

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 12, 2015
8:13 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative David Talerico
Representative Liz Vazquez
Representative Louise Stutes
Representative Max Gruenberg
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

ALASKA PUBLIC OFFICES COMMISSION

Mark Fish - Big Lake, Alaska

- CONFIRMATION(S) ADVANCED

STATE COMMISSION FOR HUMAN RIGHTS

Kathryn Dodge - Fairbanks, Alaska

- CONFIRMATION(S) ADVANCED

PAROLE BOARD

Richard Ole Larson - Palmer, Alaska

- CONFIRMATION(S) ADVANCED

ALASKA POLICE STANDARDS COUNCIL

Gustaf Sandahl - Kenai, Alaska

Rebecca Hamon - King Salmon, Alaska

- CONFIRMATION(S) ADVANCED

LIEUTENANT GOVERNOR SUCCESSOR

CONFIRMATION HEARING(S) :

- HEARD

STATE COMMISSION FOR HUMAN RIGHTS

- HEARD

PAROLE BOARD

ALASKA POLICE STANDARDS

LIEUTENANT GOVERNOR SUCCESSOR

Craig Fleener - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MARK FISH, Appointee

Alaska Public Offices Commission (APOC)

Big Lake, Alaska

POSITION STATEMENT: Testified as appointee to APOC.

KATHERINE DODGE, Appointee

State Commission for Human Rights

Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the State Commission for Human Rights.

RICHARD OLE LARSON, Appointee

Parole Board

Department of Corrections

Palmer, Alaska

POSITION STATEMENT: Testified as appointee to the Parole Board.

GUSTAF SANDAHL, Appointee

Alaska Police Standards Council (APSC)

Department of Public Safety
Kenai, Alaska

POSITION STATEMENT: Testified as appointee to the APSC.

REBECCA HAMON, Appointee
Alaska Police Standards Council (APSC)
Department of Public Safety
King Salmon, Alaska

POSITION STATEMENT: Testified as appointee to the APSC.

CRAIG FLEENER, Appointee
Lieutenant Governor Successor
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee as Lieutenant Governor Successor.

ACTION NARRATIVE

[8:13:15 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:13 a.m.

CONFIRMATION HEARING(S):
ALASKA PUBLIC OFFICES COMMISSION
STATE COMMISSION FOR HUMAN RIGHTS
PAROLE BOARD
ALASKA POLICE STANDARS
LIEUTENANT GOVERNOR SUCCESSOR

[8:13:41 AM](#)

CHAIR LYNN announced the first order of business was the confirmation hearing for the Alaska Public Offices Commission.

[8:14:11 AM](#)

The committee took an at-ease from 8:14 a.m. to 8:15 a.m.

[8:15:53 AM](#)

MARK FISH, Appointee, Alaska Public Offices Commission (APOC), stated that he had not solicited to serve, but was asked to do so. He likened the calling to serve on the commission as being called to serve on a jury. He stated he could pursue his interest in "a free and fair society" through a position on APOC. Mr. Fish noted that his resume was in the committee packet, and he highlighted some noteworthy points from it. He

said he served for five years on the State Commission for Human Rights, which was also a semi-judicial body that required legislative confirmation. He encouraged the committee to review his years of service on that commission through the minutes available, which he said he thought would show that he had executed his commission "with integrity and honor." Mr. Fish said he also served on the Citizens' Advisory Commission for Federal Areas, and for the last two terms was elected by his fellow commissioners as vice chair. He offered to answer questions.

[8:18:03 AM](#)

REPRESENTATIVE KELLER stated that he was the chair of the Citizens' Advisory Commission for Federal Areas; therefore, he could vouch for Mr. Fish's integrity, willingness to work as a team, and thoughtfulness.

[8:18:37 AM](#)

REPRESENTATIVE KREISS-TOMKINS noted that Mr. Fish had answered "yes" when asked on the application whether his service on APOC could benefit him or his family, but had written "no" rather than answering what the financial benefit might be. He asked Mr. Fish to offer details regarding both answers.

