

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

February 8, 2018

8:01 a.m.

MEMBERS PRESENT

Representative Justin Parish, Co-Chair
Representative Harriet Drummond
Representative John Lincoln
Representative Dan Saddler
Representative David Talerico
Representative Jonathan Kreiss-Tomkins (alternate)

MEMBERS ABSENT

Representative George Rauscher
Representative DeLena Johnson (alternate)

OTHER LEGISLATORS PRESENT

Representative Chris Tuck

COMMITTEE CALENDAR

HOUSE BILL NO. 298

"An Act relating to the number of superior court judges in the first judicial district; and providing for an effective date."

- MOVED HB 298 OUT OF COMMITTEE

HOUSE BILL NO. 269

"An Act relating to distillery licenses."

- MOVED HB 269 OUT OF COMMITTEE

HOUSE BILL NO. 267

"An Act requiring the release of certain records relating to big game hunters, guided hunts, and guided sport fishing activities to municipalities for verification of taxes payable; and providing for an effective date."

- MOVED CSHB 267(CRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 298

SHORT TITLE: NUMBER OF SUPERIOR COURT JUDGES

SPONSOR(s): RULES BY REQUEST

01/22/18	(H)	READ THE FIRST TIME - REFERRALS
01/22/18	(H)	CRA, JUD
01/30/18	(H)	CRA AT 3:00 PM BARNES 124
01/30/18	(H)	-- MEETING CANCELED --
02/08/18	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 269

SHORT TITLE: DISTILLERY LICENSEES; SERVICE ON PREMISES

SPONSOR(s): TUCK

01/12/18	(H)	PREFILE RELEASED 1/12/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	CRA, L&C
01/30/18	(H)	CRA AT 3:00 PM BARNES 124
01/30/18	(H)	-- MEETING CANCELED --
02/03/18	(H)	CRA AT 10:00 AM BARNES 124
02/03/18	(H)	Heard & Held
02/03/18	(H)	MINUTE(CRA)
02/08/18	(H)	CRA AT 8:00 AM BARNES 124

BILL: HB 267

SHORT TITLE: RELEASE HUNTING/FISHING RECORDS TO MUNI

SPONSOR(s): EDGMON

01/12/18	(H)	PREFILE RELEASED 1/12/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	CRA, RES
01/25/18	(H)	CRA AT 8:00 AM BARNES 124
01/25/18	(H)	Heard & Held
01/25/18	(H)	MINUTE(CRA)
02/08/18	(H)	CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

NANCY MEADE, General Counsel
Administrative Offices
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 298, on behalf of the House Rules Committee, sponsor by request of the Alaska Court System.

TIM CLARK, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the proposed committee substitute (CS) for HB 267, Version 30-LS0808\J, Bullard, 1/25/18, on behalf of Representative Edgmon, prime sponsor.

ACTION NARRATIVE

[8:01:29 AM](#)

CO-CHAIR JUSTIN PARISH called the House Community and Regional Affairs Standing Committee meeting to order at 8:01 a.m. Representatives Drummond, Kreiss-Tomkins (alternate), Talerico, Lincoln, and Parish were present at the call to order. Representatives Saddler and Fansler arrived as the meeting was in progress.

HB 298-NUMBER OF SUPERIOR COURT JUDGES

8:02:31

[8:02:10 AM](#)

CO-CHAIR PARISH announced that the first order of business would be HOUSE BILL NO. 298, "An Act relating to the number of superior court judges in the first judicial district; and providing for an effective date."

