

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 3, 2009

1:10 p.m.

**MEMBERS PRESENT**

Representative Jay Ramras, Chair  
Representative Nancy Dahlstrom, Vice Chair  
Representative John Coghill  
Representative Carl Gatto  
Representative Bob Lynn  
Representative Max Gruenberg  
Representative Lindsey Holmes

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 108

"An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust."

- MOVED CSHB 108(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 193

"An Act relating to representation by a legislator or legislative employee of another person in an administrative hearing; relating to charity events under the Legislative Ethics Act; requiring compensation of public members of the Select Committee on Legislative Ethics; exempting certain information from disclosure requirements of the Legislative Ethics Act; relating to the selection of alternate members and the participation of members and alternate members in formal proceedings of the Select Committee on Legislative Ethics and its subcommittees; and defining 'constituent,' 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit' for the purposes of the Legislative Ethics Act."

- MOVED CSHB 193(JUD) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 13

Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of

state by substituting references to the office of lieutenant governor.

- MOVED HJR 13 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 2

Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

- MOVED HJR 2 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 108

SHORT TITLE: PROPERTY FORECLOSURES AND EXECUTIONS

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

02/02/09	(H)	READ THE FIRST TIME - REFERRALS
02/02/09	(H)	L&C, JUD
02/23/09	(H)	L&C AT 3:15 PM BARNES 124
02/23/09	(H)	Heard & Held
02/23/09	(H)	MINUTE(L&C)
03/13/09	(H)	L&C AT 3:15 PM BARNES 124
03/13/09	(H)	-- MEETING CANCELED --
03/16/09	(H)	L&C AT 3:15 PM BARNES 124
03/16/09	(H)	Moved CSHB 108(L&C) Out of Committee
03/16/09	(H)	MINUTE(L&C)
03/18/09	(H)	L&C RPT CS(L&C) 1DP 5NR
03/18/09	(H)	DP: CHENAULT
03/18/09	(H)	NR: BUCH, COGHILL, NEUMAN, HOLMES, OLSON
03/25/09	(H)	JUD AT 1:00 PM CAPITOL 120
03/25/09	(H)	Scheduled But Not Heard
03/30/09	(H)	JUD AT 1:00 PM CAPITOL 120
03/30/09	(H)	Heard & Held
03/30/09	(H)	MINUTE(JUD)
04/03/09	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 193

SHORT TITLE: LEGISLATIVE ETHICS ACT

SPONSOR(S): REPRESENTATIVE(S) COGHILL

03/18/09	(H)	READ THE FIRST TIME - REFERRALS
03/18/09	(H)	STA, JUD
03/24/09	(H)	STA AT 8:00 AM CAPITOL 106
03/24/09	(H)	Heard & Held; Assigned to Subcommittee

03/24/09 (H) MINUTE(STA)  
 03/26/09 (H) STA AT 8:00 AM CAPITOL 106  
 03/26/09 (H) Moved CSHB 193(STA) Out of Committee  
 03/26/09 (H) MINUTE(STA)  
 03/27/09 (H) STA RPT CS(STA) NT 4DP 1AM  
 03/27/09 (H) DP: JOHNSON, SEATON, WILSON, LYNN  
 03/27/09 (H) AM: GRUENBERG  
 03/28/09 (H) STA AT 10:00 AM CAPITOL 106  
 03/28/09 (H) -- MEETING CANCELED --  
 03/30/09 (H) FIN REFERRAL ADDED AFTER JUD  
 04/03/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 13

SHORT TITLE: CONST AM: SEC. OF STATE REFERENCES  
 SPONSOR(S): STATE AFFAIRS

02/02/09 (H) READ THE FIRST TIME - REFERRALS  
 02/02/09 (H) STA, JUD, FIN  
 02/19/09 (H) STA AT 8:00 AM CAPITOL 106  
 02/19/09 (H) Moved Out of Committee  
 02/19/09 (H) MINUTE(STA)  
 02/20/09 (H) STA RPT 6DP 1NR  
 02/20/09 (H) DP: GATTO, SEATON, GRUENBERG, WILSON,  
 PETERSEN, LYNN  
 02/20/09 (H) NR: JOHNSON  
 04/03/09 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 2