MR. FISH noted that "during prior testimony, someone else had that same issue come up." He stated it was not his intent to put that on there, and he suggested that it may have been a problem with "the way it's presented on the Internet." He stated that he had no financial benefit in serving on APOC, "outside of being a citizen of Alaska."

[8:21:43 AM](#)

The committee took a brief at-ease at 8:22 a.m.

[8:22:40 AM](#)

REPRESENTATIVE KREISS-TOMKINS noted Mr. Fish had written a blog, and he asked Mr. Fish to speak to it. In response to Chair Lynn, Representative Kreiss-Tomkins explained that he had read an article, which made reference to anti-feminist quotes made by Mr. Fish in the blog, which was no longer available on line. He cited [an excerpt from the first paragraph of an Alaska Dispatch News article by Lisa Demer, dated March 1, 2012, included in the

committee packet], which read as follows [original punctuation provided]:

Governor Parnell said Thursday he didn't know of concerns about Mark Fish, his nominee to a state commission that defends individuals from discrimination, until information about Fish's anti-feminist blog posts in 2009 appeared in the Daily News.

[8:24:31 AM](#)

MR. FISH clarified that the article of contention was in regard to his support of the appointment of Wayne Ross as attorney general by then Governor Sarah Palin. He indicated that in [his blog], he had noted that radical feminists opposed Mr. Ross' nomination. He said he was speaking of a person who had testified, but he had not thought it fair to reveal the name of the private citizen. He noted that the person had previously opined that the world would be a better place without men, which he said he considered radical feminism. He continued:

I felt that I had the lack of Governor Parnell's support in the issue, and any time ... I feel that there's a lack of confidence by the people that ... [have] appointed me, I was more than happy to withdraw my nomination, which I did then. And I would now, too, if this governor felt it was an issue.

[8:26:23 AM](#)

REPRESENTATIVE STUTES asked Mr. Fish if he had ever filled out an APOC form.

MR. FISH affirmed that as a member of the State Commission for Human Rights, he had filled out financial disclosures. Further, he said he ran as a state's candidate for office and filled out the required APOC disclosure forms. He stated that as the former chair of the Libertarian Party, he had the opportunity to oversee his treasurer's reports [to APOC]. In response to a follow-up question, he said he thought anyone who has filled out the reports may have felt a level of frustration. He said he agreed with the intent of transparency; however, he opined that there should be an emphasis on "moving into something that is a little more user-friendly," particularly for people who are not used to filing such reports. He said he found it difficult to recruit candidates because of the reporting.

8:28:22 AM

CHAIR LYNN offered his understanding that APOC must consider expenditures by candidates and review any complaints as compared to existing law accordingly. He added, "I don't see where politics is actually involved in that."

8:29:07 AM

REPRESENTATIVE GRUENBERG offered his understanding that those who are selected for APOC must sign paperwork. He asked Mr. Fish if he had done so and whether he had yet entered into office.

MR. FISH replied that the only documents he received had been sent via e-mail. He said in particular he received an e-mail notifying him to attend the current confirmation hearing before the House State Affairs Standing Committee.

REPRESENTATIVE GRUENBERG noted that on Mr. Fish's application to APOC, he listed the State Commission for Human Rights under "education, training, experience, and qualification." He referred to "the situation in 2012," and offered his understanding that Mr. Fish had been seeking reappointment to the State Commission for Human Rights.

MR. FISH confirmed that at that time, he accepted a request to serve another five years. In response to a follow-up question he explained that he had subsequently withdrawn his name after discussing with the commission the issues that would be raised and hearing from the governor's staff that there were concerns his appointment would be politically detrimental to the governor.

REPRESENTATIVE GRUENBERG asked Mr. Fish if he made Governor Walker aware of what had happened.

