

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 30, 2006  
8:06 a.m.

**MEMBERS PRESENT**

Representative Paul Seaton, Chair  
Representative Carl Gatto, Vice Chair  
Representative Jim Elkins  
Representative Bob Lynn  
Representative Jay Ramras  
Representative Berta Gardner

**MEMBERS ABSENT**

Representative Max Gruenberg

**COMMITTEE CALENDAR**

HOUSE BILL NO. 45

"An Act amending the definition of the term 'lobbyist' in the Regulation of Lobbying Act; and providing for an effective date."

- MOVED CSHB 45(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 249(JUD)

"An Act relating to criminal justice information."

- MOVED SB 249 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 27

Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

- MOVED CSHJR 27(MLV) OUT OF COMMITTEE

HOUSE BILL NO. 461

"An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the provisions of law setting

standards of conduct for legislative branch officers and employees; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 45

SHORT TITLE: CONTRIBUTIONS, LOBBYISTS, DISCLOSURE

SPONSOR(s): REPRESENTATIVE(s) WEYHRAUCH

01/10/05	(H)	PREFILE RELEASED 12/30/04
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	STA, JUD
02/23/06	(H)	STA AT 8:00 AM CAPITOL 106
02/23/06	(H)	Scheduled But Not Heard
03/14/06	(H)	STA AT 8:00 AM CAPITOL 106
03/14/06	(H)	Scheduled But Not Heard
03/16/06	(H)	STA AT 8:00 AM CAPITOL 106
03/16/06	(H)	Heard & Held
03/16/06	(H)	MINUTE(STA)
03/21/06	(H)	STA AT 8:00 AM CAPITOL 106
03/21/06	(H)	Heard & Held
03/21/06	(H)	MINUTE(STA)
03/28/06	(H)	STA AT 8:00 AM CAPITOL 106
03/28/06	(H)	Scheduled But Not Heard
03/30/06	(H)	STA AT 8:00 AM CAPITOL 106

BILL: SB 249

SHORT TITLE: REPORTING BAIL AND RELEASE INFORMATION

SPONSOR(s): SENATOR(s) FRENCH

01/23/06	(S)	READ THE FIRST TIME - REFERRALS
01/23/06	(S)	JUD
02/15/06	(S)	JUD AT 8:30 AM BUTROVICH 205
02/15/06	(S)	Heard & Held
02/15/06	(S)	MINUTE(JUD)
03/01/06	(S)	JUD AT 8:30 AM BUTROVICH 205
03/01/06	(S)	Scheduled But Not Heard
03/02/06	(S)	JUD AT 8:30 AM BUTROVICH 205
03/02/06	(S)	Moved CSSB 249(JUD) Out of Committee
03/02/06	(S)	MINUTE(JUD)
03/03/06	(S)	JUD RPT CS 5DP SAME TITLE
03/03/06	(S)	DP: SEEKINS, FRENCH, GUESS, THERRIAULT, HUGGINS
03/20/06	(S)	TRANSMITTED TO (H)
03/20/06	(S)	VERSION: CSSB 249(JUD)

03/22/06 (H) READ THE FIRST TIME - REFERRALS  
03/22/06 (H) STA, JUD  
03/30/06 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 27

SHORT TITLE: ALLOTMENTS FOR NATIVE VIETNAM VETERANS  
SPONSOR(S): REPRESENTATIVE(S) COGHILL

01/18/06 (H) READ THE FIRST TIME - REFERRALS  
01/18/06 (H) MLV, STA  
03/02/06 (H) MLV AT 1:00 PM CAPITOL 120  
03/02/06 (H) Moved CSHJR 27(MLV) Out of Committee  
03/02/06 (H) MINUTE(MLV)  
03/03/06 (H) MLV RPT CS(MLV) 4DP  
03/03/06 (H) DP: THOMAS, ELKINS, DAHLSTROM, LYNN  
03/21/06 (H) STA AT 8:00 AM CAPITOL 106  
03/21/06 (H) Heard & Held  
03/21/06 (H) MINUTE(STA)  
03/30/06 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 461

SHORT TITLE: LEGISLATIVE DISCLOSURES  
SPONSOR(S): REPRESENTATIVE(S) GARDNER

02/13/06 (H) READ THE FIRST TIME - REFERRALS  
02/13/06 (H) STA, JUD  
03/30/06 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

TAMMY KEMPTON, Regulation of Lobbying  
Alaska Public Offices Commission (APOC)  
Department of Administration  
Juneau, Alaska

POSITION STATEMENT: Reviewed lobbying laws and answered questions during the hearing on HB 45.

SENATOR HOLLIS FRENCH  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented SB 249 as sponsor.

REPRESENTATIVE JOHN COGHILL  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Answered questions as sponsor of HJR 27.

CAROL YEATMAN, Supervising Attorney  
Native Allotment  
Alaska Legal Services  
Nome, Alaska

POSITION STATEMENT: Answered questions during the hearing on HJR 27.

CHARLES HUBBARD  
Sterling, Alaska

POSITION STATEMENT: Testified on behalf of himself during the hearing on HJR 27.

DEE HUBBARD  
Sterling, Alaska

POSITION STATEMENT: Testified on behalf of herself during the hearing on HJR 27.

#### **ACTION NARRATIVE**

**CHAIR PAUL SEATON** called the House State Affairs Standing Committee meeting to order at [8:06:03 AM](#). Representatives Elkins, Lynn, Gardner, and Seaton were present at the call to order. Representatives Gatto and Ramras arrived as the meeting was in progress.

[8:07:00 AM](#)

HB 45-CONTRIBUTIONS, LOBBYISTS, DISCLOSURE

[8:07:07 AM](#)

CHAIR SEATON announced that the first order of business was HOUSE BILL NO. 45, "An Act amending the definition of the term 'lobbyist' in the Regulation of Lobbying Act; and providing for an effective date."

[Before the committee was CSHB 45, Version 24-LS0312\F, Wayne, 3/10/06.]

[8:07:19 AM](#)

CHAIR SEATON, after ascertaining that there was no one to testify, closed public testimony.