SHORT TITLE: CONST AM: GENDER-NEUTRAL REFERENCES  
 SPONSOR(S): GATTO, GRUENBERG

01/20/09 (H) PREFILE RELEASED 1/9/09  
 01/20/09 (H) READ THE FIRST TIME - REFERRALS  
 01/20/09 (H) STA, JUD, FIN  
 03/19/09 (H) STA AT 8:00 AM CAPITOL 106  
 03/19/09 (H) Moved Out of Committee  
 03/19/09 (H) MINUTE(STA)  
 03/19/09 (H) STA RPT 6DP 1NR  
 03/19/09 (H) DP: SEATON, GATTO, GRUENBERG, WILSON,  
 PETERSEN, LYNN  
 03/19/09 (H) NR: JOHNSON  
 04/03/09 (H) JUD AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

JANE W. PIERSON, Staff  
 Representative Jay Ramras

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented Amendment 1 to HB 108, Version P, on behalf of the sponsor, Representative Ramras.

ROBERT H. SCHMIDT, Attorney at Law  
Groh Eggers, LLC  
Anchorage, Alaska

**POSITION STATEMENT:** During discussion of proposed Amendment 1 to HB 108, Version P, provided comments, responded to questions, and suggested changes.

STEPHEN ROUTH, Attorney at Law  
Routh Crabtree, apc  
Anchorage, Alaska

**POSITION STATEMENT:** Provided comments during discussion of proposed Amendment 1 to HB 108, Version P.

RYNNIEVA MOSS, Staff  
Representative John Coghill  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 193 on behalf of the sponsor, Representative Coghill.

JOYCE ANDERSON, Ethics Committee Administrator  
Select Committee on Legislative Ethics  
Alaska State Legislature  
Anchorage, Alaska

**POSITION STATEMENT:** During discussion of HB 193, provided comments and responded to questions.

DENEEN TUCK, Staff  
Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HJR 13 on behalf of the sponsor, the House State Affairs Standing Committee, of which Representative Gruenberg is a member.

#### **ACTION NARRATIVE**

[1:10:48 PM](#)

**CHAIR JAY RAMRAS** called the House Judiciary Standing Committee meeting to order at 1:10 p.m. Representatives Ramras, Holmes, Coghill, Gatto, Lynn, and Gruenberg were present at the call to

order. Representative Dahlstrom arrived as the meeting was in progress.

HB 108 - PROPERTY FORECLOSURES AND EXECUTIONS

1:11:12 PM

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 108, "An Act relating to real property foreclosures, to the sale of property on execution, and to deeds of trust." [Before the committee was CSHB 108(L&C), and adopted as the work draft on 3/30/09 was the proposed committee substitute (CS) for HB 108, Version 26-LS0318\P, Bannister, 3/26/09.]

1:11:28 PM

JANE W. PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, on behalf of the sponsor, Representative Ramras, turned the committee's attention to Amendment 1, labeled 26-LS0318\P.2, Bannister, 4/2/09, which read:

Page 2, lines 27 - 29:

Delete "The notice must be published for at least 30 days, including at least 10 of the last 15 days before the actual date of the sale. Giving notice under this subsection is not required unless there is an Internet website that qualifies under (c) of this section."

Insert "Publication of the notice must begin not later than the first day that the notice is published under (a)(2) of this section and must continue at least through the day in the fourth week that the notice is published under (a)(2) of this section."

