

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

February 26, 2008

8:14 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Bob Roses, Vice Chair  
Representative John Coghill  
Representative Kyle Johansen  
Representative Craig Johnson  
Representative Max Gruenberg  
Representative Andrea Doll

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 318

"An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date."

- FAILED TO MOVE HB 318 OUT OF COMMITTEE

HOUSE BILL NO. 368

"An Act modifying the limitations on political fund raising during legislative sessions by candidates for governor or for lieutenant governor, and amending the Legislative Ethics Act to modify the limitation on political fund raising by legislators and legislative employees during legislative sessions, to allow legislators and legislative employees to accept certain gifts from lobbyists within their immediate families, to clarify the Legislative Ethics Act as it relates to legislative volunteers and educational trainees, to reduce the frequency of publication of summaries by the Select Committee on Legislative Ethics, to revise procedures and penalties related to the late filing of disclosures required by the Legislative Ethics Act, and to add a definition to that Act."

- MOVED CSHB 368(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 318

SHORT TITLE: LOCATION OF SPECIAL SESSIONS

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/15/08	(H)	READ THE FIRST TIME - REFERRALS
01/15/08	(H)	STA, FIN
02/19/08	(H)	STA AT 8:00 AM CAPITOL 106
02/19/08	(H)	Heard & Held
02/19/08	(H)	MINUTE(STA)
02/21/08	(H)	STA AT 8:00 AM CAPITOL 106
02/21/08	(H)	Scheduled But Not Heard
02/26/08	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 368

SHORT TITLE: ETHICS: LEGISLATIVE & GOV/LT GOV

SPONSOR(S): STATE AFFAIRS

02/19/08	(H)	READ THE FIRST TIME - REFERRALS
02/19/08	(H)	STA, JUD, FIN
02/26/08	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE CARL GATTO  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor of HB 318, explained the change made in Version E.

RICK VANDERKOLK, Staff  
Representative Carl Gatto  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided information during the hearing on HB 318 on behalf of Representative Gatto, prime sponsor.

AL MCKINLEY, SR., Member  
Executive Committee  
Grand Camp Alaska Native Brotherhood (ANB)  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on HB 318, testified regarding the cost of holding special sessions outside of Juneau.

MIKE SICA, Staff  
Representative Bob Lynn  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 368 on behalf of the House State Affairs Standing Committee, sponsor, which is chaired by Representative Lynn.

JOYCE ANDERSON, Ethics Committee Administrator  
Select Committee on Legislative Ethics  
Legislative Agencies and Offices  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 368.

BROOKE MILES, Executive Director  
Alaska Public Offices Commission (APOC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 368.

#### **ACTION NARRATIVE**

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at [8:14:54 AM](#). Representatives Coghill, Johansen, Johnson, Gruenberg, Doll, and Lynn were present at the call to order. Representative Roses arrived as the meeting was in progress.

#### HB 318-LOCATION OF SPECIAL SESSIONS

[8:15:02 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 318, "An Act relating to the location of the convening of the legislature in a special session; and providing for an effective date."

[8:15:50 AM](#)

REPRESENTATIVE COGHILL moved to adopt the committee substitute (CS) for HB 318, Version 25-LS1303\E, Cook, 2/22/08, as a work draft. There being no objection, Version E was before the committee.

[8:16:09 AM](#)

REPRESENTATIVE CARL GATTO, Alaska State Legislature, as prime sponsor of HB 318, noted that Version E incorporates a rule that Juneau be considered the best location for a special session if

that special session is called within 30 days before the start of a regular session or within 10 days after the day a regular session ends. He relayed that the City & Borough of Juneau (CBJ) wants to keep special sessions in Juneau. He said he has heard the argument that moving the capital from Juneau will devastate the economy of Juneau; however, he pointed out that holding a special session outside of Juneau does not involve moving the capital.