[8:02:49 AM](#)

NANCY MEADE, General Counsel, Administrative Offices, Alaska Court System, testified during the hearing on HB 298, on behalf of the House Rules Committee, sponsor by request of the Alaska Court System. She stated that HB 298 would increase the number of Alaska Superior Court judges by one, and that increase would be in the First Judicial Court District, in Southeast Alaska. The bill carries a zero fiscal note. This statutory change is being proposed by the court system and is an administrative matter. She noted that the last time the court brought forth a request to the legislature was in 2011, when two seats were added to the Anchorage Judicial Court District, bringing the total number at that time from 40 to 42. She explained that AS 22.10.120 sets the number of Alaska Superior Court judges and requires the Alaska Court System to get legislative authorization to increase the number; this is mandated under Article IV of the Constitution of the State of Alaska. She said the same is not true for district court judges, a fact she said would become relevant as she explains the court's desired outcome under HB 298.

[8:05:05 AM](#)

MS. MEADE said the chief justice, in his state of the judiciary speech, had expressed that the Juneau Superior Court is overburdened with casework relative to the number of superior court judges, and it has been this way for many years. It has the second-highest number of superior court case filings per superior court judge in the state; the highest is Anchorage. She said in some ways it is not a fair comparison because Anchorage has many other resources and is set up differently, such that Anchorage does not need another superior court judge. Because of Juneau's paucity of judges, she explained, the Juneau Superior Court may not be able to schedule hearings as quickly and written work does not get done in a timely manner. She said the court has recognized this for some time: in 2014 and again in 2015, the court had a capital budget request for an extra courtroom in the Dimond Court House in Juneau, but that was not funded. A request was made in 2016 for additional rooms but was not funded. Having the extra rooms would have at least allowed a visiting judge to hold hearings at the same time as the sitting judges were holding hearings. As a result, the Juneau

caseload has been redistributed. Specifically, the presiding judge of the First Judicial Court District, who lives and works in Ketchikan, has been traveling to Juneau to help alleviate the case backlog. To lighten the load on his Juneau colleagues, this judge has been taking on approximately one-third of the Juneau civil cases, all the administrative agency appeals brought to the Juneau Superior Court, and periodic big criminal trials. She said he has been doing this for several years, which means he has been working unsustainable hours for that time. She said it is not a model that the court wants to continue; therefore, it has been looking for a better solution.

8:08:00 AM

MS. MEADE noted a solution may have presented itself because of lucky timing. She explained that a district court judge in Juneau has announced retirement this summer, so the Juneau Supreme Court wants to convert that seat into a Juneau Superior Court seat. She reviewed that superior court judges are judges of general jurisdiction while district court judges have limited jurisdiction. She noted that typically, superior court judges handle felonies, domestic relations, probate matters, and civil cases in which the amount of controversy is over \$100,000. She then listed that which district court judges handle. Currently, Juneau has two superior and two district court judges. Converting the one district court seat to a superior court seat can be done with nearly no fiscal impact, because the same office, computer, and supplies can be used, as well as existing judicial assistance and resources. She said the only difference in cost is the difference in salary, which would be approximately \$35,500, which would be absorbed by the court system via attrition and savings the court has achieved in other areas. For example, there are unfilled positions in a long-term vacancy pool, the savings from which can be used to address the wage difference.

8:11:04 AM

REPRESENTATIVE KREISS-TOMKINS indicated that he learned from the judicial address given the day before and is impressed with the court system's focus on frugality and efficiency. He expressed

support for HB 298. He asked if it would make sense in the future to request the clerks for this proposed new superior court judge.

MS. MEADE said she has heard this concern before. She explained that the new judge would share the judicial assistants and two law clerks presently in the Juneau Superior Court, and "everyone thinks that that will be a fine solution and will work out well," because the addition of a judge will bring down the filings significantly, and two law clerks are considered sufficient to handle that caseload. She said the court's plan is not to come back to make the request outlined by Representative Kreiss-Tomkins. If the court does need an additional law clerk, it would seek to address that need by moving positions around within the court system. She said she cannot promise the request would never be made of the legislature, but at this point there is no plan to ask in the future. She offered other examples to show that sharing law clerks is not uncommon.

