

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 17, 2016

1:33 p.m.

**MEMBERS PRESENT**

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Mia Costello  
Senator Peter Micciche

**COMMITTEE CALENDAR**

CONFIRMATION HEARING

Select Committee on Legislative Ethics  
BILL GORDON - Fairbanks

- CONFIRMATION ADVANCED

SENATE BILL NO. 121

"An Act relating to a security freeze on the consumer credit report of a minor."

- MOVED CSSB 121(JUD) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 83(JUD)

"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."

- HEARD & HELD

SENATE BILL NO. 174

"An Act relating to the regulation of firearms and knives by the University of Alaska."

-SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 121

SHORT TITLE: SECURITY FREEZE ON MINOR'S CREDIT REPORT

SPONSOR(S): SENATOR(S) MEYER

01/19/16 (S) PREFILE RELEASED 1/8/16  
01/19/16 (S) READ THE FIRST TIME - REFERRALS  
01/19/16 (S) L&C, JUD  
01/26/16 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)  
01/26/16 (S) Heard & Held  
01/26/16 (S) MINUTE(L&C)  
01/28/16 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)  
01/28/16 (S) Moved SB 121 Out of Committee  
01/28/16 (S) MINUTE(L&C)  
01/29/16 (S) L&C RPT 4DP  
01/29/16 (S) DP: COSTELLO, GIESSEL, MEYER, ELLIS  
02/08/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/08/16 (S) Heard & Held  
02/08/16 (S) MINUTE(JUD)  
02/17/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 83

SHORT TITLE: REPEAL COLLECTION OF CIVIL LITIG. 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  
03/04/15 (H) Moved CSHB 83(JUD) Out of Committee  
03/04/15 (H) MINUTE(JUD)  
03/06/15 (H) JUD RPT CS(JUD) 4DP 1DNP  
03/06/15 (H) DP: CLAMAN, GRUENBERG, FOSTER, LEDOUX  
03/06/15 (H) DNP: KELLER  
04/07/15 (H) TRANSMITTED TO (S)  
04/07/15 (H) VERSION: CSHB 83(JUD)  
04/08/15 (S) READ THE FIRST TIME - REFERRALS  
04/08/15 (S) JUD, FIN  
04/15/15 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

04/15/15 (S) Scheduled but Not Heard  
02/17/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

BILL GORDON, Nominee

Select Committee on Legislative Ethics, public seat  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified as a nominee to the Select  
Committee on Legislative Ethics, public seat.

SENATOR MEYER

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 121.

EDRA MORLEDGE, Staff

Senator Kevin Meyer  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Described the changes in the CS for SB 121.

GABRIELLE LEDOUX

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 83.

SUZANNE DIPIETRO, Executive Director

Alaska Judicial Council  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 83.

MICHELLE V. MINOR, Attorney

Law Office of Michelle V. Minor  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 83.

KEN P JACOBUS, Attorney

Law Office of Kenneth P Jacobus  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 83.

SARAH BADTEN, Attorney

Groh Eggers LLC  
Anchorage Alaska

**POSITION STATEMENT:** Testified in support of HB 83.

## **ACTION NARRATIVE**

[1:33:29 PM](#)

**VICE CHAIR JOHN COGHILL** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Wielechowski, and Vice Chair Coghill. Chair McGuire arrived shortly thereafter.

### **CONFIRMATION HEARING** **Select Committee on Legislative Ethics**

[1:33:45 PM](#)

**VICE CHAIR COGHILL** announced the first order of business would be to hear from Bill Gordon who is the Chief Justice nominee to the Select Committee on Legislative Ethics. He noted that Chair McGuire reported that there had been no push-back on this nomination. He related that he knows Mr. Gordon well enough to feel confident that he will do a good job on this committee.

[1:34:06 PM](#)

**BILL GORDON**, Nominee, Select Committee on Legislative Ethics, public seat, Fairbanks, Alaska said he's been before the committee two times before for confirmation to the Board of Governors of the Alaska Bar and the Alaska Judicial Council. He related that he is a lifelong Alaskan, has lived mostly in the Interior and has served in both the public and private sectors in his career. Chief Justice Stowers called and asked if he would serve on this committee and he had to admit he'd never heard of it. They read the statutes together and got a sense of the important work that the committee does. Interestingly, he'd been serving in this same capacity while on the Board of Governors and this seemed like a logical progression. He hasn't had much interaction with the legislative bodies, but believes he could be of service in avoiding problems, and when they exist his experience might be put to good use.

[1:37:45 PM](#)

Audio difficulties; Mr. Gordon couldn't hear the committee.

[1:38:25 PM](#)

At ease

[1:38:38 PM](#)

**SENATOR COGHILL** reconvened the meeting and commented on the value of having someone who does not work within the system.

MR. GORDON related that he served on both the Board of Governors of the Alaska Bar and the Alaska Judicial Council as a non-attorney and the experience was rewarding. He added that he has strong admiration for those willing to put themselves before the public in any capacity. It's given him some appreciation for the mine field that legislators navigate.

[1:41:08 PM](#)

VICE CHAIR COGHILL passed the gavel to Chair McGuire.

CHAIR MCGUIRE thanked Mr. Gordon for being willing to serve and wished him luck in the process.

[1:43:07 PM](#)

CHAIR MCGUIRE stated that the committee would sign the form to forward the name Bill Gordon for a public seat on the Select Committee on Legislative Ethics.