[8:18:54 AM](#)

REPRESENTATIVE GATTO said one reason that Juneau is a terrible place for a special session is because by the time legislators are apprised of a special session, they have already given up their housing and sent their cars back home, and although Juneau would like to accommodate them, it can't, because the hotels are booked because of tourist season. He stated that because two-thirds of the population of Alaska lives within driving distance of its two largest cities, it would be possible for many more legislators to spend time at home with their families during special sessions if those sessions were held in within that population concentration. He related a personal story illustrating his inability to be at home during a family crisis.

[8:26:25 AM](#)

REPRESENTATIVE GATTO spoke of the isolation of many constituents from their legislature, and the challenging weather conditions that can make travel in and out of Juneau difficult. He questioned extending the amount of time the legislature spends in Juneau by holding special sessions in Juneau. He said a constituent told him that people think all legislators in Alaska are corrupt, which is why they like Juneau. He said that is a reputation that is unearned.

[8:30:31 AM](#)

REPRESENTATIVE GATTO, in response to Chair Lynn, indicated that some votes may have been cast hastily in order for legislators to finish business and leave town, which he said is sad.

[8:32:53 AM](#)

RICK VANDERKOLK, Staff, Representative Carl Gatto, Alaska State Legislature, on behalf of Representative Gatto, prime sponsor, responded to Representative Johansen by noting that the reference to "interconnected state road system" was replaced

with "a location in the Railbelt area that includes Anchorage and Fairbanks." In response to Chair Lynn and Representative Gruenberg, he reviewed that the location description and the previously noted 30-day/10-day rule are the two primary changes made to the bill through Version E, and both those changes are proposed in Section 3.

8:34:43 AM

MR. VANDERKOLK, in response to a question from Representative Johansen, said the flight from Anchorage to Fairbanks is 45 minutes in length.

[MULTIPLE UNIDENTIFIED SPEAKERS noted that the flight from Anchorage to Juneau is 22 minutes in length.]

8:35:23 AM

REPRESENTATIVE DOLL, regarding accessibility, noted that [specifying that a special session be held at a location in the Railbelt area] "leaves out about 90 percent of the state" not on a road system, which "in itself is not real conducive to representation," and is not a fair requirement. She pointed out that all the capitals in the nation are not in populated areas, which means that those states' legislators have to travel back and forth to meet. She said, "That's kind of what you sign up for when you decide to be a legislator." She admitted that her comment may sound emotionally unsympathetic, but offered assurance that she is actually extremely sympathetic. She explained that she married a man who chose a military career and went on nine-month deployments, moving the family around 14-15 times, while she had a baby and took care of the upkeep of their house on her own. She said, "But it came with the territory because that's what he chose to do as a job. And I understood that - didn't like it, but I understood it."

REPRESENTATIVE DOLL said it is difficult to argue with emotions, and "many people have signed up for this kind of thing and it's part of what they do." She said emotions overtake costs. She asked, "How important is it that we get up and pack up everything and go?" Representative Doll said the minimum cost of moving the legislator out of Juneau is \$75,000, which includes "the \$50,000 start-up [and] the [\$25,000] per day." That figure does not include the weeks of preparation for such a move. She said it is legitimate to ask whether answering to emotions is worth the cost involved.

REPRESENTATIVE DOLL said she is dismayed that there is a general perception that everyone in the legislature is corrupt, but said she thinks that same perception pertains to everyone in Washington, D.C., as well, and that "that just comes with the territory."

[8:39:02 AM](#)

CHAIR LYNN, in response to Representative Doll's remarks about her husband, related that he has spent many years in the military away from home. He commented on legislators' expectations regarding service in regular and special sessions.

[8:40:36 AM](#)

AL MCKINLEY, SR., Member, Executive Committee, Grand Camp Alaska Native Brotherhood (ANB), related that he is a veteran of the U.S. Army. He noted that he is a delegate to Central Council of the Tlingit and Haida Indian Tribes of Alaska (CCTHITA), where he serves on a judiciary committee. He said he watches the legislature on television throughout the day.

MR. MCKINLEY said when legislators come to Juneau they are all on per diem, which must be discontinued when they go home. He said space is available already in Juneau, and the public, at no cost to itself, can utilize the teleconference system around the state to testify. He indicated that the costs involved in holding a special session outside of Juneau would include the move itself, staff per diem, and facilities rental for the length of the special session.

