

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

March 4, 2015

1:05 p.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Chair  
Representative Wes Keller, Vice Chair  
Representative Neal Foster  
Representative Matt Claman  
Representative Bob Lynn  
Representative Max Gruenberg

**MEMBERS ABSENT**

Representative Charisse Millett

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):

ALASKA PUBLIC OFFICES COMMISSION

WILLIAM McCORD

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 83

"An Act relating to collecting information about civil litigation by the Alaska Judicial Council; repealing Rule 41(a)(3), Alaska Rules of Civil Procedure, and Rules 511(c) and (e), Alaska Rules of Appellate Procedure; and providing for an effective date."

- MOVED CSHB 83(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 65

"An Act relating to the disclosure of financial information by persons who are subject to the Legislative Ethics Act and by certain public officers, public employees, and candidates for public office."

- MOVED CSHB 65(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 83

SHORT TITLE: JUDICIAL COUNCIL: CIVIL LITIGATION INFO

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

01/28/15 (H) READ THE FIRST TIME - REFERRALS  
01/28/15 (H) JUD  
02/06/15 (H) JUD AT 1:00 PM CAPITOL 120  
02/06/15 (H) <Bill Hearing Canceled>  
02/13/15 (H) JUD AT 1:00 PM CAPITOL 120  
02/13/15 (H) <Bill Hearing Canceled>  
02/20/15 (H) JUD AT 1:00 PM CAPITOL 120  
02/20/15 (H) Heard & Held  
02/20/15 (H) MINUTE(JUD)  
03/02/15 (H) JUD AT 1:00 PM CAPITOL 120  
03/02/15 (H) <Bill Hearing Canceled>  
03/04/15 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 65

SHORT TITLE: LEG./PUB. OFFICIAL FINANCIAL DISCLOSURE

SPONSOR(S): REPRESENTATIVE(S) HAWKER

01/21/15 (H) READ THE FIRST TIME - REFERRALS  
01/21/15 (H) STA, JUD  
01/27/15 (H) STA AT 8:00 AM CAPITOL 106  
01/27/15 (H) Heard & Held  
01/27/15 (H) MINUTE(STA)  
02/03/15 (H) STA AT 8:00 AM CAPITOL 106  
02/03/15 (H) <Bill Hearing Canceled>  
02/10/15 (H) STA AT 8:00 AM CAPITOL 106  
02/10/15 (H) <Bill Hearing Postponed to 2/12/15>  
02/12/15 (H) STA AT 8:00 AM CAPITOL 106  
02/12/15 (H) Moved CSHB 65(STA) Out of Committee  
02/12/15 (H) MINUTE(STA)  
02/13/15 (H) STA RPT CS(STA) 6DP  
02/13/15 (H) DP: TALERICO, STUTES, KELLER,  
GRUENBERG, KREISS-TOMKINS, LYNN  
03/04/15 (H) JUD AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

WILLIAM LEE MCCORD, Appointee  
Alaska Public Offices Commission  
Haines, Alaska

**POSITION STATEMENT:** As appointee to the position of the Alaska Public Offices Commission, discussed his qualifications and answered questions.

CLARK BICKFORD, Staff  
Representative Gabrielle LeDoux  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented a brief overview of CSHB 83, on behalf of prime sponsor Representative LeDoux.

SUZANNE DIPETRO, Executive Director  
Alaska Judicial Council  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing of CSHB 83, answered questions.

REPRESENTATIVE MIKE HAWKER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as prime sponsor of CSHB 65.

JULIE LUCKY, Staff  
Representative Mike Hawker  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding CSHB 65, as staff to the prime sponsor, Representative Mike Hawker.

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

**POSITION STATEMENT:** Answered questions regarding the Alaska Public Offices Commission amendments to CSHB 65.

KATHY WASSERMAN  
Alaska Municipal League (AML)  
Juneau, Alaska

**POSITION STATEMENT:** Testified regarding municipalities and CSHB 65.

#### **ACTION NARRATIVE**

[1:05:07 PM](#)

**CHAIR GABRIELLE LEDOUX** called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Lynn, Claman, Foster, Keller, and LeDoux were present at the call to

order. Representative Gruenberg arrived as the meeting was in progress.