Page 4, line 21, following "AS 34.20.080(e)":

Insert ", unless the trust deed was entered into before the effective date of this Act and provides for a different time to cure the default before the sale"

Page 5, lines 15 - 21:

Delete all material and insert:

"(1) payment of the sum then in default, other than the principal that would not then be due if default had not occurred, and foreclosure fees and costs actually incurred by the beneficiary and trustee due to the default is made

(A) at any time up to two days before the sale date stated in the notice of default, or two days before a date to which the sale is postponed; or

(B) if the trust deed was entered into before the effective date of this Act and provides for a different time than the time described in (A) of this paragraph to cure the default before the sale, within the time provided in the trust deed; and"

MS. PIERSON explained that Amendment 1 does three things: the portion proposing to alter page 2, lines 27-29, conforms the language regarding Internet publication with that of newspaper publication; the portion proposing to alter page 4, line 21, cures a potential problem that could arise if a deed of trust sets out a time period different from statute in which to cure a default; and the portion proposing to alter page 5, lines 15-21, describes what information regarding how to cure a default must be provided in the notice of default.

[1:12:55 PM](#)

CHAIR RAMRAS made a motion to adopt Amendment 1.

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

[1:13:20 PM](#)

ROBERT H. SCHMIDT, Attorney at Law, Groh Eggers, LLC, indicated that he would be amenable to Amendment 1 as long as the committee clarifies that the Internet publication and the written publication are intended to be "coextensive" and that the Internet publication is not required to be every day. This clarification is necessary, he opined, because the written publication is only required to be once a week for four weeks, and so to require the Internet publication to be every day for four weeks would greatly increase the cost of publication.

MR. SCHMIDT, noting that he strongly supports the bill, expressed concern regarding the unintended consequences of mandating [that the payment to cure the default be made at least two days prior to the sale date stated in the notice of default, or at least two days prior to the date the sale is postponed to]. Currently, one can cure a default and thereby stop a foreclosure sale anytime before the sale; additionally, a trustee may elect to refuse a cure and proceed with the foreclosure sale if default has occurred two or more times previously. He suggested that Section 4 of the bill be amended

such that the proposed new language on page 4, line 17, would read in part, ", and, if the beneficiary under the trust deed so elects, (9) a statement described". He offered his belief that this change would provide the beneficiary with the discretion to waive what he called the "two-day rule." He also suggested that Section 6 of the bill be amended such that the language on page 5, lines 12, would read in part, "If the beneficiary so elects, a statement required by (b)(9) of this section may state".

REPRESENTATIVE GRUENBERG posited that the change Mr. Schmidt is suggesting to page 4, line 17, should instead read in part, ", and (9) if the beneficiary so elects, the statement described in (e) of this section describing conditions for curing the default".

MR. SCHMIDT concurred. He then suggested that the language on page 5, line 12, instead be changed to read in part: "A statement allowed by (b)(9) of this section may state". In response to a question, he said, "My intention with these changes is to make it discretionary on the part of the beneficiary whether they want to cut off the borrower's right to stop the foreclosure to curing two days out." In response to a further question, he suggested that Amendment 1 be amended such that the printed publication requirements and the Internet publication requirements are harmonized; specifically, that the new language Amendment 1 is proposing to add to page 2, lines 27-29, instead read, "Publication of the notice must occur four times, once a week for four successive weeks". He opined that the language currently proposed via Amendment 1 to page 2, lines 27-29, is ambiguous with regard to whether the Internet publication must occur daily even though the written publication needn't, and that his suggested language - which can be found on page 2, line 2, of Version P - would make the bill stronger.

[1:23:39 PM](#)

STEPHEN ROUTH, Attorney at Law, Routh Crabtree, apc, expressed satisfaction with the language of Amendment 1 as is, offering his understanding that Internet publications are free, and his belief that no bank would turn down a cure for default regardless of how close it occurs to the date of the foreclosure sale.

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1.

CHAIR RAMRAS, noting that there were no further objections, announced that Amendment 1 was adopted.

[1:27:33 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed committee substitute (CS) for HB 108, Version 26-LS0318\p, Bannister, 3/26/09, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 108(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:28 p.m. to 1:31 p.m.

HB 193 - LEGISLATIVE ETHICS ACT

[1:31:23 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 193, "An Act relating to representation by a legislator or legislative employee of another person in an administrative hearing; relating to charity events under the Legislative Ethics Act; requiring compensation of public members of the Select Committee on Legislative Ethics; exempting certain information from disclosure requirements of the Legislative Ethics Act; relating to the selection of alternate members and the participation of members and alternate members in formal proceedings of the Select Committee on Legislative Ethics and its subcommittees; and defining 'constituent,' 'constituent service,' 'legislative purpose,' 'nonlegislative purpose,' and 'private benefit' for the purposes of the Legislative Ethics Act." [Before the committee was CSHB 193(STA).]