[8:46:20 AM](#)

MR. MCKINLEY noted that the last special session, which was held in Anchorage, addressed the subject of oil. The only information available from that special session was through the newspaper, and sometimes staff writers for the paper can be biased, he said. He expressed appreciation for the work that was done during that special session on behalf of the best interest of Alaskans.

MR. MCKINLEY stated concern regarding the cost of holding a special session outside of Juneau, and said, "It's the public's money that we're talking about." He talked about money needed in other areas, such as public education and public safety.

[8:49:29 AM](#)

CHAIR LYNN closed public testimony.

[8:49:41 AM](#)

REPRESENTATIVE JOHNSON moved to report CSHB 318, Version 25-LS1303\E, Cook, 2/22/08, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE DOLL objected.

A roll call vote was taken. Representatives Johnson, Roses, and Lynn voted in favor of moving Version E out of committee. Representatives Johansen, Gruenberg, Doll, and Coghill voted against it. Therefore, CSHB 318, Version 25-LS1303\E, Cook, 2/22/08, failed to moved out of the House State Affairs Standing Committee by a vote of 3-4.

HB 368-ETHICS: LEGISLATIVE & GOV/LT GOV

[Contains discussion of HB 109 and HB 408.]

[8:51:17 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 368, "An Act modifying the limitations on political fund raising during legislative sessions by candidates for governor or for lieutenant governor, and amending the Legislative Ethics Act to modify the limitation on political fund raising by legislators and legislative employees during legislative sessions, to allow legislators and legislative employees to accept certain gifts from lobbyists within their immediate families, to clarify the Legislative Ethics Act as it relates to legislative volunteers and educational trainees, to reduce the frequency of publication of summaries by the Select Committee on Legislative Ethics, to revise procedures and penalties related to the late filing of disclosures required by the Legislative Ethics Act, and to add a definition to that Act."

[8:52:05 AM](#)

MIKE SICA, Staff, Representative Bob Lynn, Alaska State Legislature, introduced HB 368 on behalf of the House State Affairs Standing Committee, sponsor, which is chaired by Representative Lynn. He said the proposed legislation would make "some common sense changes" in ethics in campaign laws. He

said the changes have been recommended by the Select Committee on Legislative Ethics ("the Ethics Committee"), as well as the Alaska Public Offices Commission.

MR. SICA explained each section of the bill, as highlighted in the sectional analysis [included in the committee packet], which read as follows [original punctuation provided, with some formatting changes]:

**Sec. 1.** Amends AS 15.13.072(g) to modify the location where a candidate for governor or lieutenant governor may not raise and spend campaign funds, changing it from the "capital city" to the "municipality in which the session is convened" when either house of the legislature is in regular or special session.

**Sec. 2.** Amends AS 25.60.031(a) to modify the location where a legislator or legislative employee who is a candidate for the state legislature may not raise and spend campaign funds, changing it from the "capital city" to the "municipality in which the session is convened" when either house of the legislature is in regular or special session.

**Sec. 3.** Amends AS 24.60.080(a) to allow a legislator or legislative employee to accept a gift worth \$250 or more in value from anyone in a calendar year; or accept a gift of any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist if: "the gift is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family."

**Sec. 4 and 5.** Amends AS 24.60.080 to restructure language for the Legislative Ethics Act as it relates to legislative volunteers and trainees.

**Sec. 6.** Amends AS 24.60.150(a) to allow the publishing of official summaries of decisions and advisory opinions by the Select Committee on Legislative Ethics on an annual basis versus a semi-annual basis.

**Sec. 7.** Amends AS 24.60.260(c) to establish the fine for a "willful" late filing to \$100 for each day to a maximum of \$2,500. The fine remains the same at \$2 for each day to a maximum of \$100 for each late

filing. If the filing was "inadvertent," the maximum fine is still \$25.

**Sec. 8.** Amends AS 24.60.990(a) to include a definition for "partisan political activity."

[8:55:37 AM](#)

MR. SICA, in response to a question from Representative Gruenberg, directed attention to the definition of "immediate family" - as shown in a handout in the committee packet entitled, "Relevant Statutes for HB 368."

