

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

March 12, 2001
1:34 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator John Cowdery
Senator Gene Therriault
Senator Johnny Ellis

MEMBERS ABSENT

Senator Dave Donley, Vice Chair

COMMITTEE CALENDAR

SENATE BILL NO. 97
"An Act relating to fees for probation and parole."
MOVED SB 97 OUT OF COMMITTEE

SENATE BILL NO. 103
"An Act relating to election campaigns and legislative ethics; and
providing for an effective date."
MOVED CSSB 103 (JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

No previous action.

WITNESS REGISTER

Ms. Loretta Brown
Staff to Senator Jerry Ward
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Introduced SB 97

Mr. Bruce Richards, Special Assistant
Office of the Commissioner
Department of Corrections
4500 Diplomacy Drive, Suite 109
Anchorage, AK 99508-5927
POSITION STATEMENT: Testified on SB 97

Ms. Susie Barnett
Ethics Committee Administrator

Select Committee on Legislative Ethics
PO Box 101468
Anchorage, AK 99510-1468
POSITION STATEMENT: Testified on SB 103

Ms. Brooke Miles, Director
Alaska Public Offices Commission
2221 East Northern Lights, Room 128
Anchorage, Alaska 99508-4149
POSITION STATEMENT: Testified on SB 103

ACTION NARRATIVE

TAPE 01-7, SIDE A
Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 1:34 p.m. Senator Cowdery, Senator Therriault and Chairman Taylor were present. Senator Ellis arrived at 1:38 p.m. Chairman Taylor announced the first order of business would be SB 97.
#SB 97

SB 97-PROBATION AND PAROLE FEES

MS. LORETTA BROWN, staff to Senator Jerry Ward, said the fiscal notes are now available and an amendment is being worked on but it is not yet ready. The amendment provides a more cost effective way to convert unpaid fees to civil judgments and take them out of the court system. This amendment would drop fiscal notes from the administration and public defender's office. Ms. Brown wanted to point out that, "DOC does not anticipate revoking probation and parole solely based on nonpayment of fees." The nonpayment of parole fees has been linked to other problems with parole, and would not make more work for the court because parole hearings would be held for other reasons.

Number 227

SENATOR COWDERY asked how many states have similar legislation.

MS. BROWN responded that other states do have similar legislation but she did not know how many.

SENATOR COWDERY said the last time the committee discussed SB 97, he was disappointed that the administration said it could not work with this type of legislation - instead of trying to find ways to make it work.

CHAIRMAN TAYLOR pointed out the sponsor statement reports that 48 states collect some type of correctional fee.

MR. BRUCE RICHARDS, Special Assistant in the Department of Corrections, testifying via teleconference from Anchorage, said his office did not have a copy of the amendment being discussed.

CHAIRMAN TAYLOR said the amendment had not been drafted yet, but it would incorporate the department and make it a civil judgment to remove some of enforcement difficulties. The people in the probation agency that currently collect restitution would probably handle the civil judgment.

SENATOR COWDERY moved SB 97 from committee with individual recommendations.

SENATOR ELLIS objected, and a roll call vote was taken. The motion carried with Senators Therriault, Cowdery, and Taylor voting "yea," and Senator Ellis voting "nay."

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The committee took up SB 103.

#SB 103
Number 630

SB 103-ELECTION CAMPAIGNS AND LEGISLATIVE ETHICS

SENATOR COWDERY moved to adopt CSSB 103(JUD), Version 22-LS0148\W, for discussion purposes. There being no objection, the motion carried.

MS. SUSIE BARNETT, Select Committee on Legislative Ethics (SCLE), said SCLE has been following SB 103 through the process. She stated the changes made in the Senate State Affairs Committee helped with clarification. She said she did not have a copy of the new committee substitute (CS) and asked if it applies to campaign finance.

CHAIRMAN TAYLOR responded it does; the two provisions in the new CS cover volunteer and legal services that are being utilized in most campaigns.

Number 789

SENATOR THERRIAULT said he could not find the provision in CSSB 103(JUD) that deals with attorneys volunteering their time. He

noted there was a provision on page 6 that deals with communications made by a corporation to its stockholders. Senator Therriault explained that the current statutory language allows accountants to help fill out campaign reports; under current law this is not considered to be a contribution. Therefore, SB 103 recognizes that accountants have a high hourly rate and it allows them to volunteer their time on behalf of a campaign. Similar language has been requested on behalf of attorneys.

