

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 11, 2010

1:48 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 35

Proposing amendments to the Constitution of the State of Alaska prohibiting passage of laws that interfere with direct payments for health care services and the right to purchase health care insurance from a privately owned company, and that compel a person to participate in a health care system.

- MOVED HJR 35 OUT OF COMMITTEE

HOUSE BILL NO. 355

"An Act relating to criminal fines for organizations."

- HEARD & HELD

HOUSE BILL NO. 289

"An Act authorizing state agencies to pay private legal fees and costs incurred by persons exonerated of alleged Alaska Executive Branch Ethics Act violations; allowing certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against an Alaska Executive Branch Ethics Act complaint; and creating certain exceptions to Alaska Executive Branch Ethics Act limitations on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor."

- HEARD & HELD

HOUSE BILL NO. 287

"An Act relating to the adoption of the Uniform Disclaimer of Property Interests Act, and to the disclaimer of property rights under the Uniform Probate Code."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HJR 35

SHORT TITLE: CONST AM: HEALTH CARE

SPONSOR(S): REPRESENTATIVE(S) KELLY, KELLER, P.WILSON, GATTO

01/08/10	(H)	PREFILE RELEASED 1/8/10
01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	HSS, JUD, FIN
02/09/10	(H)	HSS AT 3:00 PM CAPITOL 106
02/09/10	(H)	Heard & Held
02/09/10	(H)	MINUTE(HSS)
02/16/10	(H)	HSS AT 3:00 PM CAPITOL 106
02/16/10	(H)	Moved Out of Committee
02/16/10	(H)	MINUTE(HSS)
02/17/10	(H)	HSS RPT 3DP 1NR
02/17/10	(H)	DP: T.WILSON, LYNN, KELLER
02/17/10	(H)	NR: HERRON
03/11/10	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 355

SHORT TITLE: CRIMINAL FINES FOR ORGANIZATIONS

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

02/19/10	(H)	READ THE FIRST TIME - REFERRALS
02/19/10	(H)	JUD, FIN
03/10/10	(H)	JUD AT 1:00 PM CAPITOL 120
03/10/10	(H)	Heard & Held
03/10/10	(H)	MINUTE(JUD)
03/11/10	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 289

SHORT TITLE: EXEC ETHICS: LEGAL FEES/FAMILY TRAVEL

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/15/10	(H)	PREFILE RELEASED 1/15/10
01/19/10	(H)	READ THE FIRST TIME - REFERRALS
01/19/10	(H)	STA, JUD, FIN

02/23/10 (H) STA AT 8:00 AM CAPITOL 106
02/23/10 (H) Heard & Held
02/23/10 (H) MINUTE(STA)
02/25/10 (H) STA AT 8:00 AM CAPITOL 106
02/25/10 (H) Moved CSHB 289(STA) Out of Committee
02/25/10 (H) MINUTE(STA)
02/26/10 (H) STA RPT CS(STA) 4DP 1NR
02/26/10 (H) DP: SEATON, GRUENBERG, PETERSEN, LYNN
02/26/10 (H) NR: JOHNSON
03/11/10 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE MIKE KELLY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As one of the joint prime sponsors of HJR 35, presented the resolution.

PEGGYANN McCONNOCHIE
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of HJR 35, and urged its passage.

ANDREA DOLL, Director
Legislative Information Standing Committee
Retired Public Employees of Alaska (RPEA)
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of HJR 35, and asked the committee to defeat the resolution.

PATRICK LUBY, Advocacy Director
AARP Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 35.

DAVE ROLAND, Policy Analyst
Show-Me Institute
Saint Louis, Missouri

POSITION STATEMENT: Provided comments during discussion of HJR 35.

CHRISTIE HERRERA, Director
Health and Human Services Task Force
American Legislative Exchange Council (ALEC)
Washington, D.C.

POSITION STATEMENT: Provided comments in favor of HJR 35.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Responded to questions during discussion of
HB 355.