[8:08:22 AM](#)

CHAIR SEATON moved to adopt Amendment 1, labeled 24LS0312\F.2, Wayne, 3/27/06, which read as follows:

Page 1, line 1:

Delete "contribution limits, lobbyists, and disclosure"

Insert "lobbyists and campaign disclosure"

Page 1, line 4, through page 3, line 10:

Delete all material and insert:

"\* **Section 1.** AS 15.13.040(b) is amended to read:

(b) Except as provided in (1) of this section, each group shall make a full report, by electronic means upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it;

(3) for contributions

(A) up to and including \$250 in the aggregate during a calendar year, the name, address, [DATE,] and amount contributed by each contributor;

(B) [AND, FOR CONTRIBUTIONS] in excess of \$250 in the aggregate during a calendar year, the contributor's name, address, principal occupation, [AND] employer, and amount contributed [OF THE CONTRIBUTOR]; and

(4) the date and amount of all contributions made by it and all expenditures made, incurred, or authorized by it.

\* **Sec. 2.** AS 24.45.171(10) is amended to read:

(10) "lobbyist" means a person who

(A) engages in the business, occupation, or profession of influencing legislative or administrative action; or

(B) receives wages or other economic consideration, including reimbursement of travel and living expenses, to communicate directly with any public official

(i) for the express purpose of influencing legislative or administrative action; and

(ii) during more than 16 [40] hours in any 30-day period in one calendar year;"

Renumber the following bill section accordingly.

[8:08:39 AM](#)

REPRESENTATIVE LYNN objected for discussion purposes.

[8:08:49 AM](#)

CHAIR SEATON said Amendment 1 would do the following: require that financial reports by groups be by electronic means on forms prescribed by the Alaska Public Offices Commission (APOC); change from 40 to 16 the hours that a person may lobby the legislature in a 30-day period before having to register as a lobbyist with APOC; and change the contribution reporting requirements.

[8:09:33 AM](#)

CHAIR SEATON moved Amendment 1 to Amendment 1, labeled 24-LS0312\F.3, Wayne, 3/29/06, which read as follows:

Page 1, lines 13 - 19, of Amendment F.2:

Delete all material and insert:

"(A) up to and including \$100 in the aggregate during a calendar year, the name, address, date, and amount contributed by each contributor;

(B) in excess of \$100 and up to and including \$250 in the aggregate during a calendar year, the name, address, date, principal occupation, and amount contributed by each contributor;

(C) [AND, FOR CONTRIBUTIONS] in excess of \$250 in the aggregate during a calendar year, the name, address, principal occupation, [AND] employer, and amount contributed by each [OF THE] contributor; and"

[8:09:49 AM](#)

REPRESENTATIVE LYNN objected for discussion purposes.

[8:10:16 AM](#)

CHAIR SEATON spoke to Amendment 1 to Amendment 1. He reminded the committee that HB 45 was offered as legislation substantially similar to an initiative that will be on the ballot. He said, "If we would have approved HB 45 ... throughout the entire process, it would have eliminated the initiative from the ballot." With the aforementioned amendments, he said, the bill will not be substantially similar. The change proposed in Amendment 1, to change the time period

from 40 hours to 16 hours, would mean that the lobbyist would have two workdays in which to lobby. He opined that that is a reasonable amount of time, whereas 40 hours is not. He said if the initiative passes, it would amalgamate [subparagraphs] (B) and (C) of Amendment 1 to Amendment 1, but would not delete [subparagraph] (A). Therefore, there would still be reporting of amounts from zero and \$100 in the aggregate per year.

[8:15:53 AM](#)

CHAIR SEATON, in response to Representative Gatto, clarified:

If this passes and the initiative passes, the initiative will take and supersede [subparagraphs] (B) and (C), so that a group would have to report the employer and his occupation for everything over \$100, but [subparagraph] (A), which is reporting only the name, address, date, and the amount, would remain in play.

[8:16:22 AM](#)

REPRESENTATIVE LYNN asked what would be wrong with requiring all the information for all the contributions.

[8:16:43 AM](#)

CHAIR SEATON explained that current law stipulates that a person must report the information, but does not have to report the occupation or employer until the amount of \$150 is reached. He said there is nothing in the amendment that would prevent someone from reporting the additional information by choice, but he/she would not be required to do so.

[8:17:50 AM](#)

REPRESENTATIVE LYNN reiterated his question.

[8:18:04 AM](#)

REPRESENTATIVE GARDNER suggested that the reason not to require the entire scope of information in all circumstances is that at some point the requirement becomes too onerous. She said it would be impractical to ask for all that information for every nickel that is contributed.

CHAIR SEATON asked the committee to realize that HB 45 and the aforementioned initiative address contributions to groups and do not change the information required by candidates.

8:19:00 AM

REPRESENTATIVE ELKINS asked if there has been abuse regarding this issue, because "this almost seems like additional harassment."

8:19:27 AM

CHAIR SEATON told Representative Elkins that currently groups are required to report "all the information" for every donation. He said:

This will clarify and make it easier for [the Alaska Public Offices Commission (APOC)], and yet there will still be full reporting, even if the initiative passes. The initiative currently is unclear as to whether, since there's not another category of up to \$100, ... any reporting would be required under \$100 by group. And so this makes it clear that the groups would still be required to report the lesser amount of information, but they would report that information.

REPRESENTATIVE ELKINS questioned if the committee is taking the bill in a different direction than the sponsor anticipates.

CHAIR SEATON said the bill sponsor has expressed his acceptance of amendments to the bill.

8:21:31 AM

CHAIR SEATON, in response to a question from Representative Gatto, said the amendment affects those groups that are structured to support candidates and election positions and have to report to APOC. Those organizations that are 501(3)(c), [nonprofit], do not report to APOC.

8:22:07 AM

REPRESENTATIVE LYNN removed his objection to Amendment 1 to Amendment 1. There being no further objection, Amendment 1 to Amendment 1 was adopted.

8:22:47 AM

REPRESENTATIVE GARDNER, regarding the time spent as a lobbyist, said 16 hours of lobbying really equals more than two days. She explained that that time is not the time spent in Juneau or in the capitol building, but it is the amount of time spent face to face with legislators. Therefore, 16 hours could be spread out over four or five days.