[1:32:31 PM](#)

RYNNIEVA MOSS, Staff, Representative John Coghill, Alaska State Legislature, on behalf of the sponsor, Representative Coghill, explained that Section 1's proposed AS 24.60.030(a) uses the term "gift" instead of "lawful gratuity", thereby making the ethics provisions of Title 24 consistent, and provides that legislators' legislative mailing lists may be used for campaign purposes. Section 2's proposed AS 24.60.030(i) adds new language that would protect legislators and staff, when assisting constituents, from violating the Legislative Ethics Act as the result of unintentional encounters with those involved in administrative hearings; for example, if a constituent requests assistance with a problem with a state agency but doesn't inform the legislator or legislative staff that the issue is already being addressed at the administrative

hearing level, currently, just by contacting the agency, the legislator or legislative staff is violating the Legislative Ethics Act, but under proposed AS 24.60.030(i), the legislator or legislative staff could be cleared of any wrongdoing.

MS. MOSS explained that Section 3's proposed AS 24.60.080(a) would allow a legislator or legislative staff to receive [from a lobbyist a gift worth less than \$250 if the gift involves a charitable event; that Section 4's proposed AS 24.60.080(c) allows a legislator or legislative staff to receive such a gift worth \$250 or more as long as it is not given by a lobbyist]; and that Section 5's proposed AS 24.60.080(d) requires a legislator or legislative staff to report the amount of any such gift worth \$250 or more. The aforementioned monetary limit for lobbyists applies to lobbyists, immediate family members of lobbyists, and persons acting on behalf of lobbyists. Section 6's proposed AS 24.60.105(d) exempts a person from making a required disclosure under AS 24.60 if doing so would violate the U.S. Constitution, the Alaska State Constitution, or any other state or federal law [protecting confidential information]. Section 7's proposed AS 24.60.130(f) would allow public members of legislative committees to receive compensation of \$150 per day when attending committee meetings.

MS. MOSS explained that Section 8's proposed AS 24.60.130(n) - in addition to providing for the appointment of alternate public members to the Select Committee on Legislative Ethics - would require an alternate member participating in a [meeting/proceeding] of the Select Committee on Legislative Ethics due to a regular member - either legislative or public - being unable to participate, to participate for the duration of the [meeting/proceeding]. Section 9's proposed AS 24.60.990(a) adds definitions [for the terms, "constituent", "constituent service", "legislative purpose", "nonlegislative purpose", and "private benefit"].

[1:37:24 PM](#)

JOYCE ANDERSON, Ethics Committee Administrator, Select Committee on Legislative Ethics, Alaska State Legislature, mentioning that the Select Committee on Legislative Ethics is familiar with the [changes proposed by CSHB 193(STA)], explained that Section 6 would cover situations in which a person provides or receives medical services, for example, but can't make the required [close economic association] disclosure regarding that relationship because doing so would violate the federal Health Insurance Portability and Accountability Act (HIPAA); this issue

was raised by someone seeking an advisory opinion from the Select Committee on Legislative Ethics. Characterizing Section 9's definition of "constituent" as very, very broad, she indicated that that shouldn't be a problem because currently there are other sections of statute that cover situations involving campaigning and doing something for a private benefit - which is now also being defined in Section 9 - as was the case in an incident wherein the Select Committee on Legislative Ethics issued a complaint decision regarding a legislator whom it found in violation for sending a newsletter [regarding a campaign issue] to individuals who were not within the legislator's constituent district.

[1:39:54 PM](#)

REPRESENTATIVE HOLMES asked whether under the bill, a legislator would continue to be able to provide services to people even though they don't live in the legislator's district.

MS. ANDERSON said yes.

REPRESENTATIVE GATTO asked whether the alternate public member provided for in Section 8 would be entitled to the compensation provided for in Section 7.