CLYDE (ED) SNIFFEN, JR., Senior Assistant Attorney General
Commercial/Fair Business Section
Civil Division (Anchorage)
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during discussion of
HB 355.

ACTION NARRATIVE

[1:48:02 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:48 p.m. Representatives Ramras, Gatto, Lynn, Holmes, Dahlstrom, and Herron were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

HJR 35 - CONST AM: HEALTH CARE

[1:48:31 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 35, Proposing amendments to the Constitution of the State of Alaska prohibiting passage of laws that interfere with direct payments for health care services and the right to purchase health care insurance from a privately owned company, and that compel a person to participate in a health care system.

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REPRESENTATIVE MIKE KELLY, Alaska State Legislature, speaking as one of the joint prime sponsors, indicated that HJR 35 - a resolution proposing amendments to the Alaska State Constitution - is in response to proposed federal healthcare-reform legislation, which is meant to address the issues of access, affordability, and quality. However, he remarked, many

people are unsure that the federal legislation is going to adequately address those issues. [Should HJR 35 pass the legislature and be adopted by the voters at the next general elections, it would change the Alaska State Constitution such that] it would preclude the passage of laws that prohibit or penalize direct payment for healthcare services, or laws that prohibit or penalize the purchasing of healthcare insurance, or laws that compel one to participate in a healthcare system, or laws that penalize one for refusing to participate in a healthcare system. He acknowledged that passage of HJR 35 and ratification by the voters of its provisions into the Alaska State Constitution could create a conflict with the aforementioned federal legislation should it pass as well. He offered his understanding, though, that 35 other states are considering legislation similar to HJR 35.

REPRESENTATIVE HOLMES relayed that one of the main concerns she has with HJR 35 is that it could have severe, negative impacts on any proposed changes to existing federal programs such as Medicare, and those addressing Veterans Affairs (VA) benefits and the issue of tribal health.

REPRESENTATIVE KELLY indicated that that might be the case, but surmised that others could better address that issue. In response to a question regarding the resolution's fiscal note, he indicated that he would research its analysis further.

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PEGGYANN McCONNOCHIE relayed that she and her husband own three small businesses, two of which have employees, and offered her belief that the aforementioned federal legislation is going to result in two of her businesses going out of business, and won't necessarily resolve the problems it is meant to address. She added that a system similar to that being proposed by the federal government is already in place in New Zealand, where her husband is from, and opined that it doesn't work there, particularly with regard to pre-existing conditions. Alaskans should come up with their own solution to the problems of access to healthcare and its costs, she opined, and predicted that the proposed federal legislation is going to impose unreasonable burdens on Alaskans and their businesses, especially small business like those she and her husband own. She said she is excited about the possibility of getting a chance to vote on the proposed changes to the Alaska State Constitution as embodied in HJR 35. She surmised that the ratification of those changes would protect small business from being taxed for not providing

healthcare insurance. In conclusion, she urged the committee to pass HJR 35.

REPRESENTATIVE HOLMES asked Ms. McConnochie whether she would be concerned if passage of HJR 35's proposed changes to the Alaska State Constitution resulted in it becoming difficult to make future changes to certain existing federal programs.

MS. McCONNOCHIE, citing her nescience regarding such programs, declined to venture an opinion, but noted that small business owners already face increasing taxes and costs.

[2:00:29 PM](#)

ANDREA DOLL, Director, Legislative Information Standing Committee, Retired Public Employees of Alaska (RPEA), remarking that the prospect of a national public health plan being imposed on individuals has made people either very happy or very fearful, explained that the RPEA feels that HJR 35 is an example of an exaggerated response to the aforementioned proposed federal healthcare-reform legislation. Because HJR 35 is proposing to amend the Alaska State Constitution, it has raised concern among many RPEA members that voter ratification of its proposed changes would tie the hands of current and future legislators and thereby preclude them from addressing Alaska's healthcare issues, and from considering the full array of options currently available. This is a shortsighted approach, particularly given that no one yet knows what the proposed federal legislation will ultimately entail.