REPRESENTATIVE GRUENBERG observed that Sections 4 and 5 seem to set up the language concerning legislative volunteers and educational trainees "in a separate subsection." He asked for an explanation.

MR. SICA deferred to Joyce Anderson.

[8:57:31 AM](#)

JOYCE ANDERSON, Ethics Committee Administrator, Select Committee on Legislative Ethics, Legislative Agencies and Offices, answered Representative Gruenberg's question as follows:

What we did was we're suggesting we divide those two sections up, because the part that we're dividing actually refers to what sections of the Ethics Code that volunteers and trainees are covered under. And so, we felt that it would be better to divide those two sections up and make that clear.

MS. ANDERSON, in response to a follow-up question from Representative Gruenberg, confirmed that the change is not substantive, but simply for style and convenience.

REPRESENTATIVE GRUENBERG asked for further details regarding Section 7.

[8:58:24 AM](#)

MS. ANDERSON responded as follows:

The Ethics Committee had an issue that had come up during the interim last year. Basically what happened was ... that legislators are now required to file

ethics disclosures after they leave office, within 90 days. And we had a former legislator who did not file his ethics disclosure - refused to file his ethics disclosures after two certified letters were sent out. Actually I had a conversation with this legislator who hung up on me. ... The Ethics Committee felt that ethics disclosures are very much important - they are a requirement of legislators and staff - and so, they looked at the fact that the fine structure right now, which has been in place for many ... years, ... [is] \$2 a day for a maximum of \$100 dollars.

Well, this former legislator had two disclosures that were not filed, which meant that the fine would have been \$200. The AG's office does not follow up on any money owed to the government that's under \$500 dollars. And so, the Ethics Committee did refer the matter to the AG's office, because that was their duty to do so, but they also wanted to look at the fine structure. So, I did some comparisons with some other states, and after discussion - I think there were two committee meetings in which the committee discussed this - they felt that there needed to be an added section to the fine structure, which called for "willful failure to file" and that the fine needed to be hefty versus the \$2 a day with the maximum of \$100.

[9:00:13 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the word "shall" on page 5, line 13, and recommended using the word "may" instead, because he stated his belief that judges should have the authority, but not be required, to impose certain penalties.

MS. ANDERSON said she believes the Ethics Committee would be amenable to that change.

REPRESENTATIVE GRUENBERG said, "Because the inadvertence is a 'may' on line 11, this would simply track that."

[9:01:56 AM](#)

REPRESENTATIVE ROSES said he likes the idea of using "may", because it would give the latitude to "gradually enforce the regulation and drop the hammer if you have to."

[9:02:33 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Amendment 1, as follows:

On page 5, line 13:  
Delete "shall"  
Insert "may"

REPRESENTATIVE COGHILL objected for discussion purposes.

REPRESENTATIVE GRUENBERG, in response to Representative Coghill, confirmed that saying "may be \$100" means the fine may be up to \$100.

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

REPRESENTATIVE GRUENBERG added that Amendment 1 should be conceptual, to allow the bill drafter to decide if other language is appropriate.

[9:03:24 AM](#)

REPRESENTATIVE GRUENBERG asked how the bill sponsor arrived at the definition of "partisan political activity" - as used in Section 8 of the bill.

MR. SICA replied that a similar definition exists in other statute, and the sponsor adapted it "to be more specific, slightly, to this issue."

[9:04:04 AM](#)

REPRESENTATIVE COGHILL expressed discomfort over Section 8. He said he may have to vote against the whole bill, but would ponder the issue some more.

MS. ANDERSON, in response to a question from Representative Coghill regarding Section 6, stated:

Basically, since I've been on board since 2001, we have published annual publications. And it's an official publication that goes out; you should have received it in your office at the beginning of the year. And what we've done since this statute was into play: we now have a website ... [where] both summaries of decisions regarding complaints and advisory opinions are available .... The advisory

opinions are available through a searchable database, and then I also put them in the newsletter that comes out. So, basically this just becomes a publication, the publication then goes to the House and the Senate, and it's read into the journal.