MS. ANDERSON said he/she would be but only if he/she were participating in the meeting in an official capacity.

REPRESENTATIVE GRUENBERG questioned whether that would also be the case if an alternate public member was asked to come to a meeting just in case he/she might have to participate in just a portion of the meeting.

MS. ANDERSON pointed out that the language in Section 8 stipulates that alternates who are required to participate in a proceeding are required to participate in the entire proceeding. In response to further questions, she offered her understanding that alternate members would only be called to participate in a meeting if a regular member was unable to participate, and would not be called in to participate in a meeting just on the chance that a regular member might need to leave the room for some reason.

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

REPRESENTATIVE GRUENBERG opined that an alternate member should be able to participate in just a portion of a meeting - say for one agenda item - and still receive compensation for doing so.

MS. MOSS offered her understanding that if both the regular member and the alternate member are at a meeting in an official capacity, then both would receive compensation.

REPRESENTATIVE GRUENBERG expressed interest in possibly amending the bill to insure that an alternate member could participate in just a portion of a meeting and receive compensation for doing so.

[1:43:42 PM](#)

MS. ANDERSON said that another provision of statute already addresses situations in which a regular member must recuse himself/herself due to a conflict of interest. She offered her understanding that the language in the bill isn't intended to allow a regular member to simply step out of the room for a few minutes and have the alternate member take that person's place and vote on an issue.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

REPRESENTATIVE COGHILL explained that the language of the bill is meant to address quorum issues; if a regular member has to recuse himself/herself, there would then be an alternate member to take the regular member's place.

REPRESENTATIVE GRUENBERG opined that an alternate public member ought to be able to fill in for one regular member when addressing a particular topic and then fill in for another regular member when the committee moves onto another topic, and that an alternate public member should receive compensation even if he/she sits through the meeting just in case he/she might be called upon to fill in but then ultimately doesn't have to.

MS. MOSS offered her belief that that is what would occur because the alternate would be there in an official capacity. In response to a question, she posited that the bill is clear on that issue.

REPRESENTATIVE GRUENBERG asked whether anything in either current law or the bill would prohibit an alternate member from participating in just one agenda item during a meeting.

MS. ANDERSON indicated that there is not.

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REPRESENTATIVE GATTO pointed out that according to language in Section 8, if an alternate public member has to participate, he/she must participate for the duration of that meeting. He questioned whether this means that if a regular public member were unable to address one agenda item because of a conflict, then he/she would be unable to participate in the rest of the meeting as well, because the alternate member would have started participating.

MS. ANDERSON indicated that Section 8 is meant to address a concern that public members of the Select Committee on Legislative Ethics don't have an alternate member to sit in for them; the intent is to have an alternative public member available if, for any reason, a regular public member cannot attend a meeting. She clarified that Section 8 is addressing both meetings and proceedings, and that a proceeding would have to do with a particular complaint and could, for example, require attention during three separate meetings. In such a situation, an alternate member taking the place of regular member due to a conflict of interest specific to that complaint would have to attend all three of those meetings.

REPRESENTATIVE GATTO asked whether a legislative member who is late for a meeting must then sit out the meeting because his/her alternate had to take his place.

MS. ANDERSON said that's how she would read it. In response to another question, she offered her belief that the requirement that an alternate participate for the entirety of a proceeding applies only to complaint proceedings, not "a full committee meeting."

REPRESENTATIVE GATTO asked whether, in a situation in which a regular member knows he/she has a conflict of interest with regard to a particular agenda item and therefore recuses himself/herself from participating in that agenda item, the alternate member would be required to take the regular member's place during the entire meeting.

MS. ANDERSON offered her understanding that in such a situation, the alternate member would only have to participate in that specific agenda item, but would still be entitled to compensation.

REPRESENTATIVE GRUENBERG noted that that's been the practice for legislative members of the Select Committee on Legislative Ethics, and so he therefore assumes that that is the intent [for public members as well].

MS. ANDERSON concurred.

[1:54:47 PM](#)

MS. MOSS, in response to a question, repeated her explanation of Section 6.

