

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 11, 2011
1:05 p.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative Steve Thompson, Vice Chair
Representative Wes Keller
Representative Bob Lynn
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

Representative Lindsey Holmes
Representative Mike Chenault (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 14

"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."

- MOVED CSHB 14(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 127

"An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date."

- MOVED CSHB 127(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 76

"An Act relating to costs and fees for stalking and sexual assault protective orders."

- MOVED HB 76 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 14

SHORT TITLE: EXEC ETHICS: LEGAL FEES/FAMILY TRAVEL

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/18/11	(H)	PREFILE RELEASED 1/7/11
01/18/11	(H)	READ THE FIRST TIME - REFERRALS
01/18/11	(H)	STA, JUD, FIN
01/25/11	(H)	STA AT 8:00 AM CAPITOL 106
01/25/11	(H)	Heard & Held
01/25/11	(H)	MINUTE(STA)
02/01/11	(H)	STA AT 8:00 AM CAPITOL 106
02/01/11	(H)	Moved Out of Committee
02/01/11	(H)	MINUTE(STA)
02/02/11	(H)	STA RPT 3DP 2NR 1AM
02/02/11	(H)	DP: GRUENBERG, SEATON, PETERSEN
02/02/11	(H)	NR: JOHANSEN, LYNN
02/02/11	(H)	AM: P.WILSON
03/11/11	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 127

SHORT TITLE: CRIMES INVOLVING MINORS/STALKING/INFO

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/26/11	(H)	READ THE FIRST TIME - REFERRALS
01/26/11	(H)	JUD, FIN
02/07/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/07/11	(H)	Heard & Held
02/07/11	(H)	MINUTE(JUD)
02/09/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/09/11	(H)	Heard & Held
02/09/11	(H)	MINUTE(JUD)
02/11/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/11/11	(H)	Scheduled But Not Heard
02/23/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/23/11	(H)	Heard & Held
02/23/11	(H)	MINUTE(JUD)
02/25/11	(H)	JUD AT 1:00 PM CAPITOL 120
02/25/11	(H)	Scheduled But Not Heard
02/28/11	(H)	JUD AT 1:00 PM CAPITOL 120

02/28/11 (H) Heard & Held; Assigned to a
Subcommittee
02/28/11 (H) MINUTE(JUD)
03/04/11 (H) JUD AT 1:00 PM CAPITOL 120
03/04/11 (H) -- MEETING CANCELED --
03/08/11 (H) JUD AT 11:00 AM CAPITOL 120
03/08/11 (H) Subcommittee Meeting
03/11/11 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 76

SHORT TITLE: STALKING/SEXUAL ASSAULT PROTECTIVE ORDERS
SPONSOR(S): HOLMES

01/18/11 (H) PREFILE RELEASED 1/14/11
01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) JUD, FIN
03/07/11 (H) JUD AT 1:00 PM CAPITOL 120
03/07/11 (H) Heard & Held
03/07/11 (H) MINUTE(JUD)
03/11/11 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

GRETCHEN STAFT, Staff
Representative Max Gruenberg
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 14 on behalf of the sponsor,
Representative Gruenberg.

JUDY BOCKMAN, Assistant Attorney General
State Ethics Attorney
Opinions, Appeals, & Ethics
Civil Division (Anchorage)
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of
HB 14.

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

POSITION STATEMENT: Provided comments and responded to
questions during discussion of proposed amendments to HB 127,
Version M.

GRETCHEN STAFF, Staff
Representative Max Gruenberg
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 127, Version M, explained Amendment 4.

TONY NEWMAN, Social Services Program Officer
Division of Juvenile Justice (DJJ)
Department of Health & Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Provided comments during discussion of Amendment 4 to HB 127, Version M.

GERALD LUCKHAUPT, Assistant Revisor
Legislative Legal Counsel
Legislative Legal and Research Services
Legislative Affairs Agency (LAA)
Juneau, Alaska

POSITION STATEMENT: Speaking as the drafter, offered his belief that HB 76 would not effect a court rule change.