REPRESENTATIVE COGHILL said it seems like the legislature addressed the issue of an annual report last year.

MS. ANDERSON said she does not remember that topic being part of HB 109 last year, but she suggested that she and Representative Coghill may have discussed the issue.

REPRESENTATIVE COGHILL, in response to Chair Lynn, explained his issue with Section 8 is that the "differentially benefit or harm" language is new to him. He reiterated his need to spend time considering the language. He said usually the legislature specifies which activity is good and which is not, but the bill proposes to define ["partisan political activity"] as ["an activity that is intended to deferentially benefit or harm"].

[9:07:29 AM](#)

REPRESENTATIVE COGHILL moved to adopt [Amendment 2], as follows:

On page 5, lines 17 and 18:  
Delete all material

REPRESENTATIVE GRUENBERG objected to ask if Representative Coghill had meant to say lines 17-21. He recollected that Mr. Sica had previously noted that the definition for "partisan political activity" had been modified from elsewhere in statute and asked Mr. Sica to cite the statute.

MR. SICA said the definition is found in AS 39.52.120(b)(6), which read as follows:

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

[9:11:20 AM](#)

REPRESENTATIVE COGHILL indicated that many aspects of Title 39, pertaining to legislative ethics, and Title 24, pertaining to administrative ethics, have been aligned. He stated:

It may be very different for somebody who is political in nature, like we are, to differentially benefit or harm, than it would be for [an] executive branch member to differentially use their position within the executive branch, because they're not inherently political, while ... everything that we can be accused of has political ramifications. So, before I'm willing to put this definition in I want to ponder that.

MS. ANDERSON, in response to a query from Representative Gruenberg, said the phrase "partisan political activity" appears in AS 24.60.030(a)(2), which specifies that a legislator or legislative employee may not:

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of either the legislator, legislative employee, or another person; this paragraph does not prohibit

MS. ANDERSON continued:

The reason this is in here is that there have been, prior to Representative Roses being on the committee, a complaint that the Ethic Committee looked at. And we looked at it in relation to partisan political activity. And the discussion at the executive session committee meeting regarding partisan political activity included the fact that the press secretaries

for both the House and the Senate, for the majority/minority, are considered partisan, because they work for the majority or the minority - ... and it happened to do with a press release at that time.

... The committee's debated two executive sessions regarding ... [the meaning of] partisan political activity .... And so, it has been an issue over the time, and also in regard to advisory opinions that are issued, because there is no definition in statute. And so, ... what's happening is ... the Ethics Committee is taking the particular factual situation and looking at it in relation to the words "partisan political activity", without having a definition to follow regarding that.

... It has been a discussion ... since 2001, since I've been on board. And so, I think it's important in that aspect for the ... Ethics Committee itself to have some guidance as to really what "partisan political activity" means. And so, being that there was a definition in the Executive Branch Ethics, we took a look at that and then decided to make the change out adding legislative action, [for] which we do have a definition in this statute, under [AS] 24.60.990. So, that's little bit of background where it's coming from.

[9:14:52 AM](#)

REPRESENTATIVE GRUENBERG noted the difference between the executive and legislative statutes is that in the Executive Ethics Act, the definition is contained within the paragraph itself, so it only pertains to the one paragraph. He said, "Here you wish to put it in the definitional section, which means it will pertain to the entire Legislative Ethics Act." He asked Ms. Anderson if she is quite certain that the term "partisan political activity" occurs nowhere else in the Ethics Act.

MS. ANDERSON replied, "This is the only section that uses the ... three words, 'partisan political activity.'" She noted that there is a section in AS 24.60.134 - pertaining to prohibited conduct by public members and committee employees and contractors of the Ethics Committee - which uses the word "partisan" only.

REPRESENTATIVE GRUENBERG asked, "If we put that in the general definitional section, as you have it in the bill, would that also be used to define the term "partisan" or ... the antonym "nonpartisan" in 24.60.130(a)(1)?" In response to Ms. Anderson, he clarified that if it is her wish that the terms "partisan" and "nonpartisan" in "the other statute" be similarly interpreted, then the terms should appear in the general definitional section.