REPRESENTATIVE DAHLSTROM surmised that Section 6 would apply in situations involving [someone in the medical field].

MS. ANDERSON concurred, repeated her previous comments regarding Section 6, and explained that under that provision, a legislator or legislative staff could write an explanation to the Select Committee on Legislative Ethics regarding why he/she is not making a particular disclosure, and if the committee considers the explanation to be sufficient, then there would be no need for the person to make the disclosure. In response to a question, she explained that Section 6 pertains to disclosures of close economic associations, not financial disclosures required by the Alaska Public Offices Commission (APOC).

REPRESENTATIVE COGHILL relayed that the language in Section 6 was chosen instead of trying to establish a particular dollar-amount threshold.

MS. MOSS, in response to a question, pointed out that the written explanation is only required if requested by the Select Committee on Legislative Ethics or a person acting on its behalf.

CHAIR RAMRAS questioned how the Select Committee on Legislative Ethics or a person acting on its behalf would even know to request a written explanation.

MS. ANDERSON suggested that perhaps the language in Section 6 on page 9, lines 2-3, that says, "a person who refrains from making a disclosure under this subsection shall" could be changed to instead say, "a person who is required to make a disclosure under this subsection shall". In response to a request, she described what constitutes a close economic relationship for

purposes of being required to disclose such, and offered some examples.

CHAIR RAMRAS suggested that the language of Section 6 ought to also specify that the person who chooses to refrain from making a disclosure shall notify the Select Committee on Legislative Ethics that he/she wouldn't be making the disclosure; in this way, the Select Committee on Legislative Ethics would know that it might need to request a written explanation.

REPRESENTATIVE HOLMES agreed.

REPRESENTATIVE GRUENBERG opined that Section 6 should also specify that the Select Committee on Legislative Ethics' request for a written explanation be kept confidential.

REPRESENTATIVE COGHILL suggested that the language on page 8, line 30, be changed to say in part, "A person may request to refrain from".

REPRESENTATIVE GRUENBERG suggested that that request to refrain should also be in writing.

CHAIR RAMRAS concurred.

[2:10:07 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, to add the words "submit a written request to" on page 8, line 30, after the word "may". There being no objection, Amendment 1 was adopted.

[2:11:31 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Conceptual Amendment 2, to add language to Section 6 specifying that "this correspondence shall not be considered a public document disclosable unless the ... committee or the staff determines that it is disclosable except to the extent that they say it must be disclosed, that there's no right of privacy."

CHAIR RAMRAS objected.

REPRESENTATIVE COGHILL asked whether the correspondence now referred to in Section 6, as amended, would need to be identified as confidential.

MS. ANDERSON explained that doing so would not be necessary, because correspondence received by the Select Committee on Legislative Ethics is confidential.

REPRESENTATIVE GRUENBERG withdrew Conceptual Amendment 2.

MS. ANDERSON, in response to a question, explained that under statute, complaint proceedings of the Select Committee on Legislative Ethics are confidential, but committee members do not have to sign confidentiality agreements, though she did have her temporary staff person do so upon being hired. She acknowledged that perhaps committee members should do so as well.

CHAIR RAMRAS then turned members' attention to AS 24.45.051(b)(1) which read:

(b) A lobbyist required to report to the commission under (a) of this section, who provides or pays for food or beverage for immediate consumption by a legislator or legislative employee or a spouse or domestic partner of a legislator or legislative employee shall report the date the food or beverage was provided or paid for and the recipient's name and relationship to the legislator or legislative employee, unless the food and beverage

(1) cost \$15 or less; or

[2:17:06 PM](#)

CHAIR RAMRAS made a motion to adopt Amendment 3, to alter AS 24.45.051(b)(1) such that "\$15" would be changed to "\$35".

REPRESENTATIVE COGHILL objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG indicated that he was amenable to the amount being changed to "\$50" instead.

REPRESENTATIVE GATTO indicated that he was not.