ACTION NARRATIVE

[1:05:34 PM](#)

CHAIR CARL GATTO called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Gatto, Thompson, Gruenberg, Lynn, and Keller were present at the call to order. Representative Pruitt arrived as the meeting was in progress. Representative Holmes was excused.

HB 14 - EXEC ETHICS: LEGAL FEES/FAMILY TRAVEL

[1:06:27 PM](#)

CHAIR GATTO announced that the first order of business would be HOUSE BILL NO. 14, "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."

[1:07:11 PM](#)

GRETCHEN STAFT, Staff, Representative Max Gruenberg, Alaska State Legislature, on behalf of the sponsor, Representative Gruenberg, explained that HB 14 would set forth in statute the substance of the administration's recently-enacted regulations establishing standards for the reimbursement of legal fees and costs for exonerated executive branch employees accused of ethical violations, and for the payment of certain travel expenses for the families - spouse and children - of the governor and lieutenant governor. Placing these standards in statute rather than just in regulations would address concerns that the regulations were enacted outside the scope of the administration's authority, and would remove any appearance of impropriety - that the executive branch created regulations that would specifically benefit the executive branch. However, the regulations and HB 14 differ in two ways. Under the regulations, only the travel expenses of minor children could be reimbursed, whereas under the bill, the travel expenses of any dependent child - including, for example, a mentally or physically disabled child - could be reimbursed even if he/she were not still a minor; and under the regulations, the legal fees and costs could be reimbursed before the executive branch employee was exonerated, whereas under the bill, reimbursement couldn't occur until after he/she was exonerated. She relayed that the sponsor considers this latter difference to be a better policy choice and safer for the State.

CHAIR GATTO observed that they wouldn't want to have paid the legal fees and costs of someone who was never exonerated.

MS. STAFT concurred.

[1:11:02 PM](#)

MS. STAFT then went on to explain that specifically, Section 1 of HB 14 - in addition to making a minor stylistic change in AS 39.52.120(b)(6) to the term, "for partisan political purposes" - would delete the definition of that term from that paragraph. That definition [along with stylistic changes] would then be included in Section 3's proposed AS 39.52.120(h). Section 2 would make a similar stylistic change to AS 39.52.120(f). Section 3 would add two new paragraphs to AS 39.52.120: proposed paragraph (g), and, again, proposed paragraph (h);

specifically, proposed paragraph (g) would authorize the use of state resources to pay the travel costs of the spouse and children of the governor or lieutenant governor to an event that meets certain criteria. Under those criteria, the event cannot have a partisan political purpose, and must be of benefit to the state, as enumerated in proposed AS 39.52.120(g)(2)(A)-(D).

MS. STAFT, in response to a question, paraphrased Section 3's proposed definition of the term, "partisan political purpose", which read:

- (h) In this section, "partisan political purpose"
 - (1) means a purpose intended to differentially benefit or harm a
 - (A) candidate or potential candidate for elective office; or
 - (B) political party or group;
 - (2) does not include a purpose intended to benefit the public interest at large through the normal performance of official duties.

MS. STAFT offered her understanding that this definition has been interpreted clearly in the past.

[1:13:48 PM](#)

MS. STAFT, in response to comments and further questions, paraphrased a portion of Section 3's proposed subsection (g)(2)(A)-(D) to illustrate that under certain circumstances, a physically or mentally disabled family member's travel costs could be paid by the State; that proposed paragraph (2) reads:

- (2) the person's attendance is a benefit to the state; under this paragraph, a benefit to the state is presumed when
 - (A) the person's attendance at the event is required for official action of the state;
 - (B) the event is state-sponsored and the person's attendance has been customary at similar events;
 - (C) the person is attending as an officially designated representative of the state; or
 - (D) the person is invited by the sponsor of the event before the transportation occurs, the event is related to issues important to the state, the governor or lieutenant governor attends, and

(i) the event is a family or youth event at which the person's attendance is particularly appropriate; or

(ii) the invitation and the person's attendance have been customary for similar events.