MS. ANDERSON responded, "Yes, I think it should be in the general definition section."

[9:18:14 AM](#)

REPRESENTATIVE COGHILL said he offered Amendment 2 to generate discussion. He spoke again about the legislature's role in politics, and said everything the legislature does - both in policy action and in the press - can be construed as political activity. He said ethics laws, when used nobly, work, but the problem occurs when those laws are used with less than noble intent. He said the legislature puts "these things into definitions," and then it puts people like Ms. Anderson "in this really difficult position where a charge is made and they have to go through these definitions" and make determinations regarding whether or not an activity differentially benefits or harms.

[9:20:05 AM](#)

REPRESENTATIVE COGHILL withdrew Amendment 2.

[9:21:38 AM](#)

CHAIR LYNN asked if Representative Coghill wished to remove all of Section 8.

REPRESENTATIVE COGHILL answered yes.

CHAIR LYNN suggested that if Section 8 were deleted, then the bill could possibly be moved out of committee, and the next committee of referral, the House Judiciary Standing Committee, on which three of the seven House State Affairs Standing Committee members sit, could address the issue.

[9:22:26 AM](#)

REPRESENTATIVE COGHILL moved to adopt Amendment 3, as follows:

On page 5, lines 15-23:  
Delete all language

CHAIR LYNN asked if there was any objection to Amendment 3. No objection was stated; therefore, Amendment 3 was adopted.

[9:22:58 AM](#)

REPRESENTATIVE DOLL moved to adopt Conceptual Amendment 4, to replace "municipality" with "capital city" on page 2, lines 4, 12, 21, and 27.

[9:23:57 AM](#)

REPRESENTATIVES JOHNSON, ROSES, and GRUENBERG objected.

REPRESENTATIVE DOLL spoke to Conceptual Amendment 4. She quoted the sponsor statement as reading, "...HB 368 makes common-sense changes to the state's ethics laws concerning gifts to and from legislators, legislative employees, and lobbyists who are immediate family members." She said she believes that is the intent of the bill and that it is not the intent of the bill to raise up the issue of a potential capital move. Representative Doll said a similar bill was heard in the House Judiciary Standing Committee where "exactly this kind of language" was removed because it diffused the purpose of the bill. She stated that the bill should have one intent, not several.

REPRESENTATIVE GRUENBERG observed that Conceptual Amendment 4 would essentially strike Sections 1 and 2 of the bill.

[9:25:37 AM](#)

REPRESENTATIVE JOHANSEN said he thinks it is no secret that he supports keeping the capital in Juneau, but the language in question exists as a practical issue. Furthermore, he said there are other bills that address the issue of the location of the capital. He said, "I don't think the issue is in this bill, but if other things happen, I think this needs to be there, so I would respectfully oppose the amendment."

REPRESENTATIVE JOHNSON spoke to his objection. He said the legislature can and has had special sessions outside the capital city. He said he would not like to restrict the bill language when it is entirely possible that future special sessions could be held outside of Juneau.

[9:26:57 AM](#)

REPRESENTATIVE ROSES spoke to his objection. He said if there is a way to word legislation so that it does not require the legislature to revisit it, he supports that. He said he thinks the language of the bill is generic enough that by passing the bill it will not matter where the session is held.

[9:27:50 AM](#)

REPRESENTATIVE GRUENBERG spoke to his objection. He said he generally opposes the capital move; however, he said he opposes Conceptual Amendment 4 "for the reasons of the previous three speakers."

[9:28:14 AM](#)

REPRESENTATIVE DOLL withdrew Conceptual Amendment 4.

[9:28:42 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt [Conceptual] Amendment 5, which would incorporate into HB 368 the following language from Section 1 of HB 408:

\* **Section 1.** AS 11.56.130 is amended to read:

**Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but does not include

(1) political campaign contributions reported in accordance with AS 15.13 unless the contribution is made or received in exchange for an agreement to **affect** [ALTER] an elected official's or candidate's vote or position on a matter the elected official has, or the candidate on election would have, the authority to take official action on; in this paragraph, "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction;

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

REPRESENTATIVE COGHILL objected.

