

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

January 18, 2012

1:33 p.m.

**MEMBERS PRESENT**

Senator Hollis French, Chair  
Senator Bill Wielechowski, Vice Chair  
Senator Joe Paskvan  
Senator Lesil McGuire  
Senator John Coghill

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 104

"An Act relating to manufactured homes, including manufactured homes permanently affixed to land, to the conversion of manufactured homes to real property, to the severance of manufactured homes from real property, to the titling, conveyance, and encumbrance of manufactured homes, and to manufacturers' certificates of origin for vehicles; and providing for an effective date."

- MOVED CSSB 104(JUD) OUT OF COMMITTEE

SENATE BILL NO. 89

"An Act clarifying that a legislator or legislative employee is allowed to accept certain charity events; amending disclosure deadlines under the Legislative Ethics Act; relating compassionate gifts; allowing legislators and legislative employees to use legislative to requests to refrain from disclosure under the Legislative Ethics Act; and establishing mailing lists for campaign purposes and nonlegislative purposes; allowing legislators a seat for an alternate public member on the Select Committee on Legislative Ethics and legislative employees who are representing persons in an administrative hearing to clarifying the requirements related to participation by alternate members in the contact hearing officers and attempt to influence the outcome of the hearing if they are proceedings of the committee."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 104

SHORT TITLE: MANUFACTURED HOMES AS REAL PROPERTY

SPONSOR(s): SENATOR(s) FRENCH

03/16/11 (S) READ THE FIRST TIME - REFERRALS  
03/16/11 (S) STA, JUD  
03/29/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/29/11 (S) Heard & Held  
03/29/11 (S) MINUTE(STA)  
03/31/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/31/11 (S) Moved SB 104 Out of Committee  
03/31/11 (S) MINUTE(STA)  
04/01/11 (S) STA RPT 2DP 3NR  
04/01/11 (S) DP: KOOKESH, MEYER  
04/01/11 (S) NR: WIELECHOWSKI, PASKVAN, GIESSEL  
04/06/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/06/11 (S) Heard & Held  
04/06/11 (S) MINUTE(JUD)  
04/15/11 (S) JUD AT 1:30 PM BUTROVICH 205  
04/15/11 (S) Heard & Held  
04/15/11 (S) MINUTE(JUD)  
01/18/12 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 89

SHORT TITLE: LEGISLATIVE ETHICS ACT

SPONSOR(s): SENATOR(s) COGHILL

02/16/11 (S) READ THE FIRST TIME - REFERRALS  
02/16/11 (S) STA, JUD  
03/15/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/15/11 (S) Heard & Held  
03/15/11 (S) MINUTE(STA)  
03/31/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/31/11 (S) Moved CSSB 89(STA) Out of Committee  
03/31/11 (S) MINUTE(STA)  
04/01/11 (S) STA RPT CS 1DP 4NR NEW TITLE  
04/01/11 (S) DP: MEYER  
04/01/11 (S) NR: WIELECHOWSKI, KOOKESH, PASKVAN,  
GIESSEL  
04/11/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/11/11 (S) Scheduled But Not Heard  
04/13/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
04/13/11 (S) Scheduled But Not Heard  
04/15/11 (S) JUD AT 1:30 PM BUTROVICH 205

04/15/11 (S) Heard & Held  
04/15/11 (S) MINUTE(JUD)  
01/18/12 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

#### **WITNESS REGISTER**

JOYCE ANDERSON, Administrator  
Select Committee on Legislative Ethics  
Anchorage, AK

**POSITION STATEMENT:** Responded to questions on SB 89.

DAN WAYNE, Attorney  
Legislative Legal and Research Services Division  
Legislative Affairs Agency

**POSITION STATEMENT:** Responded to questions related to SB 89.

#### **ACTION NARRATIVE**

[1:33:54 PM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Wielechowski, Coghill, Paskvan, and Chair French. Senator McGuire arrived during the course of the meeting.

#### **SB 104-MANUFACTURED HOMES AS REAL PROPERTY**

[1:34:42 PM](#)

CHAIR FRENCH announced the consideration of SB 104 and noted that this was the third hearing. Speaking as the sponsor, he explained that the bill establishes a procedure to convert a manufactured home to real property by affixing it to a permanent foundation on land owned by the individual. This will afford the homeowner all the benefits of home ownership, including better mortgage interest rates. These conversions involve the Division of Motor Vehicles, the Department of Natural Resources Records Office and the banking industry, which accounts for the large number of provisions in the bill.

He asked for a motion to adopt version D committee substitute (CS).

SENATOR WIELECHOWSKI moved to adopt CSSB 104, labeled 27-LS0467\D, as the working document.

SENATOR COGHILL said he had no objection, but wanted to hear an explanation of the differences between version D and the original version [I].