[8:13:42 AM](#)

REPRESENTATIVE SADDLER asked how much savings has been seen from "that 5 percent reduction in employees" and how much of that savings would be taken up by the swapping out of one district court judge to gain one superior court judge.

MS. MEADE answered that the court system has lost 11 percent of its work force, several of which have been from the First Judicial Court District. She said 45 positions have been eliminated and there are about 32 positions in the long-term vacancy pool. She said she does not know what the actual cost savings is, but she said she knows one unfilled assistant to an administrator position brought a savings to the court of approximately \$70,000, including benefits. The proposed reclassification of the judge is only half that amount. In response to Representative Saddler, she said she would provide the requested total to the committee.

[8:15:29 AM](#)

REPRESENTATIVE DRUMMOND asked if the caseload has diminished, increased, or stayed about the same.

MS. MEADE answered that the caseloads fluctuate but have not changed significantly. She offered examples. In response to a follow-up question, she related that in some instances, but not others, cases are taking longer to process. She added, "Yes, it can be a little bit slower when you have more case filings and more work to do per person."

[8:17:22 AM](#)

REPRESENTATIVE SADDLER questioned why the remaining district court judge would not be overwhelmed.

MS. MEADE offered that there is another position, which is the magistrate judge, and that judge currently is doing a lot of preparatory work for the two Juneau Superior Court judges. If HB 298 passes, that magistrate judge would take on more district court work addressing minor offenses. Further, she said superior court judges can handle district court matters. She said this caseload distribution would be coordinated. She noted that this one district court judge and two superior court judge combination is the current model in Kenai, Alaska, which has nearly identical case filing numbers. In response to a follow-up question, she said if Juneau gets the three superior court judges, all three would be doing some district court work. She said no additional training will be necessary for the magistrate judge to do the necessary work.

REPRESENTATIVE SADDLER said, "I'm wondering how you're spinning gold out of straw here." He said he wants to make sure there is no work left uncovered.

MS. MEADE responded that there would be the same number of cases with people who can do more to handle the right types of cases. She added, "And if that one judge could handle some of their work instead, that would alleviate the pressure, and it will also alleviate the traveling judge having to come up here, and it will change what the ... magistrate judge focuses most of his time on." In response to a follow-up question, she said the

court has no plans to ask for further judge changes or additional magistrates. She said the court is "always moving people around," but it is only for the superior court judge that the court needs the authorization from the legislature.

[8:22:20 AM](#)

CO-CHAIR PARISH opened public testimony on HB 298. After ascertaining that there was no one who wished to testify, he closed public testimony.

CO-CHAIR PARISH stated that because HB 298 is "rather uncontroversial," has a zero fiscal note, and is going to be heard by another committee of referral, he would entertain a motion to move it out of committee.

[8:23:01 AM](#)

REPRESENTATIVE LINCOLN moved to report HB 298 out of committee with individual recommendations and the accompanying zero fiscal note.

[8:23:11 AM](#)

REPRESENTATIVE TALERICO objected for the purpose of discussion. He said Ms. Meade's presentation of the proposed legislation was one of the better ones he has heard. He said after hearing the aforementioned address yesterday and Ms. Meade's testimony today, he thinks HB 298 is noncontroversial and probably will solve huge issues in the First Judicial Court District.

REPRESENTATIVE TALERICO removed his objection.

[8:24:04 AM](#)

CO-CHAIR PARISH announced that there being no further objection, HB 298 was reported out of the House Community and Regional Affairs Standing Committee.

[8:24:15 AM](#)

The committee took an at-ease from 8:24 a.m. to 8:28 a.m.

HB 269-DISTILLERY LICENSEES; SERVICE ON PREMISES

[8:28:13 AM](#)

CO-CHAIR PARISH announced that the next order of business would be HOUSE BILL NO. 269, "An Act relating to distillery licenses."

[8:29:02 AM](#)

REPRESENTATIVE DRUMMOND moved to report HB 269 out of committee with individual recommendations and the accompanying fiscal notes.