MR. FISH answered that he trusted the governor to do his own vetting, and he did not make an issue of it, because his name had been forwarded by the Alaska Libertarian Party board and accepted by the governor.

8:34:34 AM

CHAIR LYNN pointed out that Representative Gruenberg was asking questions pertaining to the State Commission for Human Rights, but Mr. Fish was being considered for APOC.

REPRESENTATIVE GRUENBERG explained that he wanted to compare the missions of both entities. He highlighted writing from the second through fourth paragraphs of the second page of an article by Lisa Demer in Alaska Dispatch News, dated 2/29/12, [included in the committee packet], regarding Mr. Fish, which read as follows [original punctuation provided]:

Some of his writings during the time he was on the human rights commission took jabs at some of the groups he was supposed to defend or those who were seeking protection against discrimination.

In April 2009, Wayne Ross, Palin's nominee for attorney general, was under fire. On April 10, 2009, Fish took on Ross' opponents in a blog post he called, "fighting the good fight."

Three groups were against Ross, Fish wrote, using questionable English. "These are 1. Native leaders 2. Radical Feminist 3. Democrat party operatives [sic]."

REPRESENTATIVE GRUENBERG said Mr. Fish was "potentially showing some bias." He stated that APOC was a quasi-judicial body, which tried cases, assessed fines, and held proceedings that could lead to criminal prosecution. He asked Mr. Fish if he knew that.

MR. FISH emphasized he was aware of that. Referring to the 2/29/12 article, he noted that Ms. Demer wrote a subsequent article, following an interview with him, which "pretty much clarified any questions that she had." He remarked that as a citizen, he was allowed to have opinions, but as a commissioner, he did not allow those opinions to taint his official duty. He challenged anyone to review his five years' service with the State Commission for Human Rights and find that he had any bias in any of his statements or rulings in which he participated. He stated that he respected the law and followed it.

[8:37:58 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Mr. Fish was referring to the aforementioned article of 3/1/12. He directed attention to the second paragraph of the second page of

that article, which read as follows [original punctuation provided]:

In one post, he blogged about his unhappiness with radical feminists, Native leaders and Democratic operatives because of their opposition to Palin's nomination of Wayne Ross as attorney general. Certain feminists in particular irked him.

REPRESENTATIVE GRUENBERG asked Mr. Fish if he was "lumping all the people who opposed Mr. Ross' confirmation into one of those categories."

MR. FISH indicated that there were two parts to [the blog he had written]: a list of those who opposed Wayne Ross' nomination and his opinion and support of that nomination. He said he understood "people threw up concern" regarding his use of the term "radical feminist"; however, he reiterated that he had been referring to one individual.

CHAIR LYNN asked Mr. Ross to reconfirm that he had been referring to one private citizen - not a group of people.

MR. FISH responded, "I was particularly pointing towards her, but I'm sure there were other radical feminists out there that actually opposed, too." He challenged any one to find any woman he had treated with anything other than the utmost respect. He relayed that he was close to his two sisters, who considered themselves feminists, and he was married for 25 years, and he "never used any foul language to them or never raised a hand to any." He stated that his father taught him at an early age that women were special and should be treated as such.

[8:41:02 AM](#)

REPRESENTATIVE KELLER questioned the line of questioning. He said statute clearly instructs the governor to appoint from two political parties, which he said presumed that the applicants put forward would have a political background of some sort. He asked Representative Gruenberg exactly what he was accusing Mr. Fish of through his line of reasoning.

REPRESENTATIVE GRUENBERG, in response, pointed out that the aforementioned quote referred to "feminists" - plural, not singular. He brought attention to the paragraph that followed that quote, which read as follows [original punctuation provided]:

Yes folks, elements of this group actually believe men have no value and through science they can eliminate men from the face of the earth," Fish wrote. In another, he took on a proposal before the Anchorage Assembly to extend city anti-discrimination laws to people who are gay, lesbian, bisexual or transgender. He said the matter was a "side show" meant to distract from the real issues.