CHAIR FRENCH announced that without objection, version D was before the committee.

He explained the following changes in Section 27, relating to recording affidavits related to manufactured homes:

Sec. 40.17.125(a) was modified so that the recorder's office won't have to determine whether an affixation or severance affidavit meets requirements under Sec. 34.85, which relates to how a manufactured home is affixed to real property. Under AS 40.17.035, the recorder's office cannot be tasked with determining whether the contents of a document are legally sufficient to achieve the purposes of the document; instead, as clarified under the regulation, the person submitting documents for recording must ensure that the prerequisites for recording as established by regulation and statute are met.

Sec. 40.17.125(b) received two minor changes in the CS. The first modifies the action taken by the recorder on the recording affidavit, changing "write" to "place" on page 20, line 30, of the legislation. This change reflects that the recording office no longer writes on recorded affidavits - instead, they affix bar codes that contain relevant information. In addition, the original draft required an affidavit to be recorded in land records; in the CS, Sec. 40.17.125(b) changes "in land records" to "the public record," to match where the recorder files land records today.

Sec. 40.17.125(c) in the original draft (version I) was removed in the CS. This language required the recorder's office to automatically send a certified copy of the recorded affidavit to a person designated on an affidavit. This doesn't match current recording office procedures, which require an individual to request and pay for certified copies of affidavits.

In regards to this last change, conforming amendments were made to Sec. 34.85.060(12) and Sec. 34.85.120(7) in Section 26 of the CS to remove references to the

automatic mailing of a certified affidavit. In addition, Sec. 28.10.266(7) and Sec. 28.10.266(8) of the CS, found in Section 16 on page 10 of the legislation, were modified to ensure that an affidavit complies with affixation requirements under Sec. 34.85 of the legislation.

Section 16, of the original draft required DMV to notify a primary lienholder of completed conversion procedures when the conversion involved cancelling a manufacturer's certificate of origin or title. But under Sec. 28.10.267, a conversion cannot take place until a manufactured home is free and clear of all liens and encumbrances. Because a primary lienholder would never exist through a conversion procedure, the lienholder notification provisions were replaced in the CS with language that allows the applicant to indicate one person, in addition to the owner, that receives written acknowledgement of completed conversions under Sec. 28.10.262-265. This change is reflected in Sec. 28.10.262(c), 28.10.263(c), 28.10.264(d), 28.10.265(c), 28.10.266(12), of version D.

[1:40:16 PM](#)

CHAIR FRENCH noted that George Ginsberg, outside counsel for Wells Fargo; Patrick Green with Wells Fargo; Whitney Brewster with the Division of Motor Vehicles; Vicky Backus with the DNR Records Office; and Colleen Moore with the Alaska Department of Law were available to answer questions.

CHAIR FRENCH closed public testimony.

[1:42:03 PM](#)

CHAIR FRENCH moved Amendment 1 and objected for discussion purposes.

**A M E N D M E N T 1**

OFFERED IN THE SENATE BY SENATOR FRENCH  
TO: CSSB 89( ), Draft Version "D"

Page 21, line 22:  
Delete "2012"  
Insert "2013"

Page 21, line 26:  
Delete "2012"  
Insert "2013"

Page 21, line 29:  
Delete "2012"  
Insert "2013"

He explained that the amendment brings the bill up to date since it was held over one year. Finding no discussion, he removed his objection. Hearing and seeing no further objection, he announced Amendment 1 was adopted. He noted the letters of support from Wells Fargo and the Alaska Bankers Association, which is comprised of local banks including Alaska Pacific Bank, Denali State Bank, First Bank of Ketchikan, First National Bank of Alaska, Key Bank, Mt. McKinley Bank, and Northrim Bank.

[1:44:01 PM](#)

SENATOR WIELECHOWSKI moved to report CS for SB 104, version D as amended, from committee with individual recommendations and attached fiscal note(s).

SENATOR PASKVAN said he'll support the bill and believes it's important for Alaskans to have the opportunity to obtain low interest loans, but his concern continues to be that these loans will be bundled and sold on the financial market. [In 1999 the Gramm-Leach-Bliley Act repealed provisions of the Glass-Steagall Act,] and essentially removed the separation between investment banking and commercial banking. In 2008 the world economic system was nearly crushed due, in part, to loan bundling and the issue of derivatives. He acknowledged that this bill wasn't the place to address that concern, but that he favors a return to Glass-Steagall provisions.

[1:46:13 PM](#)

SENATOR WIELECHOWSKI agreed with the previous statement. He thanked the sponsor for bringing the bill forward and noted that it will help many of his constituents. It will allow more Alaskans to achieve the goal of home ownership and a host of associated advantages.

SENATOR COGHILL thanked the sponsor for bringing the bill forward, and noted that it had generated a great deal of interest.