MS. DOLL said that although keeping the federal government out of the [business of] healthcare might be a political philosophy that appeals to a significant sector of the population, to take steps to amend the Alaska State Constitution is drastic and potentially harmful. The RPEA, therefore, is asking the committee to reconsider such an approach, and to defeat HJR 35 as currently written. In response to a question, she reiterated that what's of concern to the RPEA is that voter ratification of HJR 35's proposed changes to the Alaska State Constitution would close off legislators' future options.

REPRESENTATIVE HOLMES, characterizing HJR 35 as a bit of a kneejerk reaction to the proposed federal healthcare-reform legislation, reiterated her concern that voter ratification of HJR 35's proposed changes to the Alaska State Constitution could have severe, negative impacts on any future changes to existing

federal programs, such as the Medicare system, which, as many could agree, needs changing.

MS. DOLL concurred, reiterated some of her previous remarks, predicted that passage of HJR 35 would engender litigation, and pointed out that such litigation wouldn't solve anything.

2:09:30 PM

PATRICK LUBY, Advocacy Director, AARP Alaska, said that the AARP Alaska is opposed to HJR 35, and feels that the Alaska State Constitution shouldn't be amended except for very serious reasons. The problems that HJR 35 purports to address don't actually exist yet and may never exist, since no one knows what Congress will do, and the AARP Alaska feels that Alaska should keep its options open, especially with regard to an issue as serious as healthcare. He added:

Although Alaska does not have managed care in the HMO model using capitated cost, we do have new models that do managed care. Healthcare now and in the future will be all about networks and coordinated delivery of services; pay for performance, paying physicians and hospitals for more quality care, medical homes, not paying providers for what's referred to as "never-events" - which Medicare is already doing and is being picked up as a model by Medicaid and private insurers - ... will only increase in the future. Cost containment is going to be the main focus of healthcare debate in the future. In Alaska, we must do something about the uninsured. Currently, 17 percent of Alaskans between the ages of 50 and 64 have no insurance at all. When they need healthcare, they often ended up in the emergency room - the most expensive place to get it. They also usually cannot pay their bill.

Those of us that do have insurance end up picking up their tab. The average cost of the uninsured for every Alaskan family is \$1,900 annually. Employers, including the State of Alaska, also pick of the cost of those employers who do not provide coverage to their employees. [The] AARP wants to make sure that all of us participate in healthcare coverage so that we can end this cost-shifting. [House Joint Resolution 35] ... would allow people to opt out of coverage. The rest of us would still be stuck with

their bills. We look to our legislators [to] provide solutions to problems. Why close down this option that might be very helpful to Alaska in the future? We recommend a "nay" vote on HJR 35. Thank you.

MR. LUBY, in response to questions, relayed that the AARP Alaska thinks that requiring some type of coverage - wherein everyone participates and no one has to pick up someone else's bill - is the sensible approach to take; that when something is done at the national level, people would be able to either join some type of [insurance] pool or enter into some type exchange; and that if one doesn't pay for one's own health insurance - or one's employer doesn't - there would be penalties, penalties which would serve as an incentive to get people to actually purchase the coverage, to make sure that everyone has some type of basic coverage.

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DAVE ROLAND, Policy Analyst, Show-Me Institute, mentioned that he's provided members' with his written testimony, and that he has a background in constitutional law. With regard to the question of whether legislation such as HJR 35 is premature, he opined that now is the time to take action, and surmised that passage of HJR 35 would give Alaskans the opportunity to decide for themselves whether they think that their right to decide whether or not to purchase healthcare insurance should be constitutionally protected. He also offered his belief that although under the Supremacy Clause of the U.S. Constitution, federal law preempts state law, there is reason to believe that with regard to the issue of mandated healthcare insurance, if the voters ratify HJR 35's proposed constitutional changes and a legal conflict then arises, the courts might instead rule that the Alaska State Constitution preempts federal statute.