[8:23:17 AM](#)

CHAIR SEATON said the 16 hours would allow people who frequently come to Juneau for two days to not be concerned about keeping track of their lobbying time. He reiterated his understanding that testifying before a committee doesn't count towards lobbying time. He invited a representative from APOC to testify and confirm his understanding or correct it.

[8:24:21 AM](#)

TAMMY KEMPTON, Regulation of Lobbying, Alaska Public Offices Commission (APOC), Department of Administration, stated:

With all due respect [Chair] Seaton, time spent testifying does count towards the 16 hours, the 40 hours, or whatever it is. That's one of the biggest misunderstandings in the lobbying law.

MS. KEMPTON referenced [AS 24.45.161(a)(1)(A) and (B)], which read:

- (a) This chapter does not apply to
  - (1) an individual
    - (A) who lobbies without payment of compensation or other consideration and makes no disbursement or expenditure for or on behalf of a public official to influence legislative or administrative action other than to pay the individual's reasonable personal travel and living expenses; and
    - (B) who limits lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other public proceedings of state agencies;

MS. KEMPTON emphasized that the word "and" appears between subparagraphs (A) and (B). She added that telephone time also counts towards lobbying time.

CHAIR SEATON thanked Ms. Kempton for the clarification.

[8:26:36 AM](#)

MS. KEMPTON, in response to a question from Representative Lynn, explained that if a person is only being reimbursed for expenses, is not receiving a salary, and is not an employee for the organization for which he/she is lobbying, then he/she is called a representational lobbyist and must register before beginning to lobby. The representational lobbyist does not have to pay the \$250 registration, file reports, or be subject to the other prohibitions in terms of prohibitions and fundraising for legislative campaigns. She said the organization reimbursing the expenses of the representational lobbyist has to report the reimbursements. In response to a follow-up question from Representative Lynn, she said a lobbyist who was only being reimbursed for his/her airfare would still be considered a representational lobbyist.

[8:28:19 AM](#)

CHAIR SEATON asked where the lobbying law comes in to play.

[8:28:32 AM](#)

MS. KEMPTON said basically what APOC does is follow the money; therefore, if there is no money changing hands, there is nothing for APOC to follow and there is nothing to be reported. Lobbyists don't report with whom they meet; they report how much they are paid to meet with people and how much they spend.

[8:29:25 AM](#)

MS. KEMPTON, in response to a question from Representative Gatto, said she herself is representing a state office and, thus, is not acting as a lobbyist. She cited AS 24.45.161 as being an exemption for state officials and employees who are acting in the course of their duties. The same applies for municipal employees and officials.

[8:30:25 AM](#)

REPRESENTATIVE GATTO asked about the oil companies.

MS. KEMPTON responded, "The oil companies are probably the best we have at registering and reporting; they are almost never a

problem. And if there should happen to be a mistake and they've done something wrong, they immediately correct it."

[8:30:59 AM](#)

REPRESENTATIVE GATTO asked if lobbyist are allowed to round numbers or must report time precisely.

[8:31:08 AM](#)

MS. KEMPTON replied that the reporting is done on the honor system. She said she tells people if there is ever a complaint filed she will ask for some sort of accounting; however, if the person doesn't keep accounting, then APOC will have to ask everyone with whom the lobbyist met to verify the meeting and time involved.

[8:31:51 AM](#)

CHAIR SEATON offered his understanding that the hour requirement had been 4 hours and was changed to 40. He asked Ms. Kempton if, at the time of that change, there were a lot of people who no longer registered.

[8:32:18 AM](#)

MS. KEMPTON answered that APOC did see a significant drop. The year the number changed to 40 hours there were 213 registered lobbyists. Before the oil companies started registering, there were approximately 120 registered, and there are about 130 now.

[8:32:45 AM](#)

CHAIR SEATON asked if the proposed change from 40 to 16 would result in requiring most of those lobbying currently to register with APOC.

[8:33:05 AM](#)

MS. KEMPTON answered yes. The drop was not in professional lobbyists with multiple clients, but with part-time lobbyists and attorneys.

[8:34:12 AM](#)

REPRESENTATIVE LYNN removed his objection to Amendment 1, [as amended]. There being no further objection, Amendment 1, as amended, was adopted.

[8:34:48 AM](#)

REPRESENTATIVE GARDNER moved to report HB 45, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE LYNN said he has no objection, but stated that about three years ago he had objected strongly regarding raising [individual] contributions to candidates from \$500 to \$1,000, because he thought it put a chilling effect on the entire process. He talked about the advantage that incumbents have over other candidates.

[8:36:30 AM](#)

CHAIR SEATON, in response to a remark by Representative Lynn, clarified that HB 45, [as amended], would not change any of the [individual] contribution amounts to which Representative Lynn had referred. He added, "But if an initiative later passes, it would have [the effect of lowering the individual contribution amounts.]"

REPRESENTATIVE GATTO observed that Representative Gardner had made the motion to move the original bill out of committee rather than Version F.

[8:37:52 AM](#)

REPRESENTATIVE GARDNER withdrew her motion to move HB 45 out of committee.

[8:38:04 AM](#)

REPRESENTATIVE GARDNER moved to report CSHB 45, Version 24-LS0312\F, Wayne, 3/10/06, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 45(STA) was reported out of the House State Affairs Standing Committee.

SB 249-REPORTING BAIL AND RELEASE INFORMATION

[8:38:50 AM](#)

CHAIR SEATON announced that the next order of business was CS FOR SENATE BILL NO. 249(JUD), "An Act relating to criminal justice information."

[8:38:51 AM](#)

SENATOR HOLLIS FRENCH, Alaska State Legislature, presented SB 249 as sponsor. He related a story to illustrate why the proposed legislation is necessary as follows:

About a year ago, on the Summer Solstice, in my ... neighborhood, there was a SWAT team shut down of the neighborhood due to a domestic violence disturbance. A former boyfriend of a woman that lived just around the corner from my house had returned to that home, had pulled a gun on her, [and] threatened her. She called the police, and when the police arrived, he fired a shot at the police. That of course caused a major response from the Anchorage police department. Neighbors were hustled out of their homes [and] the street was cordoned off. Eight hours later, thankfully, the system was defused without anyone having been hurt, thanks to the good work of the Anchorage Police Department.