CHAIR FRENCH announced that without objection, CSSB 104(JUD) moved from the Senate Judiciary Standing Committee.

At ease from 1:48 p.m. to 1:49 p.m.

**SB 89-LEGISLATIVE ETHICS ACT**

1:49:34 PM

CHAIR FRENCH announced the consideration of SB 89. CSSB 89(STA), version T, was before the committee and that a motion to adopt Amendment 1, labeled 27-LS0452\T.1, was before the committee with an objection. He asked the sponsor to refresh the member's recollection of the bill, and noted that Joyce Anderson and Dan Wayne were available to answer questions.

SENATOR JOHN COGHILL, sponsor of SB 89, stated that the bill deals with standards of conduct for legislators. In Section 1, the phrase "lawful gratuity" was changed to "gift" for consistency with AS 24.60.80 and reference to the compassionate gift language in AS 24.60.075 was inserted.

Section 2 seeks to draw a bright line for legislators and staff involved in constituent problems. Once a matter goes to an administrative hearing officer, the legislative office may not attempt to influence the outcome unless: 1) the legislator or staff is representing the constituent for compensation, 2) the legislator or staff is called as a witness, or 3) the contact is inadvertent and ex parte.

Section 3 eliminates the requirement for the [ethics] committee to compile a list of financial disclosures. The disclosures are instead forwarded to the presiding officer of each house and published in the journals.

Section 4 adds public members to the statute prohibiting disclosure of confidential information. He noted that the ethics committee brought this to his attention as a potential oversight.

1:53:37 PM

CHAIR FRENCH asked if this was specific to the Select Committee on Legislative Ethics.

SENATOR COGHILL answered yes.

Section 5 clarifies that a ticket to a charity event from a lobbyist or a gift received because of a ticket cannot exceed \$250 in value.

CHAIR FRENCH asked if \$250 is a bright line cutoff that can't be exceeded, and asked the record to reflect that Joyce Anderson nodded her head.

SENATOR COGHILL confirmed that the aggregate value for the calendar year can be no more than \$249.99.

Section 6 clarifies that a legislator or staff may accept a ticket to a charity event, or a gift in connection with a charity event.

Section 7 extends from 30 days to 60 days the reporting period for gifts of travel for the purpose of gaining information, and for charitable events. It also includes reference to tickets to a charity event under AS 24.60.80(c)(10).

Section 8 relates to exceptions to disclose by written request. This language was broadened in the State Affairs Committee to include exceptions if the disclosure would violate a rule, adopted formally by a trade or profession, that state or federal laws requires the person to follow. He noted reasons for confidentiality with regard to both healthcare and legal matters, but that a person that seeks to refrain from making a disclosure shall provide written justification to the committee.

Section 9 clarifies that any volunteers and educational trainees that work more than 30 days are required to take an ethics course.

[1:58:20 PM](#)

CHAIR FRENCH asked the penalty for violating the provision.

SENATOR COGHILL replied the current procedure is for the ethics committee to refer the matter to the presiding officer who makes a decision about whether or not the volunteer can proceed.

CHAIR FRENCH asked Ms. Anderson if this had been an issue.

[1:58:54 PM](#)

JOYCE ANDERSON, Administrator, Select Committee on Legislative Ethics, stated that there is no penalty in statute for someone that doesn't complete ethics training. The policy has been to contact both the legislator who hired the individual and the

presiding officer so they can persuade the individual to attend training.

SENATOR COGHILL said Sections 10 and 11 make reference to the new statute in Section 12 relating to the alternate members.

Section 12 is the new Sec. 24.60.131 relating to alternate members. Currently there is no provision for an alternate public member to serve in order to meet the quorum requirements.

CHAIR FRENCH asked if the procedure was roughly the same as for a legislative alternate.

SENATOR COGHILL answered no; one is appointed by the Legislature and one by the Court System.

MS. ANDERSON clarified that the recommendation was for just one alternate public member, but that the service for the public alternate and legislative alternates was similar. Responding to a question, she said the public members, including the alternate public member, are appointed by the Chief Justice of the Alaska Supreme Court, and confirmed by the Legislature. The alternates wouldn't necessarily shadow every meeting, but would be summoned when required.

SENATOR COGHILL pointed out that page 12, lines 21-22, clarify that once an alternate is designated to participate he or she participates for the duration of that proceeding.

Section 13 relates to the legislative ethics course that volunteers serving more than 30 days are required to attend.

Section 14 contains the definition of "legislative employee" and clarifies that it does not include hourly employees who perform incidental legislative functions.

SENATOR COGHILL described the bill as operational housekeeping until Amendment 1, T.1, is considered.

[2:02:48 PM](#)

CHAIR FRENCH asked if Gavel to Gavel camera operators would be considered legislative employees.