[2:20:13 PM](#)

CHRISTIE HERRERA, Director, Health and Human Services Task Force, American Legislative Exchange Council (ALEC), relayed that the ALEC applauds HJR 35 - which is modeled after "our own, 'freedom of choice in healthcare Act,' now in ... 38 states" - because the ALEC believes that it will ensure continued access to health services; that when government controls healthcare dollars, it makes treatment decisions based on what's best for government; and that patients, not bureaucrats, should decide what's best for patients. The ALEC also applauds HJR 35 because the ALEC believes that the resolution would stop mandates that

just don't work. She indicated that although the ALEC believes it's important for people to have health insurance coverage, it also believes that a government requirement to purchase it would be ineffective, bureaucratic, and costly. For example, in Massachusetts, which has mandated the purchase of health insurance since 2006, such insurance cost 40 percent more than in the rest of the country], a third of the population still doesn't have coverage, it's harder for the newly-insured to see a physician, emergency room usage has increased by 17 percent, and legislators expect a \$2 billion to \$4 billion shortfall over the next decade.

MS. HERRERA relayed that the ALEC also believes that HJR 35 would help Alaskans shield themselves from the proposed federal healthcare-reform legislation, and from any attempt by the State of Alaska to prohibit direct payment for medical care, and that it would result in a federalism clash if Congress passes a law that either forces people to purchase insurance or prohibits direct payments. On the latter point, she offered her understanding that the U.S. Supreme Court has already ruled in favor of the states when they take steps to protect their citizens' freedoms. She then offered her belief that the problem of people seeking medical services but refusing to purchase health insurance is going to exist anyway regardless of whether HJR 35 passes and its proposed changes to the Alaska State Constitution are then ratified by the voters; "even if ... a mandate did solve the 'free-rider' problem, we would still be forced to pay for the newly-insured with subsidies to purchase the required insurance," she added, and offered her understanding of what the provisions of the proposed federal healthcare-reform legislation might entail and how they might affect a low-income family of four.

MS. HERRERA offered her belief that HJR 35 won't affect federal programs - such as Medicare and Medicaid - or that it would tie the hands of legislators thereby preventing them from addressing possible changes to such federal programs. Instead, she ventured, HJR 35 would ensure that the cornerstone of any future reforms is the preservation of patients' rights. She offered her understanding that a study performed by the Cato Institute estimates that the proposed federal healthcare-reform legislation would require more than 100 million Americans to drop their existing coverage and buy more expensive coverage that they may not want or need. She concluded by reiterating that the ALEC applauds HJR 35.

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CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HJR 35.

The committee took an at-ease from 2:24 p.m. to 2:26 p.m.

REPRESENTATIVE DAHLSTROM moved to report HJR 35 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 35 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:27 p.m. to 2:30 p.m.

HB 355 - CRIMINAL FINES FOR ORGANIZATIONS

[2:31:13 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 355, "An Act relating to criminal fines for organizations."

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REPRESENTATIVE GRUENBERG, speaking as the sponsor, explained that HB 355 [and a proposed amendment are] designed to bring Alaska's criminal fines for organizations - corporations, partnerships, and the like - up to date, and to close a potential loophole in the law; the amendment, labeled 26-LS1385\E.1, Luckhaupt, 3/9/10, [which later became known as Amendment 1] read:

Page 1, line 7:
Delete "\$1,000,000"
Insert "**\$2,000,000** [\$1,000,000]"

Page 1, line 9:
Delete "\$200,000"
Insert "**\$400,000** [\$200,000]"

Page 1, line 11:
Delete "\$25,000"
Insert "**\$50,000** [\$25,000]"

Page 1, line 13:
Delete "\$10,000"
Insert "**\$20,000** [\$10,000]"

REPRESENTATIVE GRUENBERG said that although the officers of a corporation could be imprisoned for wrongdoing, the corporation itself couldn't be imprisoned; however, a corporation could have criminal fines levied against it. Currently, an organization could be sentenced to pay a fine not to exceed the greater of: the existing fine amounts - currently listed on page 1, lines [7-13]; three times the pecuniary gain realized by the defendant as a result of the offense; or three times the pecuniary damage or loss caused by the defendant to another or to the property of another as a result of the offense. He also mentioned that members' packets contain an Alaska Law Review article dated December 2008 that addresses the issue of criminal liability as it pertains to organizations.