... That person had been, of course, arrested, charged with a crime, put in jail, and he'd bailed out of jail. Two weeks later he shows up at the same house again, and a neighbor sees him there and knows the system well enough to know for a certainty that he was not allowed to be back at that location; he had been warned to stay away from there by the judge. She called the police, a patrol officer showed up, and when she told her story to the patrol officer, he went back to his car, checked the computer, and came out and said, "There's nothing I can do; there's nothing in the computer that tells me that he's not allowed to be there."

Well that, of course, caused her great consternation. She called several people, including myself, and we were able to get the situation straightened out safely. But it really highlighted the lack of communication, if you will, between the court system and patrol officers. And that's the impetus behind this fairly short and fairly simple bill.

SENATOR FRENCH said the idea is to provide a place in the Alaska Public Safety Information Network (APSIN) to record bail information. He explained that bail information frequently prohibits individuals from doing things that are otherwise lawful. He said, "It can prohibit you from driving a car, from going to a certain place in a part of town, or even from consuming alcohol in no matter how small amounts. And those are things that police can't detect as being unlawful, unless they know what the conditions of bail are."

SENATOR FRENCH credited the chair of the House Judiciary Standing Committee for pointing out that conditions of parole were not included. He said the bill comes with three fiscal notes. He said, "It doesn't command that this information suddenly be added, it just puts a place in the absent architecture for the addition of that information, and future efforts will be necessary to complete the link ... to provide enough horse power to make that a reality."

[8:41:49 AM](#)

REPRESENTATIVE GARDNER asked what effect the bill would have on the street if it were to pass right now unchanged.

[8:42:09 AM](#)

SENATOR FRENCH answered that the changes would not be apparent over night; however, he said there are groups at work on the issue, including "the magic group" in Anchorage, which is comprised of people from the Alaska State Troopers, the Department of Law, and the court system, including [information technology (IT)] people from each. He noted that [the magic group] is trying to find a way to "put this information out ...."

[8:42:43 AM](#)

CHAIR SEATON said he wants to clarify that this bill does not mandate that "this immediately be done," but would provide statutory framework.

SENATOR HOLLIS responded, "It's more permissive than mandatory, yes ...."

REPRESENTATIVE LYNN said SB 249 seems like common sense.

SENATOR FRENCH, in response to a question from Representative Gardner, stated that there has been no opposition to SB 249.

[8:43:52 AM](#)

CHAIR SEATON, after ascertaining that there was no one else to testify, closed public testimony.

[8:44:33 AM](#)

REPRESENTATIVE GARDNER moved to report CSSB 249(JUD) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 249(JUD) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:45:33 AM](#) to [8:47:27 AM](#).

HJR 27-ALLOTMENTS FOR NATIVE VIETNAM VETERANS

[8:47:40 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE JOINT RESOLUTION NO. 27, Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

CHAIR SEATON highlighted several handouts new to the committee packet.

[8:49:34 AM](#)

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, as sponsor of HJR 27, referred to questions that were asked at the previous hearing and directed attention to information from Alaska Legal Services, which shows how [S. 2000 and H.R. 1811] would amend the existing Alaska Native Vietnam Veterans Allotment Act. Regarding the issue of whether or not heirs would be allowed the allotment, he noted where the handout explains that currently only those heirs of a veteran who died in the Vietnam war or from war injuries would qualify, whereas the amendments proposed by the aforementioned U.S. Congress bills would allow an heir of any now deceased Vietnam Era veteran to apply for an allotment.

REPRESENTATIVE COGHILL said probably the biggest issue is in regard to vacant federal lands. He noted that there is an amendment in the committee packet that would target that issue. He stated:

This resolution, which would encourage the passage of H.R. 1811 and S. 2000, still does not address the issue of the Tongass Forest .... We are asking them to look at the [Shields v. United States, 698 F.2d 987 (9 Cir., 1983)] decision, but those two cases would not deal with it.

REPRESENTATIVE COGHILL explained that vacant lands are those that do not have any prior use; land with pipelines, gas lines, roads, bridges, slips, or other improvements would not be considered. He referred to a related portion of the previously mentioned handout, which read: "Thus, veteran allotments would be allowed in all national forests and national parks in Alaska." He said he personally thinks "that's just fine that we have 'inholdings' in some of our parks and preserves, and national forests." He pointed out that many of those allotments were set out before many parks were in existence. Furthermore, he said, the Act went through at the same time that some of the parks were being formed, and "there was an understanding that they would be able to select out of those parks."

REPRESENTATIVE COGHILL suggested that Ms. Yeatman could speak to the issue of the application process. He said, "Because in my view I think that's a very steep ... deal. I don't think it would be an easy thing for any of the possible 1,200 - I think is what it amounts to - applications."

[8:53:47 AM](#)

CHAIR SEATON stated that the original allotment required either usage or occupancy of those lands; therefore, there is a significant difference between that which would have been occupancy in an area that was designated as [a] park, and this [resolution], which says that you can select land that you've had no historical tie to at all. He continued:

And so, it seems to me that when we're talking about a national park, there's a significant difference between the previous allotment bill that said, ... "If you've got this historic tie at usage or occupancy of that land and this bill that's in there now that says any park is fair game - or refuge. And I don't see

the monuments addressed in here, so, I'd like to get it clarified.

[8:54:44 AM](#)

REPRESENTATIVE COGHILL responded as follows:

I agree that is part of the issue, but the tradeoff for me ... is: there were a lot of lands that had no improvements or limitations because of pipelines, et cetera - the various different changes that really cut ribbons through much of the land that would be available. And again, they would have to be legislatively approved, so they still have a pretty high bar to get over in my view. But the tradeoff is just that. Whereas before it had to be land that was traditional use. But in many cases there [have] been buildings, campsites, bridges, I mean all kinds of things that have happened over the last century that have really made that distinction very hard to follow through. The fact that there [were] probably 40,000 allotments possible and now we're down to the last 1,200 possible, I don't think that the tradeoff is that big of a deal. So, to me the policy call is I would let them go ahead and make the selection.

[8:56:16 AM](#)

CHAIR SEATON asked Ms. Yeatman if those who applied for an allotment but did not receive one could apply again.