REPRESENTATIVE COGHILL noted that the amount listed is merely the threshold that triggers the reporting requirement for lobbyists, and surmised that a threshold of \$35 would be a reasonable amount, and that a threshold of \$50 would not be exorbitant.

REPRESENTATIVE GRUENBERG mentioned that when lobbyists treat a legislator or legislative staff to a meal, it is often dinner, rather than lunch, and includes spouses.

REPRESENTATIVE GATTO asked whether the threshold amount includes tips.

MS. ANDERSON said it does not, and that this was a policy call made by the APOC.

REPRESENTATIVE DAHLSTROM made a motion to amend Amendment 3 such that the new proposed threshold amount would be \$50. There being no objection, Amendment 3 was amended.

REPRESENTATIVE COGHILL removed his objection to Amendment 3, as amended.

CHAIR RAMRAS stated that Amendment 3, as amended, was adopted.

CHAIR RAMRAS, in response to questions and comments, pointed out that the reporting requirement outlined in AS 24.45.051(b)(1) pertains only to food and beverage for immediate consumption, not the room rental where a meal might take place.

[2:30:57 PM](#)

MS. MOSS turned members' attention to AS 47.14.235 - which pertains to the confidentiality of the Citizen Review Panel - and suggested that the committee might wish to amend HB 193 such that similar language would apply to members of the Select Committee on Legislative Ethics.

MS. ANDERSON concurred.

MS. MOSS suggested that Conceptual Amendment 4 could add language that read: "A person attending a meeting of the Select Committee on Legislative Ethics or a member or staff of the committee may not make any disclosures related to information obtained during a review by the committee."

CHAIR RAMRAS made a motion to adopt Conceptual Amendment 4.

REPRESENTATIVE HOLMES objected.

MS. MOSS acknowledged that it might be better for the new language to refer to a proceeding of the Select Committee on Legislative Ethics.

REPRESENTATIVE HOLMES pointed out that currently only parts of a meeting of the Select Committee on Legislative Ethics might be confidential, and said she doesn't want to make the whole of such meetings confidential.

MS. ANDERSON explained that the term "proceeding" as used in the Legislative Ethics Act refers specifically to ethics complaints. She surmised, therefore, that Conceptual Amendment 4 could be amended such that confidentiality would apply to proceedings and advisory opinions.

[2:34:09 PM](#)

REPRESENTATIVE HOLMES made a motion to amend Conceptual Amendment 4.

MS. ANDERSON, in response to a request, offered the following language as constituting the amendment to Conceptual Amendment 4: "A person attending a meeting of the Select Committee on Legislative Ethics, or a member or staff of the committee, may not make any disclosure related to a proceeding under AS 24.60.170 or an advisory opinion request under AS 24.60.160".

MS. MOSS, in response to a question, explained that under the amendment to Conceptual Amendment 4, the aforementioned language would be added to Title 24 via a new subsection.

REPRESENTATIVE GATTO pointed out that some information disclosed in a proceeding under AS 24.60.170 or an advisory opinion request under AS 24.60.160 may start out being confidential but will then end up becoming public, and expressed concern that the language of the amendment to Conceptual Amendment 4 could become a problem.

MS. ANDERSON said she does not envision that it would become a problem because existing statute already provides that such information shall become public after certain details are redacted.

CHAIR RAMRAS, offering his understanding that there were no objections to the amendment to Conceptual Amendment 4, announced that Conceptual Amendment 4 was amended.

REPRESENTATIVE HOLMES removed her objection to Conceptual Amendment 4, as amended.

CHAIR RAMRAS announced that Conceptual Amendment 4, as amended, was adopted.

[2:36:57 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 5, labeled 26-LS0656\T.2, Wayne, 4/3/09, which read:

Page 10, line 30, through page 11, line 4:

Delete all material and insert:

"(21) "private benefit" means a benefit that is conferred, on a person, with a purpose that is mainly a non-legislative purpose."

REPRESENTATIVE COGHILL objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG explained that the bill's current definition of the term, "private benefit" was mis-drafted, and that Amendment 5 provides for a new, cleaner definition.