**CONFIRMATION HEARING(S):**  
**ALASKA PUBLIC OFFICES COMMISSION**

[1:05:46 PM](#)

CHAIR LEDOUX brought before the committee the appointment of William McCord to the position of the Alaska Public Offices Commission (APOC). [Packet contains biographical information on the appointee.]

CHAIR LEDOUX advised the committee it would be hearing the qualification of this individual today and recommending that his name be referred to the Joint House and Senate for consideration. Chair LeDoux reminded the committee that its job is only to review the history and qualifications of this man. She stated there will be no vote for or against his confirmation in this committee. She highlighted that committee members should feel free to ask questions as they arrive, but to bear in mind that the committee is not voting on his qualifications, merely reviewing them.

[1:06:51 PM](#)

WILLIAM LEE MCCORD said he recently moved to Haines and is assuming everyone has the summary of his past experience. He said he would like to open the discussion to questions.

CHAIR LEDOUX asked if there is anything he would like to highlight about his qualifications.

[1:07:43 PM](#)

MR. McCORD said he has a varied background with broad ranges of experience. Therefore, he remarked, it helps him relate to people, and to process quite readily, due to his experience. Also, he stated, partially due to his formal training he has skills in being an objective observer and analyst in how to determine that fairness is injected into any process.

[1:08:41 PM](#)

REPRESENTATIVE KELLER referred to Mr. McCord's application regarding conflict of interest, wherein he had answered "Yes," to the question "Would you or your family be affected

financially by decisions to be made by the commission for which you are applying." Representative Keller asked that he explain his answer.

MR. McCORD said, with regard to the particular phrase Representative Keller referred to, Mr. McCord has a "No," typed on his copy of his application and related that possibly the committee received a different printout.

REPRESENTATIVE KELLER remarked "that answers the question."

[1:09:51 PM](#)

REPRESENTATIVE GRUENBERG asked if he or his family could be affected financially by decisions made by the commission and further asked that Mr. McCord explain the potential benefit, [if his answer is "yes."]

MR. McCORD stated that response is very different from his copy.

CHAIR LEDOUX explained that the committee's copy read [as Representative Keller stated].

[1:11:52 PM](#)

REPRESENTATIVE CLAMAN questioned whether there is anything about serving on the APOC that will cause financial hardship or difficulty on him or his family in any manner, other than time spent going to meetings.

MR. McCORD responded "There will be no hardship."

[1:12:24 PM](#)

REPRESENTATIVE CLAMAN then questioned whether there would be financial consequences from serving on the commission.

[1:12:31 PM](#)

MR. McCORD responded "I do not anticipate any."

[1:12:38 PM](#)

REPRESENTATIVE GRUENBERG asked whether Mr. McCord saw potential benefit of a non-financial manner, political, or otherwise.

MR. McCORD said that he is so new to Alaska it would be difficult for him to envision anything in that manner. He remarked that most Libertarians do not have an advantage of anything. "Seriously," he related, he does not anticipate any particular advantage, and he is not participating in any campaigns or any effort to reap the benefits of something like this. He further related that this is five year commitment and he takes it quite seriously.

[1:14:15 PM](#)

CHAIR LEDOUX asked how long Mr. McCord has lived in Alaska.

MR. McCORD responded "since May of this year," and said he is a year-round resident.

[1:14:35 PM](#)

REPRESENTATIVE LYNN noted that Mr. McCord spent a lot of time in Heidelberg Germany and asked how he happened to be in Germany.

MR. McCORD advised he was a military dependent.

[1:16:08 PM](#)

REPRESENTATIVE LYNN asked what typically would come before the APOC for review.

MR. McCORD testified that a complaint might be filed about misconduct.

REPRESENTATIVE LYNN further asked what type of complaints might someone in the public file.

MR. McCORD responded that failure to report would be one example, or failure to meet the deadline for reporting, misreporting - which would be researched by the staff and they would document dates, times and amounts involved in terms of penalties.

[1:17:31 PM](#)

CHAIR LEDOUX quiered as a member of the Libertarian party, whether he believes the functions of the APOC are an appropriate governmental function.

MR. McCORD answered that he uses an analogy in that when an individual is swimming in a stream, the individual swims in the best and most fluid manner to swim. He further answered there are certain things people have to deal with, such as two-way streets in that he drives on the right side of the street like everyone else. He described the APOC as an agency that is a necessary part of our living and working together in a political environment, and he accepts it as a Libertarian in spite of some of the philosophies people may have heard.