REPRESENTATIVE GRUENBERG, to illustrate the loophole in existing law, referred to the federal corruption case involving the VECO Corporation, wherein although the company didn't realize any pecuniary gain - and the State of Alaska didn't realize any loss or damage - the company was certainly seeking pecuniary gain - and pecuniary loss or damage to the State - when it bribed certain Alaska lawmakers to defeat a tax that would have affected the oil and gas industry. House Bill 355 would close that loophole by stipulating that an organization may be sentenced to pay a fine of three times the pecuniary gain - or loss or damage to another - sought by the defendant via the commission of the offense.

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REPRESENTATIVE LYNN asked how a potential gain, or potential loss or damage, could be calculated. For example, in the aforementioned case, under the bill, what would the criminal fines have amounted to?

REPRESENTATIVE GRUENBERG acknowledged that in some cases, it could be difficult to determine the potential gain, or potential loss or damage. In those cases, the court could simply choose to sentence the organization to pay the appropriate fine as set out in AS 12.55.035(c)(1). In other cases, however, the potential gain, or potential loss or damage, could be calculated as being the amount sought by the organization via the commission of the offense. In the situation involving the VECO Corporation, for example, under the bill, the court could have calculated the potential loss of tax revenues to the State of Alaska, particularly given that there was evidence and witnesses in that case. Both existing statute and the proposed statute provide the court options with regard to what the maximum

criminal fine could amount to, on a case-by-case basis, thereby addressing the fact that the amount of gain, or the amount of loss or damage, can sometimes be hard to calculate.

REPRESENTATIVE GRUENBERG, in response to a question regarding the language of proposed AS 12.55.035(c)(2)(B) - which says in part, "sought by the defendant for the defendant or for others" - explained that an organization could be committing the offense on behalf of its clients. With regard to the situation involving the VECO Corporation, for example, under the bill, any pecuniary gain to its clients - either realized or sought - as a result of the commission of the offense would probably have been too speculative to determine and thus the court could simply have chosen an appropriate fine as set out in AS 12.55.035(c)(1).

REPRESENTATIVE GRUENBERG, in response to questions, explained that any criminal fines received under the bill's provisions would go into the general fund (GF); that HB 355 is merely amending existing statutes pertaining to criminal fines for organizations; that the aforementioned Alaska Law Review article mentions specific Alaska cases involving the criminal liability of an organization - State v. ABC Towing and State v. Greenpeace, Inc. being just a couple of examples; and that he does not know why the VECO Corporation was not prosecuted under existing AS 12.55.035(c).

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ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), in response to questions, said that the DOL doesn't prosecute corporations very often under Title 11; that she would research why the VECO Corporation itself was not prosecuted; that some who work in the Office of Special Prosecutions & Appeals are in support of HB 355 and the proposed amendment increasing the fines, because in those situations where they can prosecute an organization for a criminal act, there is often a pecuniary gain realized by the corporation as a result of the offense it commits; and that such prosecutions don't take place very often.

REPRESENTATIVE GRUENBERG, in response to questions, reiterated his opening remarks; noted that the largest of the existing set fines is \$1 million, and that the aforementioned proposed amendment [would double that amount]; and ventured his understanding of some of the factors involved in the

aforementioned legal cases, and what might have occurred had HB 355 been in place when those cases were heard in court.