[8:29:09 AM](#)

REPRESENTATIVE SADDLER objected.

[8:29:22 AM](#)

CO-CHAIR PARISH said HB 269 would address what some consider a premature or unfair ruling that could adversely affect many businesses in Alaska operating under good faith. He said he does not think HB 269 is "the final word" but is "a fix" urgently needed. He stated support for HB 269.

[8:30:12 AM](#)

REPRESENTATIVE SADDLER said after hearing all the testimony [on 1/25/18], he is still concerned about "the blurring of the lines ... between what is a bar - a beverage dispenser licensee that can serve mixed drinks - and a distillery - a manufacturer, who has a side business of providing tastes of liquor, but which is going to expand that to provide mixed drinks." He expressed concern about a trend in the future wherein the same arguments that would allow the proposed legislation would be equally compelling to allow distilleries to provide entertainment or "other accoutrements and accessories" that might make them more like a bar.

[8:31:00 AM](#)

REPRESENTATIVE TALERICO said he shares the same concerns and has heard from others with the same concerns. He said he thinks there is a gray area, and he expects the next committee of referral will work on the issue. He opined that [HB 269] would be appropriately moving forward to a committee of jurisdiction in which he thinks it belongs.

[8:31:54 AM](#)

REPRESENTATIVE DRUMMOND said because the selection of liquor offered in distilleries is limited, as well as mixers, she does not have a problem with HB 269. She noted further that distilleries' hours of operation are limited and "the facilities are limited to what they can entertain." She said she thinks the committee has heard "plenty of significant testimony from those who have made significant investments in building and operating and opening distilleries and contributing to the diversity of manufacturing in Alaska." She stated support for HB 269.

[8:33:00 AM](#)

REPRESENTATIVE SADDLER removed his objection.

[8:33:12 AM](#)

CO-CHAIR PARISH announced there being no further objection, HB 269 was reported from the House Community and Regional Affairs Standing Committee.

[8:33:26 AM](#)

The committee took an at-ease from 8:33 a.m. to 8:37 a.m.

HB 267-RELEASE HUNTING/FISHING RECORDS TO MUNI

[8:37:34 AM](#)

CO-CHAIR PARISH announced that the final order of business would be HOUSE BILL NO. 267, "An Act requiring the release of certain records relating to big game hunters, guided hunts, and guided sport fishing activities to municipalities for verification of taxes payable; and providing for an effective date."

CO-CHAIR PARISH noted that public testimony had been heard previously [and closed on 1/25/18].

[8:38:08 AM](#)

REPRESENTATIVE LINCOLN moved to adopt the proposed committee substitute (CS) for HB 267, Version 30-LS0808\J, Bullard, 1/25/18, ("Version J"), as the working document.

[8:38:17 AM](#)

CO-CHAIR PARISH objected for the purpose of discussion.

[8:38:29 AM](#)

TIM CLARK, Staff, Representative Bryce Edgmon, Alaska State Legislature, presented the CS for HB 267, Version J, on behalf of Representative Edgmon, prime sponsor. He said Version J would allow municipalities that levy a tax on hunting and fishing activities access to records and reports submitted by guiding outfits to the state. The access would be granted to verify taxes payable and, for all such reports that they would access, confidentiality would be maintained. He said Version J includes a change as a result of [Amendment 1, adopted on 1/25/18], which clarifies confidentiality in Section 1 of HB 267.

[8:40:01 AM](#)

MR. CLARK, in response to Representative Saddler, clarified that the language in Section 1 of Version J replaced the language in Section 1 of the original bill version. He said the language "makes more explicit the requirement on the part of the municipality to maintain the confidentiality of the records." In response to a follow-up question, he said the consequences

for violating that confidentiality would not be changed and are quite serious in criminal law.