CHAIRMAN TAYLOR said volunteer time for attorneys probably belongs in the provision on page 5, line 23, that says: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party....

SENATOR THERRIAULT said it looks like language had been deleted from this provision and that it actually proposes the deletion of services provided by an accountant or other persons. This language is currently in statute so an accountant can help prepare an APOC report and not be capped-out at a dollar amount. He said it looks like the language was being removed from existing statutes and there was no language that puts it into another section.

SENATOR THERRIAULT asked about the provision on page 6 that reads:

(ii) communications with a value of \$500 or less on any subject made by a corporation to its stockholders and employees and their families or by a nonprofit corporation, labor organization, or unincorporated business or trade association to its employees and members and their families;

SENATOR THERRIAULT read from a "Solidarity Update" newsletter, which contains a suggested list of candidates for its membership to endorse. He said the newsletter did not come out and say, "Please vote for Eric Croft" but it did say:

But since the next legislature will choose to fund (or not fund) the contract we are preparing to negotiate, and given the current legislative majority's prior attempts to cut our pay, reduce our benefits, and privatize our jobs, it might be prudent to consider the fact that these candidates have shown a willingness to support public employees.

SENATOR THERRIAULT said the newsletter says because of this the members should vote for the long list of people shown in the newsletter. He asked if this would be counted as a contribution with regard to the amount that could be spent on an individual's

campaign.

MS. BROOKE MILES, Director, Alaska Public Offices Commission (APOC), said APOC has a regulation addressing this issue. The existing regulation is somewhat different from Senator Donley's proposed amendment in that it says the communication is not a contribution when entities communicate with their members, stockholders and members of their family or their employees if it is done in a way in which they always communicate, such as a newsletter or e-mail.

MS. MILES said she was somewhat confused about whether or not the purpose of Senator Donley's amendment is to limit existing communications to \$500.

Number 1215

SENATOR THERRIAULT clarified that current regulations allow labor organizations, in the normal course of their monthly newsletters, to advocate for individuals. He asked if the same is true for corporations.

MS. MILES said yes. She said corporations sometimes communicate with employees or shareholders through weekly newsletters or e-mails and they do so without regulations and limits.

SENATOR THERRIAULT asked if the new language of "communications with a value of \$500 or less," would force APOC into a position of estimating the value of communications, whereas otherwise, APOC would not have to estimate the value for a normal mode of communication.

MS. MILES agreed that would happen and said if this language becomes law, there would be no practical way to track it. The language does not say that when a communication worth \$500 or less is made, that a report needs to be submitted. There would be no information available to the public. Someone would just find out about it, report to APOC, and a complaint would be filed.

SENATOR THERRIAULT said the Senate State Affairs Committee members discussed this with Senator Donley, who believes that communication association is a first amendment right and that it is appropriate for unions to do this. Senator Therriault said he was trying to make sure that corporations and other groups had the same rights to communicate with their employees but under current regulation this is already allowed. The suggested language in the new CS does not try to limit that right, but it is not clear how APOC would evaluate the value of a publication if there were a complaint.

CHAIRMAN TAYLOR said the \$500 or less contribution impinges upon everyone's first amendment rights. He said it is a policy call whenever a person's right to free speech is restricted.

CHAIRMAN TAYLOR said it appears that deleting the language on page 5 accomplished the purpose that was intended.

Number 1490

SENATOR ELLIS said he would like to wait for Senator Donley's explanation of the amendment before passing CSSB 103(JUD) out of committee.

CHAIRMAN TAYLOR said he also was frustrated that Senator Donley could not be there, but he understands the two amendments the judiciary committee made to SB 103.

SENATOR THERRIAULT said that if Senator Ellis had questions on the specific language or other portions of the bill, staff was there to answer questions.

SENATOR ELLIS said he understood the bill.

SENATOR COWDERY moved CSSB 103(JUD) out of committee with individual recommendation.

SENATOR ELLIS objected and a roll call vote was taken. Senators Cowdery, Therriault and Chairman Taylor voted "yea." Senator Ellis voted "nay," and so CSSB 103(JUD) moved from committee.

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There being no further business to come before the committee, CHAIRMAN TAYLOR adjourned the meeting at 2:03 p.m.