CHAIR LYNN said, "He's expressing a political opinion and some of us may have that same opinion."

[8:43:49 AM](#)

MR. FISH said he had expressed his opinions in his blog. He mentioned an ordinance [proposed by the Municipality of Anchorage] that would have included [Lesbian, Gay, Bi-sexual, and Transgender (LGBT) individuals] as members of a protected class. He said as a member of the State Commission for Human Rights, there was a four-point criteria to which he adhered, and "that class did not fit the need for protection under a protected class." He said he thought the aforementioned article highlighted his opinion on that issue.

MR. FISH pointed out that he served 20 years in the Alaska Army National Guard, during which The Hatch Act prevented him from fully participating politically. After that, he made a commitment never again to let his free speech be suppressed. He assured Mr. Gruenberg, "Whatever position I serve in, my opinions are going to be known to the public, and they'll be judged by the public, and I'm happy with that."

[8:45:39 AM](#)

REPRESENTATIVE GRUENBERG reemphasized that Mr. Fish, if confirmed to APOC, would be sitting as a judge in cases that would have a major effect on people running for office. Some of those people may be Native leaders, radical feminists, Democratic Party operatives, and members of the LGBT community. He said he was not aware that anyone who went before that tribunal would have a right to a preemptory challenge of any member on APOC. He reminded Mr. Fish of The Canons of Judicial Ethics, under which he would be bound, which state that judges must avoid even the appearance of impropriety, and he questioned whether any of the aforementioned citizens might have doubts as to whether Mr. Fish could be fair and impartial.

MR. FISH answered that he thought his record showed that he could treat people fairly and impartially.

[8:47:46 AM](#)

CHAIR LYNN asked Representative Gruenberg if he believed that anyone who had opposed the aforementioned ordinance should be disqualified from APOC or any other [commission]. He pointed out that there was a similar bill in the legislature, and he asked if anyone who voted against it would be disqualified from an appointment by the governor.

REPRESENTATIVE GRUENBERG stated his belief that each case would have to be judged on its own merit. He asked Mr. Fish if he would step down from any cases in which the focus was on, for example, a person from the Democratic Party, or if he would continue his involvement in them.

MR. FISH reiterated that he thought his record showed that he could serve impartially. He said the best thing to do was to follow the law, which was blind; therefore, it would not matter who came before him, because he would focus on whether or not that person was in violation of the law.

REPRESENTATIVE GRUENBERG asked if Mr. Fish would step down from a case if the accused who came before APOC either asked him personally or through council to do so, based on Mr. Fish's previously stated views.

MR. FISH answered that he would not allow the public to manipulate the process to that extent; however, if fellow commissioners made that request, he would follow their advice.

CHAIR LYNN commented that he would not want a Democrat going before APOC to ask a Republican to recuse him/herself or vice versa.

[8:52:25 AM](#)

REPRESENTATIVE STUTES asked Mr. Fish if he had looked at the statutes that cover APOC.

MR. FISH answered that he had given them a cursory review and considered them to be a technical reference tool. In response to a follow-up question, he said he did see a need to clarify those statutes. For example, he said there had been question

over whether a "paid for by" disclosure had to be made for a balloon with a message on it, because he indicated the answer may have been different depending on whether the balloon had been inflated or deflated. He said, "I think that kind of ambiguity is ridiculous."

[8:53:58 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Mark Fish, Appointee, Alaska Public Offices Commission, to the joint session for consideration.

REPRESENTATIVE GRUENBERG objected.

[8:55:06 AM](#)

A roll call vote was taken. Representatives Talerico, Stutes, Keller, Vazquez, Kreiss-Tomkins, and Lynn voted in favor of the motion to advance the confirmation of Mark Fish. Representative Gruenberg voted against it. Therefore, the motion passed by a vote of 6-1.