CHAIR RAMRAS noted that the last paragraph on page 6 of the aforementioned Alaska Law Review article says in part [original punctuation provided]:

Collectively, ABC Towing and Greenpeace, Inc. confirm the existence of organizational criminal liability under state law. These decisions do little, however, to define the contours and limitations of that liability and, in fact, highlight problems with the existing laws. ABC Towing carves out an exemption for sole proprietorships. ... Greenpeace is also problematic in that it illustrates the ease with which organizations might compartmentalize their operations or duplicate themselves and thereby thwart criminal prosecution. ... These are shortcomings legislators need to address if the prosecution of organizations is to be effectively and consistently utilized.

[2:51:50 PM](#)

REPRESENTATIVE GRUENBERG added that although HB 355 would be closing a loophole regarding unrealized gains, or unrealized losses or damages, sought by an organization via the commission of an offense, the Alaska Law Review article indicates that there are other changes to the "criminal corporate liability statutes" that might be warranted. In response to questions, he explained that the proposed amounts outlined in the aforementioned amendment were suggested by the DOL; that the existing fine amounts for misdemeanors have remained unchanged since they were first included in statute 20 years ago; that the existing maximum fine amount for a felony was enacted in statute in 2002; and that inflation since that time has been significant.

CHAIR RAMRAS expressed interest in receiving information regarding how often existing AS 12.55.035(c) has been utilized over the last 10 years; what criminal-fine amounts were ordered; and whether such fines could be dedicated to specific purposes or governmental entities.

REPRESENTATIVE GRUENBERG, in response to a question, indicated that although the DOL did not ask him to introduce HB 355, the DOL did provide input on the bill when he asked for it. He further indicated that the DOL suggested increasing the set

criminal-fine amounts for misdemeanors and he'd simply included a new set criminal fine amount for felonies.

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CLYDE (ED) SNIFFEN, JR., Senior Assistant Attorney General, Commercial/Fair Business Section, Civil Division (Anchorage), Department of Law (DOL), acknowledged that he had suggested the new amounts now listed in the proposed amendment, but indicated that HB 355 would not impact cases involving antitrust violations, which fall under the purview of his section. In response to a question, he said that he himself has not prosecuted anyone under AS 12.55.035(c).

MS. CARPENETI added her understanding that the DOL has prosecuted [organizations] under AS 12.55.035(c), and agreed to research the specific details.

CHAIR RAMRAS relayed that HB 355 would be held over.

HB 289 - EXEC ETHICS: LEGAL FEES/FAMILY TRAVEL

[2:59:56 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 289, "An Act authorizing state agencies to pay private legal fees and costs incurred by persons exonerated of alleged Alaska Executive Branch Ethics Act violations; allowing certain public officers and former public officers to accept state payments to offset private legal fees and costs related to defending against an Alaska Executive Branch Ethics Act complaint; and creating certain exceptions to Alaska Executive Branch Ethics Act limitations on the use of state resources to provide or pay for transportation of spouses and children of the governor and the lieutenant governor." [Before the committee was CSHB 289(STA).]

[3:00:03 PM](#)

REPRESENTATIVE GRUENBERG, speaking as the sponsor, explained that HB 289 would amend the Alaska Executive Branch Ethics Act to include proposed regulatory language addressing the reimbursement of travel expenses for the families of the governor and lieutenant governor in certain situations, and the reimbursement of legal fees and costs to exonerated executive branch employees accused of ethical violations. Such provisions should be in statute rather than in regulation, and the proposed

regulatory language has been simplified via HB 289 to address the fact that in at least three respects, the proposed regulations were too loose: they could have been read as not requiring that the executive branch employees be exonerated before reimbursement occurs, they could potentially have been read to allow reimbursement of legal costs and fees [stemming from charges filed prior to the enactment of the provision], and the procedure for reimbursing legal costs and fees was very cumbersome and convoluted.

[HB 289 was held over.]

[3:02:20 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:02 p.m.