

ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE JUDICIARY STANDING COMMITTEE
SENATE JUDICIARY STANDING COMMITTEE

January 28, 2004

1:35 p.m.

MEMBERS PRESENT

HOUSE JUDICIARY

Representative Lesil McGuire, Chair
Representative Tom Anderson, Vice Chair
Representative Jim Holm
Representative Dan Ogg
Representative Ralph Samuels
Representative Les Gara
Representative Max Gruenberg

SENATE JUDICIARY

Senator Ralph Seekins, Chair
Senator Scott Ogan, Vice Chair
Senator Hollis French

MEMBERS ABSENT

HOUSE JUDICIARY

All members present

SENATE JUDICIARY

Senator Gene Therriault
Senator Johnny Ellis

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Select Committee on Legislative Ethics

H. Conner Thomas - Nome
Ann Rabinowitz - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 398

"An Act relating to domestic violence fatality review teams."

- HEARD AND HELD [See 2:00 p.m. minutes for this date]

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

H. CONNER THOMAS, Appointee
to the Select Committee on Legislative Ethics
Nome, Alaska

POSITION STATEMENT: Testified as appointee to the Select
Committee on Legislative Ethics.

ANN RABINOWITZ, Appointee
to the Select Committee on Legislative Ethics
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Select
Committee on Legislative Ethics.

ACTION NARRATIVE

TAPE 04-5, SIDE A [HOUSE JUD TAPE]
Number 001

CHAIR RALPH SEEKINS called the joint meeting between the House
Judiciary Standing Committee and the Senate Judiciary Standing
Committee to order at 1:35 p.m. Present at the call to order
from the House Judiciary Standing Committee were Representatives
McGuire, Holm, Ogg, Samuels, Gara, and Gruenberg.
Representative Anderson arrived as the meeting was in progress.
Present from the Senate Judiciary Standing Committee were
Senators Seekins, Ogan, and French.

CONFIRMATION HEARING

Select Committee on Legislative Ethics

[CHAIR SEEKINS passed the gavel to Chair McGuire.]

Number 0048

CHAIR McGUIRE announced that the first order of business would be the confirmation of the appointments of H. Conner Thomas and Ann Rabinowitz to the Select Committee on Legislative Ethics.

Number 121

H. CONNER THOMAS said he had been on the committee since 1999, and he felt like he had developed an ability to be of assistance to other people in committee, and it was a public service. He said he is a partner in a small law office and the amount of time that it takes for him to fulfill his obligations on the committee is not so great that he felt like he couldn't do it. Mr. Thomas said he felt that people expect it and that he has something to offer since he's been on the committee for a while now. He said it has turned out to be relatively enjoyable. He said lots of informal advice happens with the committee, and the focus in the few years that he's been on the committee has been on making the committee accessible to people. He said most of the [committee's] effort is spent trying to ensure that people have a place to call and get a reasonable answer to the various questions that arise "as you're going through your day as a legislator or a legislative employee."

REPRESENTATIVE GARA said committee members are thrilled that Mr. Thomas wants to serve on the Select Committee on Legislative Ethics, and he thanked Mr. Thomas for offering to serve.

Number 0325

SENATOR OGAN remarked, "It kind of a dog eat dog world ... here in Juneau and out there ... in the real world." He said he hadn't heard anyone complain about the job that Mr. Thomas had been doing, and he thought the ethics committee was a very important committee. Senator Ogan suggested that often some people use ethics complaints to try to discredit a particular individual. He asked Mr. Thomas if he tried to be objective regardless of whom the complaint is filed by or with.

MR. THOMAS, in response, said he liked to think that he is, and he can say from experience that the committee is very concerned during the deliberative process about whether there is a legitimate complaint. He said it is true that the committee does see complaints that, in his opinion, are motivated for reasons other than a violation of the ethics law. Mr. Thomas said he and the committee do take that into consideration. He said one of the things that has come up relatively recently in some of the committee's deliberations is the issue of

confidentiality. Mr. Thomas said the committee had been operating under the assumption that when a complaint was filed initially that it was confidential. He said there had been some rethinking of that position about whether the law requires that. He said he thought that is a little out of the area of the committee's jurisdiction, but it is a little unclear. For example, he said there was a complaint that was filed on television and there were some people that felt that that's not appropriate.

MR. THOMAS said it's not really clear that that's a violation of the law that currently stands. He said sometimes a meritless complaint can be filed and can have some impact on people just because of the fact that it is made and is made publicly.

CHAIR SEEKINS asked if there has there been any suggestion on the part of the members that there be clarifying legislation in that regard.

MR. THOMAS, in response, said it has been talked about, although he doesn't believe there has been a consensus among the committee about whether the committee should make a formal request to the legislature concerning that and if so, what it should ask for.

CHAIR SEEKINS asked Mr. Thomas if he knows how the committee is going to look at the confidentiality matter or if [the committee] had come to some conclusion on how it would be handled in the future.