[1:19:04 PM](#)

CHAIR LEDOUX said that under the APOC rules, which are made by the legislature and the APOC enforces, people are only allowed to donate \$500 maximum per candidate. In the event someone has donated more, it is an APOC violation. She asked whether that is something appropriate for the government to have legislated. She further asked that if he does not think it is appropriate, could he still enforce it.

MR. McCORD responded that as a member of the commission it would not be his decision to make, as it is for the legislature to make. He described his job on the APOC as to decide with the other members, as a collective body, whether or not there is an actual violation, and whether the penalty is fair under the rules. He said he is not to judge whether or not the rule is acceptable as that is for the legislature.

[1:20:26 PM](#)

REPRESENTATIVE LYNN questioned Mr. McCord's motivation for applying for the position on the APOC.

MR. McCORD said he has a long history of public service and this unexpected opportunity "shows up" for a "Libertarian only" to be on the [commission]. He related that his contacts told him he should submit his name, so he did as this would be a good way for him to be immediately involved in what is happening in Alaska.

[1:21:18 PM](#)

REPRESENTATIVE LYNN noted that when a member renders a decision against a person to whom a complaint has been filed it is supposed to be a non-partisan decision. He opined that it does not matter which party the person is a member, it matters only

what the person may, or may not have done. Partisanship must be kept out of it, he related.

MR. McCORD answered "Precisely."

[1:21:51 PM](#)

REPRESENTATIVE GRUENBERG quiered whether he initially applied to APOC or just for the Professional Teaching Practices Commission (PTPC).

MR. McCORD said he applied for both.

REPRESENTATIVE GRUENBERG further quiered what compelled him to apply for the APOC.

MR. McCORD responded that the State of Washington has an almost identical history in terms of public disclosure. He opined that based on his experience, he felt he could do a good job on the APOC, in as much as he is somewhat familiar with the disclosure requirements in Washington.

[1:23:05 PM](#)

REPRESENTATIVE GRUENBERG referred to Mr. McCord's application and his community service and stated [his application] does not relate to anything like the APOC. He asked if he had any experience in anything political or similar to the APOC.

MR. McCORD remarked that he had not as an appointee, but he has experience regarding the consideration of issues. He asked if Representative Gruenberg was asking him whether he was ever involved in anything that required enforcement. Mr. McCord asked if he was restating that correctly.

REPRESENTATIVE GRUENBERG replied "Please continue."

MR. McCORD responded that he has not been directly involved in any enforcement type of role.

[1:24:24 PM](#)

REPRESENTATIVE GRUENBERG questioned if he had ever run for office, or been involved in a campaign, or had any dealing with the equivalent agency in Washington, or elsewhere.

MR. McCORD advised he ran for office in the State of Washington.

[1:24:44 PM](#)

REPRESENTATIVE GRUENBERG asked for the details of his campaign.

MR. McCORD stated he has gone through the petitioning process in order to run for office, the filing fee process, the public announcement at the convention, and reporting of campaign contributions.

[1:25:20 PM](#)

REPRESENTATIVE GRUENBERG asked which office he ran for.

MR. McCORD related that he ran for Congress and subsequently for the state legislature.

REPRESENTATIVE GRUENBERG asked whether he had any dealings with the equivalent agency in Washington in the capacity of a witness, or lodging a complaint, or a complaint lodged against him.

[1:26:06 PM](#)

MR. McCORD replied "No, I have not."

[1:26:11 PM](#)

REPRESENTATIVE GRUENBERG noted that Mr. McCord arrived in Alaska in May of 2014, and asked how long after that did he submit his application.

MR. McCORD responded that he submitted his application electronically on 12/29/14.

REPRESENTATIVE GRUENBERG quiered if someone asked him to submit his application to the APOC.

MR. McCORD replied that it was suggested by the existing party members as it became clear from the election how things were going to stack up in terms of openings on the APOC. He noted that the two parties with the most votes would be eligible.

[1:27:44 PM](#)

REPRESENTATIVE CLAMAN referred to his resume that indicates he was appointed to two Washington commissions by Governor Dan Evens, in 1970 and asked the name of the two commissions.

MR. McCORD answered that one commission selected and interviewed candidates for the Department of Ecology. The second commission, Special Levy Study Commission, dealt with determining methods to finance the public school system.