MS. STAFF added that the sponsor thought it was fair to pay the travel costs of a governor or lieutenant governor's mentally or physically disabled dependent child regardless of his/her age, and predicted that such probably wouldn't occur very often.

REPRESENTATIVE GRUENBERG, in response to a comment, and speaking as the sponsor of HB 14, pointed out that the aforementioned regulations already include a provision authorizing the payment of a governor or lieutenant governor's minor child's travel costs to certain events, adding that he felt such should also be authorized for a disabled dependent child, otherwise the governor or lieutenant governor, as a parent attempting to conduct state business, could be put in a very difficult position. He, too, predicted that this probably wouldn't occur very often, particularly if the governor or lieutenant governor's child is severely physically disabled.

[1:18:15 PM](#)

MS. STAFF went on to explain that Section 4 - proposed AS 39.52.470 - addresses the payment of legal fees and costs for an exonerated executive branch employees accused of ethical violations. Again, the difference between the aforementioned regulations and the bill is that under the regulations, the legal fees and costs could be paid before the executive branch employee is exonerated, whereas under the bill, payment couldn't occur until after he/she is exonerated, thereby precluding the need for the State to recoup its payments in the event that the executive branch employee is never exonerated. In response to comments and questions, she pointed out that the language of proposed AS 39.52.470(e)(2) stipulates that only the reasonable and necessarily-incurred fees and costs for private legal representation could be reimbursed by the State. She noted that Rule 82 of the Alaska Rules of Civil Procedure outlines a lot of the various factors the court would consider in determining whether fees and costs were indeed reasonable and necessarily incurred. Furthermore, proposed AS 39.52.470(a) stipulates that if the executive branch employee is accused of multiple violations, he/she could only be reimbursed for the fees and costs associated with the charges he/she is exonerated of.

MS. STAFF, in response to questions, reiterated that the sponsor feels it would be safer for the State, in terms of it protecting its resources, to wait until after the executive branch employee actually is exonerated and then reimburse him/her for associated legal fees and costs, rather than to pay his/her legal costs and fees in an ongoing case and then seek recoupment of those payments when he/she isn't exonerated of ethical violations. Waiting until a person is exonerated is also in keeping with the laws pertaining to paying [legal] fees and costs incurred by judicial branch employees. She noted that Legislative Legal and Research Services was asked to research whether there were any states that allowed for the payment of ongoing legal fees and costs in advance of exoneration, but was unable find any in the time allotted.

REPRESENTATIVE GRUENBERG - noting that Section 4 of the bill applies to all executive branch employees, not just the governor and lieutenant governor - explained that under Rules 79 and 82 of the Alaska Rules of Civil Procedure, a case has to be finally disposed of before costs and fees are apportioned. He characterized the regulations' alternative approach regarding the payment of legal fees and costs as constituting a very dangerous practice. It would be very difficult and problematic for the State to seek reimbursement from a person who is ultimately found to be guilty of embezzlement, for example, particularly if he/she goes on the run after being found guilty.

MS. STAFF, in response to a comment, clarified that because it would be the State bringing the charges against the executive branch employee, the State couldn't pick who would represent the employee, because doing so would be a conflict of interest. It would be up to the employee to choose his/her own legal representation.

[1:32:50 PM](#)

JUDY BOCKMAN, Assistant Attorney General, State Ethics Attorney, Opinions, Appeals, & Ethics, Civil Division (Anchorage), Department of Law (DOL), in response to a question and comments, clarified that the Alaska Executive Branch Ethics Act provides confidentiality for a complaint and all materials collected in the investigation, and so once the complaint is filed, it is the department's policy, as mandated by statute, to keep the matter completely confidential - not commenting even on its existence or its status. Although sometimes complainants publicly announce that they have filed a complaint, there is no penalty for doing so under the Alaska Executive Branch Ethics Act, and

to assess a penalty against complainants who speak out would raise constitutional problems because the First Amendment allows citizens to express concerns and complaints about their government.