[8:56:59 AM](#)

CAROL YEATMAN, Supervising attorney, Native Allotment, Alaska Legal Services, answered yes. In response to a follow-up question from Chair Seaton, she estimated that there would be 1,200 allotments available. Regarding whether national parks, refuges, and forests are considered vacant federal land, she began by saying that the original Act of 1906 had no use and occupancy requirement. If people had known about the opportunity, they could have picked land anywhere in the state, with the only restriction against picking mineral land. The law was changed in 1956, she said, and that's when use and occupancy requirements were put in place. According to the legislative history for that change, Ms. Yeatman said, the forest service did not want Native allotments within national forests. When U.S. Congress found out what that meant in terms of the cost in

time to adjudicate an allotment, it tried to change the law again under Alaska National Interest Lands Conservation Act (ANILCA) and gave legislative approval to the then pending allotments.

MS. YEATMAN continued:

For the amendments, having legislative approval is just giving the veterans the same opportunity the people have under the current general allotment Act, which is legislative approval. The land that's available under the amendment is any vacant federal land, and that means - similar to the original Allotment Act - that any federal land that has nothing on it is available for veterans' allotment.

And one of the problems that we've seen in the current law [is] that most applications that were rejected were rejected on the grounds that the land applied for was not available because there were so many restrictions in the Veterans Allotment Act as it stands now. But under the amendments, national parks, national forests, [and] national monuments would all be available for veteran allotments, as long as there was no interest such as a right of way easement or gravel pit, pipeline, improvement, and so forth, or anything that would make it not vacant.

[9:00:44 AM](#)

CHAIR SEATON directed attention to page 2 of the Alaska Legal Services Corporation's handout, and the second bulleted point, which read:

Veteran allotments will be allowed on all vacant federal land. This means that all federal land will be available for veteran allotments as long as it is vacant. Vacant federal land is without buildings, roads, bridges, existing and proposed pipelines, existing and proposed rights-of-ways and easements, designated campsites, boat launches, logging areas or any improvements or proposed improvements that would exclude land as not being vacant. In contrast, under existing law most federal land is not available because it is specifically excluded [all national forest land is excluded] or it was withdrawn before the veteran used it.

CHAIR SEATON asked what the limitation on a proposed easement or improvement means. He asked, "What makes it either vacant or not vacant?"

[9:01:28 AM](#)

MS. YEATMAN replied that what makes it vacant is if there is a little marker showing that the land is going to be taken - that it has been selected for a specific purpose - "anything that would ... take an area off the market, so to speak." She said additionally there are umbrella federal laws that would also apply. For example, every allotment today has a reservation for ditches, canals, "and so forth," and if the allotment is in an area known to be an oil and gas area, then that also is reserved from the allotment. She explained that that means the allotment is certified, or there is a patent for it, but the allotment owner does not get subsurface rights to oil and gas. She indicated that there are also other restrictions.

[9:02:53 AM](#)

CHAIR SEATON noted that the legislation specifically exempts from selection any Trans-Alaska Pipeline System (TAPS) right-of-way area, but does not exempt a natural gasoline/pipeline corridor.

[9:03:45 AM](#)

MS. YEATMAN explained:

The reason the extension is specifically in the amendment, or ... [H.R.] 1811 and S. 2000, is because that was a concession to [the Alyeska Pipeline Service Company (ALYESKA)]. ALYESKA reviewed the proposed legislation to amend the [Alaska Native] Veterans Allotment Act [of 1906] and they ... understood that "vacant" meant land that wasn't the pipeline, but they were so concerned about that that they asked us to concede and just put and express exemption for the pipeline. So, that's why that's in there. It's not that anybody thinks that the pipeline would be vacant land; it's just that to satisfy Alyeska's great concern, we added that provision. But ... vacant means vacant, and I don't even think that's a word that lawyers would fight over very often. I think that if there's a proposed pipeline route, or if

there's anything on the books, then that would take it out of being vacant.

[9:04:53 AM](#)

CHAIR SEATON stated his concern:

We have, of course, a natural gas pipeline. ALYESKA is concerned about their corridor enough that they wanted to get specific exclusion under the law. And we don't have that specific exclusion for the [gas] pipeline corridor. And if we had a multitude, or even a number, of private inholdings that could delay the construction of a pipeline, then that would be something very significant to our state. And so, I want to make sure that what we're proposing - and I understand this is only a resolution - but we are -- this is the State of Alaska asking the federal government to do something, and I want to make sure that we ask them for what we really want and not what we don't want. And so, do we have court cases that delineate ... when a proposed, or a thought of, or a potential pipeline corridor becomes vacant?

[9:06:37 AM](#)

MS. YEATMAN answered no. She said Chair Seaton is expressing the same serious concerns that ALYESKA expressed several years ago "when we added that provision to specifically exempt the pipeline." She suggested that the Alaska State Legislature should ask U.S. Congress to add a provision that would satisfy its concern.

[9:08:02 AM](#)

CHAIR SEATON stated a concern regarding trustees of state.

[9:10:26 AM](#)

MS. YEATMAN responded that fortunately for Chair Seaton's concern, allotment law doesn't work quite the same as "other properties and trustees, and so forth." There are no trustees for an "allotment estate." Ms. Yeatman explained as follows:

A personal representative is appointed by a state court; that's in federal regulation. The personal representative has one duty, and that duty is to make

out the application - period. And that person has no fiduciary duty as a trustee would under normal state law. That's because it's the Bureau of Indian Affairs that's the trustee for a person's estate and a person's property. And that trusteeship ... doesn't really kick in until the allotment is certified. So, while a person is making application for an allotment, whether that person is an heir or personal representative, or both, there is no trustee ... [or] fiduciary duty; there's only the authority under the law to make an application. So, we don't have to worry about a trustee picking a piece of property to maximize the state, because that is not what that personal representative's duty or authority is; it's only to make application for an allotment. And generally speaking, in the past, personal representatives have been an heir - either a child of a deceased veteran or a parent - and they generally picked the land that they used for subsistence that was near their village - just like everybody else did.

[9:13:15 AM](#)

CHAIR SEATON said he is relieved to hear that, because that alleviates that concern. He mentioned an upcoming amendment that would address the previously discussed pipeline.