MR. THOMAS, in response, said it was a matter of an ongoing discussion with the committee. He said it is to some extent still in flux based on conversations with the attorney that represents the committee. He couldn't say that the committee has determined what it will do but it is a consensus, at the moment, that there is no requirement that the person making the complaint keep that confidential.

CHAIR SEEKINS asked if the attorney representing the committee had made that legal determination.

MR. THOMAS said based on the last meeting regarding confidentiality, it was the opinion of the attorney that there is no requirement in law that the complaint is confidential, at least as it relates to the person making the complaint.

Number 0666

CHAIR SEEKINS moved to advance the confirmation of the appointment of H. Connor Thomas to the Select Committee on Legislative Ethics.

The committee took an at-ease from 1:47 p.m. to 1:48 p.m.

CHAIR SEEKINS polled the Senate Judiciary Standing Committee members. Senators Ogan, French, and Seekins stated support for the advancement of the appointment of H. Connor Thomas to the Select Committee on Legislative Ethics. Chair Seekins noted that the appointment of H. Connor Thomas was advanced from the Senate Judiciary Standing Committee.

CHAIR MCGUIRE polled the House Judiciary Standing Committee members. Representatives Gara, Gruenberg, Ogg, Holm, Samuels, and McGuire stated support for the advancement of the appointment of H. Connor Thomas to the Select Committee on Legislative Ethics. Chair McGuire noted that the appointment of H. Connor Thomas was advanced from the House Judiciary Standing Committee.

Number 0808

ANN RABINOWITZ, Appointee to the Select Committee on Legislative Ethics, testified, and she noted that she is currently a resident of Juneau, although she had lived many years in Anchorage. She said the reason why she wanted to serve on the committee is because a chief justice approached her and asked her if she would like to be a public member. Ms. Rabinowitz said she is honored by his selection and recommendation, and like Mr. Thomas she feels that it is a public service. She said when a person is younger and raising a family, that person has to guard time away from his or her family, but when the family is grown, then that person has an obligation to the community and the state.

CHAIR SEEKINS asked Ms. Rabinowitz how being a teacher has helped her in dispute resolutions and to get to the bottom of the issues.

MS. RABINOWITZ, in response, said it is a part of the process when teaching because there are 25 children with strong ideas, and the teacher has to help those children learn and help them to learn how to resolve issues. She said every school district approaches something and sometimes it's an overall plan, but for the most part it comes down to the individual teacher's

classroom and how that teacher manages the classroom and approaches the children.

CHAIR SEEKINS asked Ms. Rabinowitz if she'd had experience in getting to the truth in the matter even though the parties involved are all pointing at each other.

MS. RABINOWITZ, in response, said exactly; that's right.

Number 0941

SENATOR OGAN said the ethics committee plays a very important role. He suggested that various people file complaints for various motivations and some of them are honorable and others may be less than honorable. He asked Ms. Rabinowitz if she felt she could be impartial regardless of whom the complaint is filed by or against.

MS. RABINOWITZ, in response, said yes. She said that she was invited by Ms. Joyce Anderson to the training session that was held for new staff members, and that was a good thing to be exposed to because there were between 50 and 60 employees that were being trained and their questions were interesting. She said Ms. Anderson's approach to those questions was very good, and she thought the material that Ms. Anderson printed out was wonderful - it was direct and simple.

REPRESENTATIVE GARA disclosed to the committee that Ms. Rabinowitz is his landlord. He said in 1988 and 1989 he had worked for Ms. Rabinowitz's husband in Fairbanks, and he is also friendly with her daughter. He said really all that is wanted is for the [appointed] person to be honest, and he can't imagine a more honest person than Ms. Rabinowitz.

REPRESENTATIVE GRUENBERG said in having known Ms. Rabinowitz's husband for many years, he is very glad to meet her and is glad she is willing to serve.

Number 1110

SENATOR SEEKINS moved to advance the confirmation of the appointment of Ann Rabinowitz to the Select Committee on Legislative Ethics.

CHAIR SEEKINS polled the Senate Judiciary Standing Committee members. Senators Ogan, French, and Seekins stated support for the advancement of the appointment of Ann Rabinowitz to the

Select Committee on Legislative Ethics. Chair Seekins noted that the appointment of Ann Rabinowitz was advanced from the Senate Judiciary Standing Committee.

CHAIR McGUIRE polled the House Judiciary Standing Committee members. Representatives Gara, Gruenberg, Ogg, Holm, Samuels, and McGuire stated support for the advancement of the appointment of Ann Rabinowitz to the Select Committee on Legislative Ethics. Chair McGuire noted that the appointment of Ann Rabinowitz was advanced from the House Judiciary Standing Committee.

ADJOURNMENT

There being no further business before the committee, the joint meeting between the House Judiciary Standing Committee and the Senate Judiciary Standing Committee was adjourned at 1:55 p.m. [For the regular meeting minutes, see the 2:00 p.m. minutes for this date.]