[1:28:32 PM](#)

REPRESENTATIVE CLAMAN asked whether during either of the commissions he was a member of the Libertarian Party.

MR. McCORD noted that at that time there was no Libertarian Party as it was initially started in 1971, and wasn't on the ballot until 1972.

[1:29:02 PM](#)

REPRESENTATIVE CLAMAN assumed Mr. McCord became a member of the Libertarian party after it became an official party in Washington.

MR. McCORD answered in the affirmative.

[1:29:16 PM](#)

REPRESENTATIVE CLAMAN ask for clarification regarding his service on the REI Board, and further asked if it is the company that sells outdoor gear.

MR. McCORD said "I'm glad you recognized it."

[1:29:44 PM](#)

REPRESENTATIVE CLAMAN quiered whether his Libertarian views interfered with his ability to function effectively on that board.

MR. McCORD asked what Representative Claman meant by "interfered."

[1:30:00 PM](#)

REPRESENTATIVE KELLER objected as a point of order that it is not an appropriate question and if the person had identified

another party it would be same response from Representative Keller.

REPRESENTATIVE CLAMAN responded that Representative Keller's objection is well considered. He advised he was following up on the prior questions of Chair LeDoux with regard to whether Libertarians suggest that government has no role, and whether he agrees or disagrees with that perspective.

REPRESENTATIVE KELLER replied that the point is well taken.

[1:31:00 PM](#)

REPRESENTATIVE CLAMAN noted that Mr. McCord worked as a fisheries observer in Alaska and surmised that job required Mr. McCord to assess whether someone is following the law. He quiered whether he could perform his duties consistent with what the law required.

MR. McCORD responded in the affirmative and said he served under the National Marines Fisheries Service and technically was an observer on a foreign fishing vessel by treaty arrangement. He explained that under the treaty arrangement, the observer is similar to a junior officer and reported the catch on a weekly basis. The observer was given different codes in order to stand back in case there was some aberration in the catch. The U.S. Coast Guard and National Marine Fisheries Service might then arrange some type of boarding for an inspection, if necessary, he related.

[1:32:33 PM](#)

REPRESENTATIVE LYNN asked what brought Mr. McCord to Alaska from State of Washington.

MR. McCORD responded he wanted to live here for personal reasons.

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

[1:33:35 PM](#)

REPRESENTATIVE KELLER moved to forward the name of William Lee McCord to the joint session of the House and Senate for confirmation.

REPRESENTATIVE GRUENBERG objected for discussion.

[1:34:10 PM](#)

CHAIR LEDOUX advised Representative Gruenberg that this is not a vote on whether the committee thinks he is qualified or think he is not qualified. She expressed there are no grounds for discussion as everyone has their own view.

REPRESENTATIVE GRUENBERG responded that he did not know where there was an allowable objection and if so, what the allowable grounds would be because he has never been in the situation where a member has objected.

CHAIR LEDOUX stated "Let's not make this the first time."

REPRESENTATIVE GRUENBERG withdrew his objection.

[There being no further objection, the confirmation was advanced.]

[1:35:09 PM](#)

The committee took an at-ease from 1:35 p.m. to 1:37 p.m.

CHAIR LEDOUX passed the gavel to Vice Chair Keller.

[1:37:44 PM](#)

**HB 83-JUDICIAL COUNCIL: CIVIL LITIGATION INFO**

[1:37:49 PM](#)

VICE CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 83, "An Act relating to collecting information about civil litigation by the Alaska Judicial Council; repealing Rule 41(a)(3), Alaska Rules of Civil Procedure, and Rules 511(c) and (e), Alaska Rules of Appellate Procedure; and providing for an effective date." [Before the committee was CSHB 83 (JUD), adopted 2/20/2015.]

[1:38:17 PM](#)

VICE CHAIR KELLER advised that public testimony is closed and it will not be reopened unless there is a request to testify.

[1:38:56 PM](#)

The committee took a brief at ease.

[1:39:32 PM](#)

CLARK BICKFORD, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, said CSHB 83 would repeal a 1997 law that requires civil litigation reports to the Alaska Judicial Council. He reiterated from his previous testimony that the law has been widely ignored, ineffective, and not supported by the legal community. He referred to the last hearing wherein there was a question regarding what would happen to the funds given to the Alaska Judicial Council for [reviewing the data] and preparing reports, and advised that Susanne Dipietro is on line to address that question.