**SB 121-SECURITY FREEZE ON MINOR'S CREDIT REPORT**

[1:43:27 PM](#)

CHAIR MCGUIRE announced the consideration of SB 121. She requested a motion to adopt the proposed committee substitute (CS).

[1:43:32 PM](#)

SENATOR COGHILL motioned to adopt the CS for SB 121, labeled 29-LS1129\H, as the working document.

CHAIR MCGUIRE found no objection and version H was before the committee. She asked the sponsor to confirm that he is satisfied the CS makes the changes discussed in an earlier hearing.

[1:44:06 PM](#)

SENATOR MEYER, Alaska State Legislature, sponsor of SB 121, stated that the CS makes the changes that the committee requested. He asked his staff to walk through those changes.

[1:44:30 PM](#)

EDRA MORLEDGE, Staff, Senator Kevin Meyer said the CS for SB 121 adds "incapacitated person" and "protected person" to the individuals a parent, legal guardian, or conservator can make a request on behalf of. This makes it abundantly clear that a conservator can act in this capacity.

[1:45:18 PM](#)

SENATOR WIELECHOWSKI motioned to report the CS for SB 121, labeled 29-LS1129\H, from committee with individual recommendations and attached fiscal note(s).

CHAIR MCGUIRE announced that without objection, CSSB 121(JUD) is reported from the Senate Judiciary Standing Committee.

**HB 83-REPEAL COLLECTION OF CIVIL LITIG. INFO**

[1:46:39 PM](#)

CHAIR MCGUIRE announced the consideration of HB 83. [CSHB 83(JUD) was before the committee.]

[1:46:50 PM](#)

CHAIR MCGUIRE passed the gavel to Vice Chair Coghill for the hearing on HB 83.

[1:46:52 PM](#)

GABRIELLE LEDOUX, Alaska State Legislature, sponsor of HB 83 introduced the legislation speaking to the following sponsor statement:

HB 83 eliminates the automatic reporting of information about civil case settlements currently required by law. This bill follows the advice of the Judicial Council, which has recommended that the legislature do away with this requirement. HB 83 would provide a more targeted, less burdensome, and more cost-effective method of compiling information about the resolutions of civil court. Passing this bill would save money and time by freeing attorneys and litigants from an unnecessary and functionally useless submission of data which the Judicial Council sees no point in collecting.

It is part of the job of the legislature to eliminate waste and to make government more effective. Discarding needless data collection requirements is an easy way to achieve cost-savings and streamline government. HB 83 does exactly this.

I urge your support for the swift passage of HB 83.

REPRESENTATIVE LEDOUX said two of the fiscal notes are zero and a third reflects a \$20,000 savings.

[1:48:43 PM](#)

VICE CHAIR COGHILL opened public testimony.

[1:49:29 PM](#)

SUZANNE DIPIETRO, Executive Director, Alaska Judicial Council, Alaska Court System, Anchorage, Alaska, reinforced the sponsor's explanation. The Judicial Council has no problem with the repeal of the requirement. She offered to answer questions.

VICE CHAIR COGHILL questioned the reason for the noncompliance.

MS. DIPIETRO explained that the legislation has been on the books for a number of years, but many attorneys do not comply with the reporting requirement and the statute has no enforcement mechanism. The Judicial Council has had mixed success in increasing compliance and has concluded that so few people return the questionnaires that it would be misleading to summarize the information and publish it.

MICHELLE MINOR, Attorney, Law Office of Michelle V. Minor, Anchorage, Alaska, testified in support of HB 83. She has been in civil practice in Alaska for 40 years and has represented many people on civil matters that required this reporting. Her experience is that it takes from half an hour to a few hours to complete the form. The rule applies in cases where one of the litigants is pro se and she's had the court system request that she, as the prosecuting attorney, complete the report for the pro se litigant in compliance with Civil Rule 41.

MS. MINOR said the purpose of the rule was served years ago and it's now time to repeal the rule and statute.

VICE CHAIR COGHILL commented that it seems that the value has found its day.

[1:54:36 PM](#)

KEN P JACOBUS, Attorney, Law Office of Kenneth P Jacobus, testified that he has been fighting to have this requirement removed from the statutes for some time. He related that the Alaska Judicial Council issued a report in 2001 that showed nothing unusual, but has issued no reports since then. He diligently files these reports as required by law, but many attorneys and pro se litigants do not. He pointed out that this makes criminals out of those who does not comply with the statute.

VICE CHAIR COGHILL commented that this could be called the paper and scofflaw reduction act.

[1:57:27 PM](#)

SARAH BADTEN, Attorney, Groh Eggers LLC, testified in support of HB 83. She agreed with the previous testimony and added her understanding that the rule was adopted to compare attorney fees on tort cases. Her practice is primarily contract law and she files a lot of suits that are dismissed once the people come in and pay what they owe. She is required to fill out the form even though the information is not reflective of any useful information for the Alaska Judicial Council or the legislature. It's time for the rule and statute to be repealed.

VICE CHAIR COGHILL said the committee will take her testimony to heart and pass the bill when the committee meets its quorum requirement. He asked Senator Wielechowski if he had any questions.

SENATOR WIELECHOWSKI answered no; he's convinced the rule and statute is no longer needed.

VICE CHAIR COGHILL stated that HB 83 will be held in committee with public testimony open.

[2:01:41 PM](#)

There being no further business to come before the committee, Vice Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:01 p.m.