[8:55:35 AM](#)

The committee took an at-ease from 8:55 a.m. to 8:57 a.m.

STATE COMMISSION FOR HUMAN RIGHTS

[8:57:46 AM](#)

CHAIR LYNN announced the next order of business was the confirmation hearing for the State Commission for Human Rights.

[8:58:05 AM](#)

KATHRYN DODGE, Appointee, State Commission for Human Rights, stated that she worked with the University of Alaska's Cooperative Extension, as the economic development specialist, and she had a Ph.D. in organizational systems, a bachelor's degree in Organizational Management, and an associate's degree in Electronics and Technology. She posited that the diversity of her degrees embodied the diversity of experience that she would bring to the commission. She explained she applied for the commission because of her belief in having a neutral body to turn to when one experienced discrimination or had been charged with discrimination - a body that would listen to both parties in an effort to come to a fair and balanced solution. Ms. Dodge

talked about her varied career path, and she related that she had experienced "significant progress in the workplace in larger society." She said that as a member of the Fairbanks North Star Borough Assembly, she had experience listening to public comment, participating in quasi-judicial hearings, and making public decisions. She offered to answer questions.

[8:59:37 AM](#)

REPRESENTATIVE KELLER thanked Ms. Dodge for being willing to serve on the commission.

REPRESENTATIVE GRUENBERG echoed Representative Keller's sentiment. He said he was particularly impressed with Ms. Dodge's resume. He asked how Ms. Dodge would have the energy to serve on the commission, considering everything else she currently did.

MS. DODGE responded that she had to consider deeply whether she would have to resign other boards in order to well-serve the commission, and she would determine that answer depending on "the level of effort that it will take." She noted that her current employer supported her appointment.

[9:01:37 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Kathryn Dodge, Appointee, State Commission for Human Rights, to the joint session for consideration. There being no objection, the confirmation was advanced.

[9:01:55 AM](#)

The committee took a brief at-ease at 9:02 a.m.

PAROLE BOARD

[9:02:32 AM](#)

CHAIR LYNN announced the next order of business was the confirmation hearing for Richard Ole Larson, Appointee, Parole Board.

[9:02:55 AM](#)

RICHARD OLE LARSON, Appointee, Parole Board, testified that this appointment would be his second on the Parole Board. He related

that he was a retired superintendent, having spent 29 years in the Department of Corrections. He said he also served as vice president of the Matanuska-Susitna School Board. He stated he would like to maintain his position on the Parole Board, because he felt he was doing good work for the State of Alaska, working with parolees.

CHAIR LYNN thanked Mr. Larson for his years of service.

[9:03:59 AM](#)

REPRESENTATIVE GRUENBERG asked if the Parole Board position was a paid one.

MR. LARSON indicated that board members received daily compensation, as well as compensation for mileage and for reading files; however, it was not a paid position with benefits. In response to a follow-up question, he said once a month there was a "parole board run," and he received a packet of parolees ten days prior to that. It took a week to read those files, which were between 50-200 pages in length. He said that was two weeks per month. He said the board members also conduct preliminary hearings of offenders in their districts to determine whether those offenders should get out of jail, go into a half-way house, or get treatment. Those offenders come before the board about a month later.

[9:05:50 AM](#)

REPRESENTATIVE KELLER expressed appreciation to Mr. Larson for stepping up to address the issues of the board, such as recidivism rates.

[9:06:34 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Richard Ole Larson, Appointee, Parole Board, to the joint session for consideration. There being no objection, the confirmation was advanced.

ALASKA POLICE STANDARDS COUNCIL

[9:06:57 AM](#)

CHAIR LYNN announced the next order of business was the confirmation hearing for the two appointees to the Alaska Police Standards Council.