REPRESENTATIVE GRUENBERG, in response to earlier comments, assured the committee that proposed AS 39.52.470(e)(2) was written very carefully, with language very similar to that found in the Alaska Rules of Civil Procedure, so as to ensure that the legal fees and costs that could be reimbursed by the state would be controlled.

CHAIR GATTO, after ascertaining that no one else wished to testify, closed public testimony on HB 14.

MS. STAFF, in response to questions, offered her belief that moving the definition of the term, "partisan political purpose" from AS 39.52.120(b)(6) to AS 39.52.120(h) wouldn't result in any substantive change to AS 39.52; and relayed that she isn't aware of what the rationale was for providing a maximum threshold of 10 percent in existing AS 39.52.120(f).

[1:39:10 PM](#)

REPRESENTATIVE KELLER [made a motion] to adopt Conceptual Amendment 1, to insert on page 3, line 26, the word, "oriented" after the word, "youth". There being no objection, Conceptual Amendment 1 was adopted.

[1:40:23 PM](#)

REPRESENTATIVE THOMPSON moved to report HB 14, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 14(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:41 p.m. to 1:42 p.m.

HB 127 - CRIMES INVOLVING MINORS/STALKING/INFO

[1:42:41 PM](#)

CHAIR GATTO announced that the next order of business would be HOUSE BILL NO. 127, "An Act relating to the crimes of stalking, online enticement of a minor, unlawful exploitation of a minor, endangering the welfare of a child, sending an explicit image of

a minor, harassment, distribution of indecent material to minors, and misconduct involving confidential information; relating to probation; and providing for an effective date." [Before the committee was the proposed committee substitute (CS) for HB 127, Version 27-GH1840\M, Gardner, 2/24/11, which was adopted as the work draft on 2/28/11 and amended; left pending from that meeting on 2/28/11 was the motion to adopt Amendment 1 to Version M.]

CHAIR GATTO referred to Amendment 1, labeled 27-GH1840\M.1, Gardner, 2/24/11, which read:

Page 1, line 2, following "**minor**,":
Insert "**criminal impersonation**,"

Page 2, following line 31:

Insert a new bill section to read:

"* **Sec. 6.** AS 11.46.565(a) is amended to read:

(a) A person commits the crime of criminal impersonation in the first degree if

(1) the person

(A) [(1)] possesses an access device or identification document of another person;

(B) [(2)] without authorization of the other person, uses the access device or identification document of another person to obtain a false identification document, open an account at a financial institution, obtain an access device, or obtain property or services; and

(C) [(3)] recklessly damages the financial reputation of the other person; or

(2) the person violates AS 11.46.570 and the crime intended is a sex offense; in this paragraph, "sex offense" has the meaning given in AS 12.63.100."

Renumber the following bill sections accordingly.

Page 11, line 16:

Delete "Sections 1 - 12 and 15"

Insert "Sections 1 - 13 and 16"

Page 11, line 18:

Delete "Sections 13 and 14"

Insert "Sections 14 and 15"

REPRESENTATIVE LYNN, having made the motion to adopt Amendment 1 on 2/28/11, offered his belief that Amendment 1 has great potential for benefit without causing harm, and expressed strong support for HB 127.

REPRESENTATIVE GRUENBERG, noting the previous debate on Amendment 1, surmised that the question at this point is really whether Amendment 1's proposed change to AS 11.46.565(a) belongs in HB 127 specifically. Essentially, should criminal impersonation during the commission of a sex crime be inserted into the statutes dealing with property crimes?

[1:45:01 PM](#)

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), relaying that the DOL has concerns about including Amendment 1 in HB 127, opined that its proposed change isn't necessary, and that adopting Amendment 1 could instead result in problems.

A roll call vote was taken. Representatives Lynn voted in favor of Amendment 1. Representatives Keller, Pruitt, Thompson, Gruenberg, and Gatto voted against it. Therefore, Amendment 1 failed by a vote of 1-5.

[Amendment 2 to Version M was adopted on 2/28/11; Amendment 3 to Version M was moved, discussed, and withdrawn on 2/28/11.]