[1:40:53 PM](#)

REPRESENTATIVE KELLER opened public testimony.

[1:41:11 PM](#)

SUZANNE DIPETRO, Executive Director, Alaska Judicial Council, Alaska Court System, stated that her research indicates there was an amount of money put in the Alaska Judicial Council's base budget, when the law was passed in 1997 or 1998, to provide the resources in order to perform the work. She explained the funds are available to be returned if the Alaska Judicial Council is no longer required to do the work.

REPRESENTATIVE KELLER advised that it is out of the purview of the bill, and he is sure the information will go forward to the House Finance Committee.

[1:42:18 PM](#)

CHAIR LEDOUX quiered that the money was put into the Alaska Judicial Council budget in 1997, or 1998, and one report has been prepared.

MS. DIPIETRO advised three reports have been prepared.

[1:42:41 PM](#)

CHAIR LEDOUX surmised it has not been a yearly report, and questioned how much money is left since the yearly reports have not been prepared.

MS. DIPIETRO explained that although reports have not been prepared because the data has been ...

CHAIR LEDOUX interjected that she is not blaming Ms. Dipietro for not doing the reports, she was just curious how much money is left.

MS. DIPIETRO depicted that the work is still being performed in the sense of collecting the data, of which they receive a couple of forms from attorneys each day, determine if the information is correct, enter the information into the data base, and maintain the data base. The Alaska Judicial Council has daily activities in order to fulfill the requirements of the statute that do not involve report writing.

[1:43:52 PM](#)

CHAIR LEDOUX asked how much money was put into the base.

MS. DIPIETRO, in describing her records as spotty, said the amount was \$19,200 a year.

CHAIR LEDOUX deduced that putting the sporadic data that the Alaska Judicial Council has received, which appears to be relatively minimal, into the data base at a cost of almost \$20,000 a year.

MS. DIPIETRO stipulated that the work was not erratic, as the data is regular, and involves following up when information is incomplete or appears inaccurate with telephone calls, emails, and letters to attorneys. She highlighted that the Alaska Judicial Council is using that money to perform the work.

[1:44:51 PM](#)

VICE CHAIR KELLER reiterated that the issue may be out of the purview of the House Judiciary Standing Committee.

[1:45:08 PM](#)

REPRESENTATIVE GRUENBERG moved to report the proposed CS for HB 83, Version 29-LS0410\H, Wallace, 2/5/15, from committee with individual recommendations and the accompanying fiscal note. There being no objection CSHB 83(JUD) was reported from the House Judiciary Standing Committee.

[1:45:52 PM](#)

The committee took an at-ease from 1:45:52 to 1:48:02 p.m.

VICE CHAIR KELLER returned the gavel to Chair LeDoux.

**HB 65-LEG./PUB. OFFICIAL FINANCIAL DISCLOSURE**

[1:48:02 PM](#)

CHAIR LEDOUX announced that the final order of business would be HOUSE BILL NO. 65, "An Act relating to the disclosure of financial information by persons who are subject to the Legislative Ethics Act and by certain public officers, public employees, and candidates for public office." [Before the committee was CSHB 65(STA).]

[1:48:16 PM](#)

REPRESENTATIVE MIKE HAWKER, Alaska State Legislature, speaking as prime sponsor said that originally the bill was intended to change the [deadline] of the public official financial disclosures (POFD) which are required to be filed. He explained all public officials, whether in the state legislature, or local governments, or boards and commissions, must file full disclosures of their financial transactions of the previous year. He extended that the bill takes no issue with the substance of those filings, but rather that, under statute, the disclosures are due on March 15. Originally, the bill moved the date back to after the date of an individual's federal income tax filing requirement. He opined that this would allow individuals with complex financial situations to file an accurate and comprehensive report within the same time frame as they are required by federal statute to have their income tax returns completed, without an extension. He stated that the House State Affairs Standing Committee agreed with idea but said the April 30 date was a little quick and moved the date to May 15. He explained that the crux of the bill would change the annual filing dates for legislative financial disclosures and public official's financial disclosure statements from March 15 to May 15, of each year.