[9:13:58 AM](#)

CHARLES HUBBARD, testifying on behalf of himself, referred to his written testimony [included in the committee packet] and said it obviously is not "the whole story." He said the end of both H.R. 1811 and S. 2000 state that the Department of Interior will have one year to establish regulations. He indicated that the final rule published in 43 CFR 25.60, June 30, 2000, involved a public testimony process. He said one of the questions that came up was whether there is land owned by the federal government that [the Bureau of Land Management (BLM)] cannot convey to someone who qualifies. He continued:

Part of their answer is: Land presently selected but not conveyed to the State of Alaska the state may relinquish - up to 160. And obviously that would be a process that would have to go through the state. So, the concerns of people selecting lands that the state has selected would be addressed if they would do that, and it would be addressed with the state.

And it also says you cannot receive an allotment containing any of the following: a regularly used, recognized campsite that is primarily used by someone other than yourself. In other words, public parks. ... Most parks have campsites and other things in them that other people use.

These are the regulations that came out under 43 CFR 25.60. In the original [Veterans] Allotment Act, it also addresses the fact that the allotment only had surface rights - not subsurface rights, and it also addresses pipeline, railroads, and other right of way that they cannot restrict any of those type of activity - the allotments cannot.

[9:17:46 AM](#)

DEE HUBBARD, testifying on behalf of herself, mentioned her e-mailed testimony [included in the committee packet]. She stated:

When I last checked with anyone in Washington D.C., the report that the [U.S.] Department of Interior was supposed to have completed and sent to [U.S.] Congress in 1999 cannot be found. I was told sometimes this happens when a department really doesn't want to do a report. So, the possibility of finding out how many Alaska Natives might be affected by this is not available.

The other item is in talking with [Cynthia] Ahwinona, from Representative [Don] Young's office, she is really hopeful that this resolution will get moving and get passed, because she said she really needs it back in D.C. to help with Representative Young's legislation.

[9:19:47 AM](#)

CHAIR SEATON, after ascertaining that there was no one else to testify, closed public testimony.

[9:19:53 AM](#)

REPRESENTATIVE COGHILL, regarding an issue brought up by Ms. Hubbard [in her written testimony] regarding conservation system

units, said Ms. Hubbard asserted that if there was land selected within a conservation system unit that BLM would "go to find land outside of that system." He said he would like clarification on this issue from Ms. Yeatman.

[9:20:28 AM](#)

CHAIR SEATON read from Ms. Hubbard's testimony for the benefit of Ms. Yeatman, who was testifying via teleconference and did not have a copy.

[9:21:22 AM](#)

MS. YEATMAN said the conservation system unit (CSU) is in existing law. She revealed that she was recently told by "two fairly high BLM officials" that they "wished they had never put that in the regulations." She continued:

It's in the federal regulations that apply to the veteran allotments today; it's not in the amendment. ... Ms. Hubbard is right, in that the definition of a conservation system unit is very broad; it covers almost all federal land. And it gives the CSU manager - that is the manager of that particular area, whether it's a wildlife refuge or a park or whatever - ... veto power over a veteran allotment. And I'll give you a good example. I have a client that applied for a veteran's allotment in a national park - St. Elias - and he applied for the allotment of land that he's used for many, many years. ... It's along the road, there's an old mine, there's two airstrips, there's a grocery store, there are two lodges, there are a number of homestead cabins, and so forth - recreational areas. It's a very well developed area, and it's not far off the highway. The CSU manager rejected his allotment on the grounds that it was inconsistent with the purpose of the park, although it was in an area that's highly developed.

So, the provision for CSU in the federal law today allows the CSU manager - the park manager or a fairly low-level employee - to reject an allotment. And when that happens, the veteran then has to go and pick an alternative sight. But as we've seen over and over, one of the big problems with the Veterans Allotment Act is there isn't any land available as it's defined under current law. And so, if veterans are not

allowed to get allotments in a national park, or a wildlife refuge, or a national forest, then we're right back where we started from, and there isn't any land left for them. They're going to be left out of getting any land whatsoever, because that's all that's left.

[9:24:02 AM](#)

CHAIR SEATON asked if the provision that [Ms. Hubbard] is talking about would be superseded by S. 2000 or H.R. 1811.

[9:24:20 AM](#)

MS. YEATMAN answered that's correct; [the provision] is in current law, not in the proposed amendments in U.S. Congress. Regarding Ms. Hubbard's remark that she was unable to obtain a copy of a report to U.S. Congress that the U.S. Department of Interior was supposed to have made, Ms. Yeatman stated her understanding that Representative Coghill provided that information to the committee.

[9:25:08 AM](#)

CHAIR SEATON said he would ask Representative Coghill to forward that information to Ms. Hubbard.

[9:25:52 AM](#)

CHAIR SEATON moved to adopt Amendment 1, [found on two separate pages], which read as follows [original punctuation provided]:

Page 2, following line 27:

Add a new clause to read:

"**FURTHER RESOLVED** that the United States Congress is urged to prohibit the selection of allotments in a national park, a national wildlife refuge, a national monument, or the right-of-way for a proposed Alaska natural gas pipeline; and be it"

Insert at page 2 line 25

WHEREAS, the policy of the United States of America over the past several decades has been to acquire in-holdings in our National Park, Refuge, and Monument systems to provide a contiguous manageable entity; and

WHEREAS, acquisition by numerous private parties of parcels that will be necessary for the right-of-way and construction of the Alaska North Slope Natural Gas Pipeline could complicate and delay the construction of such a vital facility,

[9:27:01 AM](#)

REPRESENTATIVE RAMRAS objected for discussion purposes.

[9:27:11 AM](#)

REPRESENTATIVE COGHILL said he disagrees with a majority of the amendment, with the exception of the language related to the right-of-way of a proposed natural gas pipeline. Closing down national parks, refuges, and monuments, he said, would effectively "slam the door on other selections," because the land available then would be "minimal to nothing." He said he doesn't have all the answers, but he said, "Even if the language in Congress passes through, I can tell you the CSU management would be a huge barrier anyway." He said he thinks the level of scrutiny the allotments will get will be huge, because several federal agencies will have to review them.