[1:47:50 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 4, labeled 27-GH1840\M.3, Gardner, 3/3/11, which read:

Page 4, line 2:
Delete all material.

Re-number the following paragraphs accordingly.

Page 4, lines 3 - 4:
Delete "three or more people"
Insert "another person"

REPRESENTATIVE PRUITT objected.

[1:48:10 PM](#)

GRETCHEN STAFT, Staff, Representative Max Gruenberg, Alaska State Legislature - noting that Amendment 4 addresses [proposed AS 11.61.116,] which establishes the crime of sending an explicit image of a minor - relayed on behalf of the sponsor, Representative Gruenberg, that [in part,] Amendment 4 would remove language in proposed AS 11.61.116(c) stipulating that it would be a violation to send an explicit image of a minor to one or two people.

REPRESENTATIVE GRUENBERG interjected to note that members' packets contain two memorandums dated March 10, 2011, that address proposed AS 11.61.116(c) and Amendment 4.

The committee took an at-ease from 1:49 p.m. to 1:50 p.m.

MS. STAFT, continuing with her explanation of Amendment 4, indicated that it would also alter the language of AS 11.61.116(c) such that it would then be a class B misdemeanor to send an explicit image of a minor to another person - regardless of how many other persons. Amendment 4 addresses a concern that as currently written, proposed AS 11.61.116(c) would make sending an explicit image of a minor to only one or two people a lesser crime - a mere violation - than that of sending an explicit image of an adult, which is currently a class B misdemeanor under AS 11.61.120(a)(6). It was felt that it would be inappropriate to make such a crime involving a minor less severe than one involving an adult. However, Amendment 4 would not change the language in proposed AS 11.61.116(c) stipulating that it would be a class A misdemeanor to send an explicit image of a minor to an Internet website accessible to the public.

MS. STAFT, in response to a question, confirmed that in the original version of HB 127, it would have been a class C felony to send an explicit image of a minor to an Internet website accessible to the public.

MS. CARPENETI, in response to another question, explained that it was felt by some that making that behavior a class C felony, as the original bill proposed, constituted a pretty major change in existing law, and it would therefore be better at this point in time if that behavior constituted a class A misdemeanor instead.

REPRESENTATIVE PRUITT removed his objection to the adoption of Amendment 4.

[1:55:35 PM](#)

TONY NEWMAN, Social Services Program Officer, Division of Juvenile Justice (DJJ), Department of Health & Social Services (DHSS), relayed that he'd written one of the aforementioned memorandums. That memorandum [additionally] explains how juvenile offenders who commit violations are managed compared to how juvenile offenders who commit misdemeanor crimes are managed. Specifically, juveniles who commit violations are managed via district court, not via the juvenile justice system (JJS). By making all crimes of sending an explicit image of a minor misdemeanors, as Amendment 4 proposes, all juveniles who commit that crime would fall under the purview of the JJS.

CHAIR GATTO, ascertaining that there were no further objections, announced that Amendment 4 was adopted.

[1:57:27 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 5, labeled 27-GH1840\M.4, Gardner, 3/9/11, which read:

Page 9, lines 15 - 16:

Delete ", consistent with regulations adopted under (i) of this section,"

Page 9, line 24, following "(d)":

Insert "Service of a subpoena issued under (b) of this section may be by any method authorized by law or acceptable to the Internet service provider."

Page 9, line 26:

Delete "setting aside"
Insert "quashing"

Page 10, lines 12 - 13:

Delete all material and insert:
"(i) For purposes of this section, the attorney general's designee must be in the Department of Law."

CHAIR GATTO objected for the purpose of discussion.