[8:41:19 AM](#)

MR. CLARK, in response to Representative Lincoln, referred to a handout in the committee packet, which shows statutes under Title 11 that address legal consequences for breaching confidentiality. They are: AS 11.56.850 and AS 11.56.860. Breaches for both are classified as Class A Misdemeanors. In response to a follow-up question, he explained that much of the information provide by guides to the state is considered proprietary because many of them have hunting areas or "fishing holes" that may be "hot spots" they do not want to advertise to their competitors. These are areas where guides know they can take their clients and those clients will be successful.

[8:43:58 AM](#)

The committee took an at-ease from 8:43 a.m. to 8:44 a.m.

[8:44:20 AM](#)

CO-CHAIR PARISH removed his objection to the motion to adopt CS for HB 267, Version J.

[8:44:38 AM](#)

REPRESENTATIVE SADDLER objected to offer his understanding that a committee member who was not present had an amendment to offer and would offer it at the next committee of referral.

CO-CHAIR PARISH said that is correct.

[8:45:04 AM](#)

MR. CLARK said the bill drafter in Legislative Legal and Research Services suggested that "we put a statement on the record ... in the hopes of avoiding any future legal uncertainties because of ... Section 1 ... having been repealed and reenacted."

[8:45:34 AM](#)

CO-CHAIR PARISH stated as follows:

To ensure that there are no future legal uncertainties regarding repeal and reenactment of AS 08.54.760(b), I would like to put on the record that federal law enforcement and other law enforcement authorities will continue to have access to hunting records submitted to the state prior to the enactment of this legislation should that come to pass.

CO-CHAIR PARISH noted that Alpheus Bullard of Legislative Legal and Research Services was available on line to answer any questions regarding the statement.

[8:46:30 AM](#)

REPRESENTATIVE SADDLER removed his objection to the motion to adopt the proposed CS for HB 267, Version 30-LS0808\J, Bullard, 1/25/18, as the working document. [There being no further objection, Version J was before the committee as a working document.]

[8:46:46 AM](#)

REPRESENTATIVE KREISS-TOMKINS opined that [HB 267, Version J] is a great bill that would garner interest from communities with hunting and fishing activity.

[8:47:12 AM](#)

REPRESENTATIVE TALERICO said he had contact with someone who was "somewhat uncomfortable with this." He said he has experience with municipal government and there is "no nefarious intent by municipal government to keep accurate records." He said most municipalities in Alaska follow the general accounting standards of the Governmental Accounting Standards Board (GASB) laws, which require accurate record keeping. He opined that it would be inaccurate to say that municipalities are "loose" with

confidential records; his experience has shown those records are "very well guarded." He said he would tell people who have a concern about this issue that this is not a concern he shares.

[8:48:58 AM](#)

REPRESENTATIVE LINCOLN moved to report CSHB 267, Version 30-LS0808\J, Bullard, 1/25/18, out of committee with individual recommendations and forthcoming updated fiscal note.

[8:49:15 AM](#)

REPRESENTATIVE SADDLER questioned "forthcoming updated."

[8:49:16 AM](#)

MR. CLARK explained that it is the bill sponsor's understanding that with the clarification of strict confidentiality under Version J, the fiscal note from the Department of Commerce, Community & Economic Development would be "considerably reduced." He explained that the department had thought that vast amounts of information would have to be manually redacted, which would cost the department time and resources; Version J would not require that kind of activity and, thus, would bring down the cost significantly.

[8:50:11 AM](#)

REPRESENTATIVE SADDLER said he gets nervous when he hears the committee is going to approve "a pig in a poke," but he said he takes comfort knowing there is another committee of referral. He said he would check to make sure the fiscal note is properly modified.

[8:50:27 AM](#)

CO-CHAIR PARISH announced that there being no objection, CSHB 267(CRA) was reported out of the House Community and Regional Affairs Committee.

[8:50:47 AM](#)

The committee took two consecutive at-eases from 8:51 a.m. to 8:55 a.m.

[8:55:25 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:55 a.m.