELLER characterized Version O's Section 24 as an improvement.

REPRESENTATIVE LEDOUX indicated favor with Section 24's proposed changes.

MR. WRIGHT mentioned that the Alaska Public Offices Commission (APOC), after having spoken with the drafter, now concurs that Section 24 accomplishes the intended goal. In response to questions, he relayed that [Section 24 of the bill] would not apply to write-in candidates, and reiterated that its proposed changes to AS 15.25.150 would result in all candidates [except write-in candidates] being subject to the same disclosure deadlines.

[2:35:54 PM](#)

GAIL FENUMIAI, Director, Central Office, Division of Elections, Office of the Lieutenant Governor, added that under current law, candidates seeking nomination by petition must file their [declaration of candidacy] by June 1, and must submit the required documents by 5:00 p.m. on the day of the primary election. Under both current law and under Section 24's proposed changes to AS 15.25.150, any candidate seeking nomination by petition who misses the June 1 deadline would instead have to run as a write-in candidate. In response to further questions, she clarified that under existing Alaska law, a candidate must [sign under oath] that he/she "is not a candidate for any other office to be voted on at the primary or general election and that the candidate is not a candidate for this office under any other nominating petition or declaration of candidacy"; and concurred that under Section 24, all candidates [except for write-in candidates] would be subject to the same disclosure deadlines.

[2:44:06 PM](#)

ALPHEUS BULLARD, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), as the drafter of HB 104, paraphrased Version O's Section 37 - proposing to add a new subsection (h) to AS 15.58.030 - and explained that its requirements regarding posting candidate photographs and statements on the Division of Election's Internet web site pertains to those of candidates running for the office of U.S. President, U.S. Vice President, U.S. senator, U.S. representative, governor, lieutenant governor, state senator, or state representative, and to those of judges and justices seeking retention; Version O's Section 37 reads:

(h) The lieutenant governor shall prepare and publish on the division's Internet website the photograph and statement of a candidate for an office designated under (a), (b), or (g) of this section. The lieutenant governor shall indicate that the photograph and statement are provided and paid for by the candidate. A photograph and a statement of a candidate that have been timely filed with the lieutenant governor shall be published on the website at least 15 days before an election at which the candidate will appear on the ballot.

REPRESENTATIVE GRUENBERG questioned whether Section 37 could be changed to require candidates' photographs and statements to be published on the web site earlier than 15 days before the election.

MS. FENUMIAI explained that 15 days was chosen because the division knew it could meet that deadline, particularly given that the majority of candidates submit items on the very last day possible, and it takes a great deal of time to get those items into a format suitable for publishing as required. Changing the bill such that those items would have to be published immediately upon receipt, for example, would not be practical for the division, she warned. In response to a question, she indicated that the election pamphlet for the general election is available online about three weeks before a general election, and that for last year's primary election, for example, candidates' photographs and statements were available online about two weeks before the primary election.

REPRESENTATIVE PRUITT referred, then, to Sections 27-32 of Version O - proposing changes to how vacancies in the office of U.S. senator or U.S. representative are filled, via conforming

changes to AS 15.40.140, the creation of new AS 15.40.141 and AS 15.40.142, and conforming changes to AS 15.40.160, AS 15.40.165, AS 15.40.170, and AS 15.40.220 - and indicated that the proposed new procedures and voting requirements pertaining to special elections and special runoff elections for such congressional seats somewhat model what occurs at the municipal level in Anchorage.

REPRESENTATIVE MILLETT referred, then, to what she termed, "running from a safe seat," and noted that incumbent state representatives cannot, and that the bill doesn't yet address that issue.

[2:58:25 PM](#)

REPRESENTATIVE SHELLEY HUGHES, Alaska State Legislature, referring to Version O's proposed change to AS 15.20.081(e) - deleting the reference to AS 15.20.081(h) contained therein - and proposed repeal of AS 15.20.081(h) via Sections 9 and 41, respectively, requested that HB 104 be changed such that [proposed AS 15.20.081] would stipulate that [mailed] absentee ballots may not be counted unless received by the close of business on the fifteenth day after the election. Currently the bill is proposing a ten-day deadline for [all such mailed] absentee ballots, whereas existing law provides for [both a ten-day deadline for those absentee ballots mailed from within the U.S., and] a fifteen-day deadline for those absentee ballots mailed from outside the U.S. or from a qualified overseas voter. She offered her understanding that for the 2012 election, for example, several valid absentee ballots which were counted would not have been under the bill's current proposed changes [to the deadline]. All who mail in an absentee ballot, she opined, should be subject to the same rules regardless of where they mail their ballot from.

[HB 104, Version O, was held over.]

HB 63 - EXTEND BAR ASS'N BOARD OF GOVERNORS

[3:02:45 PM](#)

CHAIR KELLER announced that the final order of business would be HOUSE BILL NO. 63, "An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date." [HB 63 was previously reported from the House Judiciary Standing Committee on 2/25/13.]

REPRESENTATIVE GRUENBERG made a motion to adopt a letter of intent for HB 63, included in members' packets; that letter of intent read in part [original punctuation provided]:

Letter of Intent to Accompany House Bill 63 (Extend
Bar Association Sunset Date)

A critical function of the Alaska Bar Association is the continuing legal education (CLE) of its membership. CLE contributes to lawyer competence and benefits the public and the profession by ensuring that attorneys remain current regarding the law, the profession's obligations and standards, and the management of their law practices.

Accordingly, the Alaska Legislature respectfully recommends that the Alaska Supreme Court increase the number of Mandatory Continuing Legal Education (MCLE) credit hours for active members of the Alaska Bar Association.

Offered in the House Judiciary Committee--February 27, 2013.

REPRESENTATIVE PRUITT objected.

REPRESENTATIVE GRUENBERG explained that the letter of intent was drafted by the Alaska Bar Association (ABA) at his request, and that the letter merely asks the Alaska Supreme Court to increase the number of mandatory CLE credits required for members of the ABA.

CHAIR KELLER pointed out that currently HB 63 is only proposing to extend the termination date of the Board of Governors of the Alaska Bar Association.

REPRESENTATIVE GRUENBERG, in response to comments, offered his belief that it's very important to encourage the ABA "to do this," and characterized HB 63 as a good vehicle by which to do so.

REPRESENTATIVE PRUITT removed his objection to the motion.

CHAIR KELLER indicated that the letter of intent for HB 63 was adopted. [HB 63 was previously reported from the House Judiciary Standing Committee on 2/25/13.]

3:04:33 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:04 p.m.