[9:29:11 AM](#)

CHAIR SEATON clarified that Amendment 1 includes national parks, refuges, and monument systems, but does not include any of the national forests, which are the largest portions of federal land in Alaska.

[9:29:20 AM](#)

REPRESENTATIVE COGHILL said that would be helpful in Southeast and Southcentral Alaska, but not for the vast majority of Alaska. He explained that Amendment 1 would make everything on a river system in the interior or the northern region of Alaska off limits.

[9:29:47 AM](#)

CHAIR SEATON said Amendment 1 would take out Arctic National Wildlife Refuge (ANWR) and Denali National Park. He asked what else would be affected.

[9:30:04 AM](#)

REPRESENTATIVE COGHILL listed: Gates of the Arctic, Selawik Refuge, and Porcupine River Refuge. He said he would have to bring in a map to point out other areas. Notwithstanding that, he stated other areas that would be affected would be: most of Western Alaska, all of North Alaska, and most of Interior Alaska. He concluded, "I think almost all federal land - maybe with a few exceptions - [is] going to be within the description of 'parks, refuges, or monuments.'"

[9:30:44 AM](#)

CHAIR SEATON asked if taking refuges out of Amendment 1 would "provide enough ... delineation."

[9:31:03 AM](#)

REPRESENTATIVE COGHILL replied, "There are some parks that are probably more sensitive than others. I think Denali is probably one that has gotten [the] most attention." He said several of the parks and refuges in Northwestern Alaska are probably not as contentious, thus, he may, after further study, consider Chair Seaton's proposal to take refuges out of Amendment 1. He said he thinks the Tongass National Forest is already off limits because of the aforementioned Shields case. He added, "The bar is still very high." Once a land selection is made, there are several land managers that can make suggestions and "make these allotment applications sit on ... their desks for years." He said he sides with applicants of the allotment, because he thinks the federal land managers have a huge advantage, which is why he is "arguing so strenuously for this." He stated:

I understand your concern - don't get me wrong. I don't want inholdings to become a barrier to healthy management of those parks. I tend to agree with you. But I think, together with inholdings that we've already had, it's been proven that both management pressure from parks and political or public opinion, I guess you'd say, has kept those even from being what they were promised they could be. So, I am concerned about putting this in a resolution. I think it's something we need to watch, but I think it would send the wrong language.

[9:33:17 AM](#)

CHAIR SEATON moved to adopt Amendment 1 to Amendment 1, which would remove ", Refuge," from the first "WHEREAS" and remove "a

national wildlife refuge," from the "**FURTHER RESOLVED**" portion of Amendment 1.

[9:33:53 AM](#)

REPRESENTATIVE GATTO objected to Amendment 1 to Amendment 1. He offered his understanding that if there was an allotment made in a national park, "they wouldn't be allowed to exercise subsistence rights anyway ..., but they would be allowed to build a lodge."

[9:34:12 AM](#)

REPRESENTATIVE COGHILL said he does not think Representative Gatto's statement is accurate. He offered his understanding that subsistence rights in national parks are guaranteed under the Alaska National Interest Lands Conservation Act (ANILCA), but with some limitations. He said it is true that building on the land would be allowed, but he would debate anyone who said big hotels would show up on the land. However, he stated that he thinks "they should have the right to do on their land what any of us have the right to do on our land." He said the reality is that most of [the Native American Vietnam Era veterans] want land for traditional uses.

[9:35:16 AM](#)

REPRESENTATIVE GATTO maintained his objection to Amendment 1 to Amendment 1.

[9:35:29 AM](#)

REPRESENTATIVE GARDNER, regarding the Tongass being off limits because of the Shields case, noted that the resolution would urge that the allotments denied under the Shields case be reopened and approved, which she said would "put the Tongass back on the table."

[9:36:06 AM](#)

REPRESENTATIVE COGHILL responded, "The chances of us getting that are probably pretty slim, but I think it's a reasonable request." Both H.R. 1811 and S. 2000 do not include the Tongass.

[9:36:42 AM](#)

REPRESENTATIVE ELKINS maintained his [previously inaudible] objection to Amendment 1 to Amendment 1.

[9:37:21 AM](#)

REPRESENTATIVE GATTO asked for confirmation that a double negative is involved, thus, Amendment 1 to Amendment 1 would allow national wildlife refuges to be used.

[9:37:36 AM](#)

CHAIR SEATON answered that's correct. He offered further clarification.

[9:38:22 AM](#)

REPRESENTATIVE COGHILL said he agrees with Amendment 1 to Amendment 1, but still does not like Amendment 1 itself.

[9:38:37 AM](#)

A roll call vote was taken. Representatives Gatto, Lynn, Ramras, Gardner, and Seaton voted in favor of Amendment 1 to Amendment 1. Representative Elkins voted against it. Therefore, Amendment 1 to Amendment 1 passed by a vote of 5-1.

[9:39:51 AM](#)

CHAIR SEATON read Conceptual Amendment 1 [as amended] and asked if there was any objection.

[9:40:22 AM](#)

REPRESENTATIVES RAMRAS AND ELKINS objected to Amendment 1, [as amended].

[9:40:28 AM](#)

REPRESENTATIVE RAMRAS stated that he likes HJR 27 the way it was brought to the committee. In response to a question from Representative Gatto, he reiterated his statement.

[9:41:03 AM](#)

ELKINS indicated that he objected for a reason similar [to that of Representative Ramras].

[9:41:07 AM](#)

CHAIR SEATON spoke to Conceptual Amendment 1, as amended.

[9:42:01 AM](#)

REPRESENTATIVE COGHILL, in response to a question from Representative Gatto, reiterated his understanding that under ANILCA there are some guarantees for subsistence use within national parks.

REPRESENTATIVE COGHILL, in response to a request for a definition of "subsistence" from Representative Gatto, said there are some restrictions, but it has to do with guaranteeing harvesting of fish and wildlife "for certain subsistence uses." He said he would have to review that information before expounding further on it.