[1:50:44 PM](#)

REPRESENTATIVE HAWKER noted further changes in the bill with regard to professionals, such as attorneys, doctors, accountants, engineers, architects, or independent nurses with a multitude of clients and are required to disclose all of their clients and revenues. He further noted that attorneys can claim attorney-client privilege, and there are accountants who will not allow individuals to disclose their client base, and the amount they are being paid. Therefore, through regulatory activity the APOC has allowed them to not disclose those clients, he said. Statutorily, he stated that the language in the bill makes it very clear that a public official public disclosure filer could be exempted from disclosing information if that information is either confidential by law or would adversely affect the individual's ability to conduct business. The bill then sets up the standard to weigh the potential harm to the person comparing it to the public's interest in obtaining that information, he related.

[1:52:15 PM](#)

REPRESENTATIVE HAWKER continued that two provisions were brought forward by the APOC itself, which includes various reporting requirements as it relates to different individuals residing in different communities of different size. He said the sponsor has no opinion on the APOC request.

[1:52:54 PM](#)

REPRESENTATIVE CLAMAN concluded that the APOC recommended an increase in population from 5,000 to 15,000, and it appears that the sponsor is neutral.

REPRESENTATIVE HAWKER stated he has no opinion on that subject.

REPRESENTATIVE HAWKER responded to Representative Claman that in the interest of accommodating the concerns of the APOC, the sponsor does not object to include its request in this bill knowing it would go through the legislative process and on various committees with the opportunity to discuss it with the APOC.

[1:53:33 PM](#)

REPRESENTATIVE CLAMAN referred to the waiver of disclosing clients is one that professionals, such as, lawyers, doctors, nurses would have to make a special request for the waiver as it would not automatically apply.

JULIE LUCKY, Staff, Representative Mike Hawker, Alaska State Legislature, responded to Representative Claman that there is currently a waiver process where the person does put forth a letter to the APOC and the person is granted a waiver from disclosure. She opined that the reporting reads, instead of naming address of client it will now say "protected by HIPPA, or attorney-client privilege, or some notation" regarding the information is not being disclosed.

[1:55:04 PM](#)

PAUL DAUPHINAIS, Executive Director, Alaska Public Offices Commission (APOC), Department of Administration, responded to Representative Claman that the bill puts the process into statute rather than solely in regulation and it would not change the process of the APOC "much at all, if at all." He noted an earlier comment of individual granted a waiver or exemption for reporting all of their clients, the individual can report the aggregate amount and not refer to the clients; others report the clients in an abbreviated manner, and eliminate identifying information, and list the income.

[1:55:15 PM](#)

REPRESENTATIVE CLAMAN asked if there is a formal request lawyers and doctors and write to the APOC, or simply make the claim on their form.

MR. DAUPHINAIS responded that in general, individuals requesting the exemption write to the APOC and explain their situation, and the APOC goes from there.

CHAIR LEDOUX opened public testimony

[1:57:33 PM](#)

KATHY WASSERMAN, Alaska Municipal League (AML), stated the committee substitute changes the population figures to now require municipalities between the population count of 5,000 and 15,000, to file electronically. The Alaska Municipal League (AML) had not heard from the APOC that the change was coming as no one called any of the clerks involved. She said she does not have the list of municipalities that have opted out, but without that list it affects 12 different communities. While it may not be a stretch to require electronic filing in the larger communities, but places such as Bethel it becomes more

difficult, she noted. She related that many of the clerks do have people filing by paper. She maintained she was told by an individual at the APOC this was requested by the clerks in order to allow them more time because it required [a certain amount of] their time. She referred to AS 39.50.020(b), which read:

(b) A public official or former public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, former municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

MS. WASSERMAN continued her testimony and stated that this does not save the clerks' time as they still must get a paper copy on file in their office. She opined that in the future when the APOC desires changing rules that it talk to the clerks, or to the municipalities. She expressed that AML is opposed to that section of the bill and would like that portion removed, otherwise AML does not have a problem with the bill.

[2:01:06 PM](#)

REPRESENTATIVE CLAMAN asked whether Ms. Wasserman is testifying as a representative of the AML.

MS. WASSERMAN answered in the affirmative.

[2:01:34 PM](#)

MS. WASSERMAN reiterated to Representative Claman that other than the above portion, AML has no problem with the bill at all. She directed that she discussed the bill with the clerks who "in theory" had requested this, and they said "they had not."