9:07:13 AM

GUSTAF SANDAHL, Appointee, Alaska Police Standards Council (APSC), testified that he had almost 20 years' experience in law enforcement in the state, almost entirely with the Kenai Police Department. He said he had been police chief with the Kenai Police Department since 2008, and had served one term on the APSC already. He directed attention to his resume, which reflected that he had spent most his life in Alaska, had a bachelor's degree in Criminal Justice, and was strongly involved in the community. He said he felt his experience made it possible to contribute to the council during his first term. He stated that he enjoyed interacting with the other members of the council and would appreciate the consideration of the House State Affairs Standing Committee.

9:09:00 AM

CHAIR LYNN asked Mr. Sandahl what the most challenging part of his job on the council had been thus far.

MR. SANDAHL answered that the most significant aspect of serving on the council was the cases of misconduct by police officers or correctional officers and the ensuing decisions that were made as to whether those episodes of misconduct warranted decertification.

9:10:10 AM

REPRESENTATIVE KELLER moved to advance the confirmation of Gustaf Sandahl, Appointee, Alaska Police Standards Council, to the joint session for consideration. There being no objection, the confirmation was advanced.

9:10:35 AM

The committee took a brief at-ease at 9:11 a.m.

9:11:08 AM

REBECCA HAMON, Appointee, Alaska Police Standards Council (APSC), testified that she had served on the council for the last four years in King Salmon and Naknek, where she had worked for 17 years. In the last eight years, she stated, she worked as a legal advocate to victims of domestic violence and sexual assault. She said she worked with people from several

communities serviced through the Naknek court district - victims navigating the court system while dealing with issues such as life changes, custody issues, and homelessness. She indicated her involvement in running a shelter, and she noted that she worked under the supervision of Safe and Fear Free Environment, Inc., which was located in Dillingham, Alaska.

MS. HAMON expressed appreciation that she was being considered for another term with the council, and she indicated that her knowledge of how law enforcement worked was helpful. She said she felt she brought another perspective to the table because of her work with victims. She offered to answer questions from the committee.

[9:14:04 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Rebecca Hamon, Appointee, Alaska Police Standards Council, to the joint session for consideration. [There being no objection, the confirmation was advanced.]

LIEUTENANT GOVERNOR SUCCESSOR

[9:14:24 AM](#)

CHAIR LYNN announced the final order of business was the confirmation hearing for Craig Fleener, Appointee, Lieutenant Governor Successor.

[9:14:56 AM](#)

CRAIG FLEENER, Appointee, Lieutenant Governor Successor, related that he grew up in Alaska and worked as both a member of the military and a civilian. In the military, he said, he served in the U.S. Marine Corps for four years, and he was currently in the Alaska National Guard, where he said he continued to look for opportunities to grow and serve. He relayed that he held a bachelor's degree in Natural Resources Management from the University of Alaska Fairbanks, which he said he thought has helped him gain opportunities in wildlife management, a couple years' term on the Board of Game, and as the director of the Division of Subsistence within the Alaska Department of Fish & Game (ADF&G). He indicated that following that, he was the deputy commissioner who addressed issues related to wildlife, subsistence, and habitat. He stated that he was currently serving as the Alaska Arctic Policy Advisor.

MR. FLEENER said he had taken advantage of many volunteer opportunities, which had led him to the current opportunity to serve in the position of Lieutenant Governor Successor. He stated that it was an honor to be appointed, and he saw it as one more way in which he could serve Alaska and bring people together to work on issues shared by everyone. He stated his greatest interest in the position would be to empower Alaskans to vote and to ensure a broad spectrum of support for those running for political office and impacting the future of all Alaskans.

[9:18:36 AM](#)

CHAIR LYNN thanked Mr. Fleener.

[9:18:39 AM](#)

REPRESENTATIVE KELLER moved to advance the confirmation of Craig Fleener, Appointee, Lieutenant Governor Successor, to the joint session for consideration. There being no objection, the confirmation was advanced.

[9:19:14 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:19 a.m.