[9:42:47 AM](#)

REPRESENTATIVE COGHILL, in response to a question from Representative Lynn, reiterated that he does not support Amendment 1, as amended. He stated:

If you go back under ... the D.2 selection of ANILCA, there [were] a lot of lands that were taken off the table by the President of the United States, under the Antiquities Act, that did not get to go through the public process and really violated these Native allotment possibilities. So, I think the park system, the refuge areas, and the monuments, did not take into account the hanging issue of Native allotments. So, as far as I'm concerned, they have the first right. And so, that's one of the reasons why I've been so adamant about it.

[9:43:51 AM](#)

A roll call vote was taken. Representatives Gardner and Seaton voted in favor of Amendment 1, as amended. Representatives Elkins, Lynn, Ramras, and Gatto voted against it. Therefore, Amendment 1, as amended, failed by a vote of 2-4.

[9:44:31 AM](#)

REPRESENTATIVE GARDNER offered her understanding that HJR 27 addresses misinformation and broken promises, and she said it is never too late to remedy a mistake or unfairness. She stated that the issue that is troublesome for her is that the proposed resolution addresses only Vietnam Veteran Era veterans and not veterans from other wars.

[9:45:46 AM](#)

REPRESENTATIVE COGHILL responded that he asked the same question when the issue was first brought to him. The answer, he explained, is that the Native people "had access to this right up into the '70s." The fact is, he said, many did not apply. He stated that he lays much of the blame for that "at the feet of BLM." He offered further details. He reiterated that he thinks it is an issue of fairness to ensure that Native Vietnam veterans from the entire Vietnam Era are given access to allotment applications.

[9:49:19 AM](#)

REPRESENTATIVE GATTO asked whether the Korean War was classified as war or police action, and why veterans from that conflict aren't included in HJR 27.

[9:49:52 AM](#)

REPRESENTATIVE COGHILL, in response to the former question, said it wouldn't make a difference if a veteran was involved in war, cold war, or police action. He said the reasons that the Korean War is not included in the resolution are similar to the reasons he previously stated to Representative Gardner regarding why veterans of other wars are not included.

[9:50:50 AM](#)

CHAIR SEATON said he applauds Representative Coghill's effort. He stated that he thinks without Amendment 1 [text provided previously] it will be more difficult to get U.S. Congress to accept HJR 27. He said, "I'm afraid that the legislation, as constructed, will draw numerous critics because of the potential for degrading national parks [and] monuments and delaying the gas pipeline." He encouraged Representative Coghill to revisit those issues and see if there is any way to address them.

[9:52:43 AM](#)

REPRESENTATIVE GATTO moved to report CSHJR 27(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 27(MLV) was reported out of the House State Affairs Standing Committee.

HB 461-LEGISLATIVE DISCLOSURES

9:53:19 AM

CHAIR SEATON announced that the last order of business was HOUSE BILL NO. 461, "An Act relating to disclosure to the Alaska Public Offices Commission of information about certain income received as compensation for personal services by legislators, public members of the Select Committee on Legislative Ethics, and legislative directors subject to the provisions of law setting standards of conduct for legislative branch officers and employees; and providing for an effective date."

9:53:20 AM

REPRESENTATIVE GARDNER presented HB 461 as sponsor. She described the Alaska Public Offices Commission (APOC) as both active and capable, and she said APOC's job is to "follow the money" and allow the public adequate information. She stated that currently a candidate could accept \$10,000 for consulting work and list the amount of money without having to explain what work was done for the money. She said that doesn't allow the public to measure or evaluate any conflicts that candidate may have or any interest people might have in what that candidate does. Representative Gardner said she is not "married to the specific language" in the bill and would welcome suggestions.

9:55:23 AM

CHAIR SEATON, in response to a remark by Representative Ramras, clarified that the proposed legislation is not set out to challenge or impugn any particular people in the legislature, and he asked that the committee focus on the issues that are brought forward by the bill.

9:55:46 AM

REPRESENTATIVE GARDNER said the bill applies "to all of us in exactly the same way."

9:55:57 AM

REPRESENTATIVE RAMRAS asked what Representative Gardner may have heard from the public to cause concern and drive the bill.

[9:56:15 AM](#)

REPRESENTATIVE GARDNER related that she has heard from people who want to know "where the money comes from in our campaigns and in our own personal lives." She said that information allows people to evaluate how decisions are made and what kind of factors influence candidates. She offered examples. Representative Gardner stated that there has been a longstanding tradition of revealing where the money comes from, a tradition that she indicated has broad public support.

[9:57:32 AM](#)

REPRESENTATIVE RAMRAS asked how a distinction is drawn between the disparities in attorney fee amounts. He proffered, "What appears like a value to one person may appear to be an excessive charge to another person."

[9:58:46 AM](#)

REPRESENTATIVE GARDNER responded that Representative Ramras' comment parallels a comment that Representative Gruenberg had recently made to her: "An attorney may be able to do something in a half-hour phone call that he could charge a lot of money for and not necessarily want to reveal to his client that it took him only half an hour to do the job." She stated that nevertheless she thinks "we owe it to the public to give them enough information to make their evaluation."

[9:59:35 AM](#)

CHAIR SEATON asked for clarification that the proposed legislation doesn't address the amount of money a person receives - because that information is already required to be disclosed to APOC - but rather what they person did for the money.

REPRESENTATIVE GARDNER confirmed that is correct. In response to a follow-up question by Chair Seaton, she said, for example, that a lawyer who is working on mergers would have to disclose that he/she is involved in mergers, but would not have to reveal with which companies or what terms.

[10:00:53 AM](#)

REPRESENTATIVE RAMRAS directed attention to language on page 2, lines 5-6, which read:

and the approximate number of hours that have been or will be spent performing the services

REPRESENTATIVE RAMRAS said one attorney with a lot of experience could charge one rate, while another with lesser experience could charge another. He asked, "Why do we feel qualified to attach almost a value per hour of services to this? ... I take this to mean that there's almost a billable rate for personal services .... Is that correct?"

[10:02:02 AM](#)

REPRESENTATIVE GARDNER answered no. She explained, "I think we simply want the public to understand that real work is being done." She offered an example.

[10:02:33 AM](#)

CHAIR SEATON noted that the committee had run out of time and public testimony would be heard at the next hearing of the bill.

[HB 461 was heard and held.]

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [10:02:54 AM](#).