[2:01:52 PM](#)

REPRESENTATIVE KELLER asked for clarification that if the committee does not put the amendment in as an option, AML is happy with the bill.

MS. WASSERMAN stated that AML is not happy with the bill that states communities between 5,000 and 15,000 should be included.

[2:02:24 PM](#)

CHAIR LEDOUX questioned Mr. Dauphinais where he received the idea of changing the numbers for the municipalities to the 15,000 level.

MR. DAUPHINAIS responded that over the last couple of years, both he and his staff have given a number of trainings and presentations. He remarked were approached several times by clerks requesting a manner their filers could file electronically. He opined that if they have since changed their mind, the APOC has no problem with that portion of the bill being removed, and he apologized to the sponsor.

[2:03:29 PM](#)

CHAIR LEDOUX verified that he did not check with the clerks recently.

MR. DAUPHINAIS responded "That is correct."

[2:03:38 PM](#)

REPRESENTATIVE CLAMAN asked that from the standpoint of the APOC, whether the 5,000 to 15,000 has any impact in terms of doing business.

MR. DAUPHINAIS relayed that it would not change the way the APOC does business at all and it is completely cost neutral.

[2:04:09 PM](#)

CHAIR LEDOUX quiered that as the law currently stands, an individual who is not required to file electronically wishes to file electronically, whether they are precluded from filing electronically.

MR. DAUPHINAIS responded "No, they are not," as anyone can file electronically.

CHAIR LEDOUX said she was having a problem understanding why then the clerks would have approached him to change the numbers if individuals were already allowed to file electronically.

MR. DAUPHINAIS offered that the clerks told him it was quite bothersome for them in that they had to maintain a stack of forms, and give them out to the filers and later collect them, and later give them to the APOC in some manner. When filers file electronically, they are already filed with the APOC and [print] the copy and give it to the clerk, or the clerk can print a copy. He offered that Ms. Wasserman was correct in that the municipal clerk is the custodial of the record.

CHAIR LEDOUX expressed that her confusion is if the individuals are able to file electronically without changing the rules, then they really didn't have to keep ... she said she did not see why it would have been burdensome to the clerks.

[2:06:17 PM](#)

MS. WASSERMAN responded to Representative Foster that she did not mean to just zero in on Bethel as her records showed that 12 communities were involved and related that electronic filing will be much more difficult in the Northwest Artic Borough or in the North Slope Borough.

[2:07:34 PM](#)

REPRESENTATIVE KELLER moved to adopt Amendment 1, Version 29-LS0070\N.1, Wayne, 3/3/15, which read:

Page 2, line 11:

Delete "5,000"

Insert "15,000"

Page 2, line 14:

Delete "[15,000]"

Page 5, line 10:

Delete "5,000"

Insert "15,000"

Page 5, line 13:

Delete "may [15,000 SHALL]"

Insert "shall"

REPRESENTATIVE CLAMAN objected and stated that after listening to the testimony he did not believe the bill should be amended to change the number from 5,000 to 15,000, as the clerks affected are content with 5,000.

[2:08:27 PM](#)

The committee took an at-ease from 2:08:27 to 2:10:06 p.m.

[2:10:06 PM](#)

REPRESENTATIVE CLAMAN withdrew his objection.

REPRESENTATIVE FOSTER asked for clarification that the committee would be adopting the 15,000 number.

[2:11:00 PM](#)

MS. LUCKY explained that the current statute has a threshold of a community with a population of 15,000 wherein those municipal officers currently can choose to paper file, or electronic file. She opined that a great number of those people do choose to electronic file, which is allowed under current law. During the House State Affairs Standing Committee hearing, an amendment was adopted to drop the threshold to 5,000. She advised that the sponsor has heard from AML and a few of the boroughs that they are concerned with that change. She explained that Amendment 1 would leave the status quo in the statute. She further explained that there would be no change to the current threshold which is a municipality with a population of 15,000 or fewer, and would still have the option of either paper filing or filing electronically.

[2:12:16 PM](#)

CHAIR LEDOUX [treating the objection as withdrawn] said Amendment 1 passes.

[2:12:40 PM](#)

REPRESENTATIVE KELLER moved to report CSHB 65, Version 29-LS0070\N.1, Wayne, 3/3/15, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 65(JUD) was reported from the House Judiciary Standing Committee.

[2:13:12 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:13 p.m.