REPRESENTATIVE COGHILL removed his objection. [Although not formally announced, Amendment 5 was treated as having been adopted.]

[2:37:59 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 6, labeled 26-LS0656\T.1, Wayne, 4/3/09, which read:

Page 4, line 26:

Delete "**A** [EXCEPT"

Insert "Except when representing another person for compensation subject to AS 24.60.100 and as a professional who is licensed in the state, ["

Page 4, line 31:

Delete "A]"

Insert "] a"

REPRESENTATIVE COGHILL objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG explained that Amendment 6 would allow a licensed professional to represent another person for compensation in a hearing. He offered his understanding that this language is similar to that which was suggested by Chief Administrative Law Judge Terry Thurbon, and that the language was removed in the prior committee. He opined that it is

extremely important that people be able to obtain counsel, adding that anyone providing such counsel would be subject to the rules of professional conduct and thus risk disciplinary action for violating those rules.

REPRESENTATIVE COGHILL agreed.

MS. MOSS explained that Ms. Thurbon was neutral "on this issue," and that the concern expressed in the prior committee was that any legislator who represented a person in an administrative hearing would have a certain amount of influence just by virtue of being a legislator. However, as some have pointed out, there are legislators who represent people as part of their profession, and so could be hired to represent a client before an administrative hearing officer. Amendment 6 would allow such to occur.

REPRESENTATIVE COGHILL surmised that the policy question being raised is, are legislators citizens first and then legislators, or are they legislators and can therefore never be citizens. His view, he relayed, is that although legislators have reporting responsibilities, they are citizens first and should therefore be able to pursue their professions.

REPRESENTATIVE COGHILL then withdrew his objection.

CHAIR RAMRAS announced that Amendment 6 was adopted.

[2:41:02 PM](#)

REPRESENTATIVE DAHLSTROM moved to report CSHB 193(STA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 193(JUD) was reported from the House Judiciary Standing Committee.

HJR 13 - CONST AM: SEC. OF STATE REFERENCES

[2:41:17 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 13, Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor.

[2:42:11 PM](#)

DENEEN TUCK, Staff, Representative Max Gruenberg, Alaska State Legislature, on behalf of the sponsor, the House State Affairs Standing Committee, of which Representative Gruenberg is a member, explained that HJR 13 proposes amendments to the Alaska State Constitution such that if approved by the voters, the references to "secretary of state" would be replaced with references to the "lieutenant governor". In 1970, voters approved amendments to the Alaska State Constitution changing the name of "secretary of state" to "lieutenant governor", but a couple of references to "secretary of state" were missed, and HJR 13 would correct this.

REPRESENTATIVE GRUENBERG, in response to a question, offered his belief that there have been conversations with the lieutenant governor on this matter.

MS. TUCK concurred.

REPRESENTATIVE COGHILL indicated that he is proposing other legislation that would "empower a secretary of state."

REPRESENTATIVE DAHLSTROM pointed out that the outdated references would still need to be corrected regardless, since any new position of secretary of state would not have the same duties as the lieutenant governor.

REPRESENTATIVE COGHILL mentioned that he's voted for legislation similar to HJR 13 before.

[2:44:29 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HJR 13 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 13 was reported from the House Judiciary Standing Committee.

HJR 2 - CONST AM: GENDER-NEUTRAL REFERENCES

[2:44:44 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 2, Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

REPRESENTATIVE GATTO, speaking as one of the joint prime sponsors, explained that HJR 2 proposes amendments to the Alaska State Constitution such that if approved by the voters, gender specific pronouns would be replaced with gender neutral pronouns. He then offered examples of specific language that would be changed under the resolution, and listed some of the positions held and contributions made by women in Alaska. In response to a question, he acknowledged that federal law says one may not discriminate on the basis of sex, but offered his belief that that also means one may not discriminate on the basis of gender.

REPRESENTATIVE LYNN questioned which term would be more appropriate [for use in the title].

REPRESENTATIVE GATTO opined that the term "gender" would be.

[2:49:25 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HJR 2 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 2 was reported from the House Judiciary Standing Committee.

[2:50:46 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:50 p.m.