REPRESENTATIVE GRUENBERG explained that it is often the case that somebody is bribed, not to alter his/her position, but to maintain his/her same position, and Conceptual Amendment 5 would cover that possibility.

[9:30:48 AM](#)

REPRESENTATIVE JOHNSON said that seems like an indefensible position to have to prove that a person who does not change his/her position was bribed to do just that.

REPRESENTATIVE GRUENBERG explained that the burden is on the prosecution at all times to offer proof beyond a reasonable doubt.

[9:33:24 AM](#)

REPRESENTATIVE COGHILL said [Conceptual Amendment 5] is a criminal issue being discussed in a civil bill. He indicated that he had raised objection over the same issue in a bill in the past. A person will have to be caught "agreeing to something" whether or not that person changes his/her vote. He stated, "Just for the fact that we're going into Title 11 on this particular bill, I object." He said the use of the word "affect" opens up "a whole new discussion on intent." He encouraged committee members to vote against Conceptual Amendment 5, and he said the issue could be addressed in the House Judiciary Standing Committee.

[9:34:35 AM](#)

REPRESENTATIVE GRUENBERG withdrew [Conceptual] Amendment 5.

[9:34:58 AM](#)

REPRESENTATIVE GRUENBERG [moved to adopt] Conceptual Amendment 6, which would incorporate into HB 368 the following language from Section 2 of HB 408:

- \* **Sec. 2.** AS 15.13.040(e) is amended to read:
  - (e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures, with

expenditures paid for by debit or credit card itemized individually, regardless of amount. The report shall be filed with the commission not [NO] later than 10 days after the expenditure is made.

REPRESENTATIVE GRUENBERG said it is not enough to report the total spent; the report should include an itemized list of expenditures, as it would if the expenses were paid for in cash or with a check.

[9:35:36 AM](#)

REPRESENTATIVE JOHNSON said he thinks credit card expenses are already required to be reported itemized.

[9:36:00 AM](#)

BROOKE MILES, Executive Director, Alaska Public Offices Commission (APOC), confirmed that under current law, debit or credit card transactions must be itemized. She pointed out that AS 15.13.040(e), which is referenced in Conceptual Amendment 6, applies only to independent campaign expenditures. She stated, "If it's felt that this needs to be added, that's fine, but it should be put in all the sections regarding expenditures for a candidate and groups." In response to a question from Chair Lynn, she confirmed that she does not think [Conceptual Amendment 6] is really necessary. In response to questions from Representative Johnson, she confirmed that under current law, everything must be itemized, including independent expenditures.

REPRESENTATIVE JOHNSON concluded that Conceptual Amendment 6 is superfluous.

[9:38:38 AM](#)

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 6.

[9:38:48 AM](#)

REPRESENTATIVE GRUENBERG [moved to adopt Conceptual Amendment 7], which would incorporate into HB 368 the following language from Section 3 of HB 408:

\* **Sec. 3.** AS 15.13.074(b) is amended to read:

(b) A person or group may not reimburse another person or group for a contribution made by that person or group or make a contribution

anonymously, using a fictitious name, or using the name of another.

[9:39:19 AM](#)

REPRESENTATIVE JOHNSON objected.

MS. MILES said the amendment is not necessary, because APOC has always considered and upheld that a repayment of a campaign contribution includes a reimbursement for a campaign contribution. She added, "It's currently illegal and it's always been illegal."

[9:39:45 AM](#)

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 7.

[9:40:33 AM](#)

REPRESENTATIVE GRUENBERG stated his intent to further explore the idea behind [the withdrawn Conceptual Amendment 5].

[9:41:15 AM](#)

CHAIR LYNN told Representative Gruenberg that he is welcome to request a hearing for HB 408 at any time.

[9:41:19 AM](#)

REPRESENTATIVE GRUENBERG moved to report HB 368, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 368(STA) was reported out of the House State Affairs Standing Committee.

[9:42:38 AM](#)

CHAIR LYNN announced the upcoming committee calendar.

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:42:59 AM](#).