MS. CARPENETI explained that the DOL is requesting Amendment 5, which would in part delete language in proposed AS 44.23.080 regarding the adoption of regulations pertaining to the issuance of an administrative subpoena. After researching various other statutory provisions pertaining to administrative subpoenas, it was determined that none of them provided for regulations to be

adopted. As an alternative, Amendment 5 would then add language stipulating that service of a subpoena may be made by any manner authorized by law or acceptable to the Internet service provider. Amendment 5 would also replace the term, "setting aside" with the term, "quashing" - which is the more common term used when discussing subpoenas - and would clarify that the attorney general's designee must be [another employee within] the DOL. This latter change would address a concern that proposed AS 44.23.080 didn't specify who could be the designee.

CHAIR GATTO removed his objection, ascertained that there were no further objections, and announced that Amendment 5 was adopted.

[2:00:56 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 6, labeled 27-GH1840\M.5, Gardner, 3/9/11, which read:

Page 1, line 3:

Delete "**distribution of indecent material to minors,**"

Page 4, line 22, through page 5, line 10:

Delete all material.

Renumber the following bill sections accordingly.

Page 11, line 16:

Delete "Sections 1 - 12 and 15"

Insert "Sections 1 - 11 and 14"

Page 11, line 18:

Delete "Sections 13 and 14"

Insert "Sections 12 and 13"

REPRESENTATIVE PRUITT objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG explained that amendment 6 would delete Section 9, which is proposing to alter AS 11.61.128(a), which pertains to the crime of distribution of indecent material to minors.

MS. CARPENETTI, in response to comments, clarified that a [federal district court] judge has issued an injunction against enforcing the provisions of AS 11.61.128 that were adopted last year; that the state has submitted a motion [to that court]

asking that the case be removed to state court; and that each side has submitted a motion asking for summary judgment. She went on to explain that Section 9 - addressing subsection (a) of AS 11.61.128 - was initially included in the bill to clarify what culpable mental state was required for the crime of distribution of indecent material to minors, and both parties in the aforementioned lawsuit thought that doing so would be helpful. Currently, it's the rest of [AS 11.61.128] that is under judicial review.

REPRESENTATIVE GRUENBERG offered his recollection that at one point, some had thought that including Section 9 in the bill might help resolve that litigation, but because it's since become clear that it wouldn't, the thought now is that it would be simpler to just delete proposed Section 9, as Amendment 6 is proposing to do.

MS. CARPENETI relayed that it's the DOL's position that it would instead be better to retain Section 9 because it wouldn't affect the litigation and retaining it would clarify the law, which, again, both parties in the litigation have agreed would be a good idea. She added, though, that she did not think it would be worthwhile to hold the bill up [over this issue].

CHAIR GATTO, after ascertaining that there were no longer any objections to Amendment 6, announced that Amendment 6 was adopted.

[Due to technical difficulties, the recording did not capture several seconds' worth of dialog during which the chair informed committee members that the bill as amended was now before them and that he would entertain a motion.]

[2:08:24 PM](#)

REPRESENTATIVE THOMPSON moved to report the proposed committee substitute (CS) for HB 127, Version 27-GH1840\M, Gardner, 2/24/11, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 127(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:08 p.m. to 2:13 p.m.

HB 76 - STALKING/SEXUAL ASSAULT PROTECTIVE ORDERS

[2:13:24 PM](#)

[CHAIR GATTO announced that the final order of business would be HOUSE BILL NO. 76, "An Act relating to costs and fees for stalking and sexual assault protective orders."

CHAIR GATTO mentioned that at the bill's last hearing, a question was raised regarding whether the bill's proposed changes warranted the inclusion of a court rule change provision.]

[2:13:45 PM](#)

GERALD LUCKHAUPT, Assistant Revisor, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), speaking as the drafter, said that after reviewing the Alaska Rules of Civil Procedure, he doesn't see any need to include such a provision, because the bill wouldn't be making any changes to those court rules. He indicated that he'd also provided the committee with a memorandum, dated March 10, 2011, to that effect.

REPRESENTATIVE GRUENBERG relayed that he was satisfied with Mr. Luckhaupt's explanation.

[2:14:35 PM](#)

REPRESENTATIVE THOMPSON moved to report HB 76 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 76 was reported from the House Judiciary Standing Committee.

[2:15:32 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:15 p.m.