SENATOR COGHILL answered no.

CHAIR FRENCH referred to Section 2, page 5, and asked if the provision prohibits a legislator from talking to an agency about a timeline or the procedural status of a constituent's case.

SENATOR COGHILL replied not to his knowledge.

MS. ANDERSON confirmed that a legislator or staff could call someone in the office to talk about case status, but the statute does not allow contact with the hearing officer.

SENATOR COGHILL suggested Mr. Wayne speak to the meaning of subsection (f) on page 13, lines 2-4.

2:05:05 PM

DAN WAYNE, Attorney, Legislative Legal and Research Services, Legislative Affairs Agency, explained that this provision is intended to prevent speculation about why any regular member of the committee is disqualified from serving in a complaint proceeding under AS 24.60.170, and replaced with an alternate member.

CHAIR FRENCH asked if ethics complaints are lodged against public members.

MR. WAYNE replied they are covered by the Ethics Act.

2:07:00 PM

SENATOR MCGUIRE joined the committee.

MS. ANDERSON questioned the intent of the change since complaints are confidential and a person can recuse him or herself for any number of reasons. She pointed out that the last sentence of the current AS 24.60.130(n) states that, "The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential."

SENATOR COGHILL posed a hypothetical situation of a complaint lodged against him as a sitting member of the ethics committee. He asked Mr. Wayne if he could waive confidentiality and speak to the complaint if he recused himself and a reporter asked him about the complaint.

MR. WAYNE said he would first point out that Section 15 of the bill repeals AS 24.60.130(n). Paragraph (f) replaces that language and says that the confidentiality provision that requires the identity of the subject of the complaint be kept

confidential, would also apply to keeping the identity of an alternate confidential. That confidentiality is created under Sec. 24.60.170(1).

[2:09:58 PM](#)

CHAIR FRENCH summarized that the replacement of a member is kept confidential to the same degree that a complaint is kept confidential.

MR. WAYNE agreed, and reiterated that the language in paragraph (f) essentially replaces the final sentence in AS 24.60.130(n).

CHAIR FRENCH clarified that the bill repeals all the language in AS 24.60.130(n).

MR. WAYNE agreed.

CHAIR FRENCH asked Ms. Anderson if she had any thoughts on the provision.

MS. ANDERSON referred to the hypothetical situation Senator Coghill posed and pointed out that another part of the statute says that a person that has a complaint against them has the option to waive confidentiality. She said she was still confused but would follow the committee's lead.

SENATOR COGHILL said he'd follow up and provide further clarification.

CHAIR FRENCH said he flagged the section.

[2:12:19 PM](#)

CHAIR FRENCH asked Senator Coghill to explain proposed [Amendment 1, labeled 27-LS0452\T.1.]

SENATOR COGHILL explained that the amendment is controversial because it involves the state travel issue. He said he would explain the two sections of the amendment and share his rationale behind them. His intention is to seek a solution to an issue that has been around since the '90s. Section AS 24.60.030 discusses behavior conduct and AS 24.60.031 addresses fundraising. The language is exactly the same in both sections.

The amendment addresses whether somebody on state travel can do any political activity anytime, anywhere. Current statutes place an absolute prohibition on that. Legislators and the Select

Committee on Legislative Ethics have addressed this issue throughout the years, and it remains a legitimate question.

2:14:15 PM

SENATOR COGHILL provided a scenario where a legislator who lives in Anchorage could do legislative business for two hours during the day and political activities for any of the rest of the day, such as fund raising or house calling. If he wanted to see a commissioner, he would have to fly to Juneau or Anchorage, or drive. If he wanted to do it on state business he would prefer to be reimbursed, but if he went to a Republican lunch in Anchorage or a fund raiser or a partisan rally, he would be in violation. Those alongside him could do the same political work and attend all the political activities. Everyone who lives outside the Anchorage area would be strictly prohibited and everybody who lives in Anchorage would be okay. As a matter of fairness, he was asking when it would be unethical for a politician to be a politician and when it would be fair while still maintaining the public trust. He said he was seeking a balance.

The amendment says that it's acceptable to do partisan activity under these conditions. He referred to page 1, lines 11-22:

... a legislator or legislative employee who is on state travel may participate in partisan political activity, including campaign activity, if

(1) the participation is incidental to the purpose of the travel;

(2) the legislator or the legislative employee does not use or authorize the use of state resources to pay for the activity; and

(3) the legislator or legislative employee does not participate in the activity

(A) during a normal workday between 8:00 a.m. and 5:00 p.m., excluding meal breaks;

(B) on a state or municipal election day;

(C) during the 30 days immediately preceding an election in which the participating legislator or the legislator for whom the participating employee works is a candidate for elective office; or

(D) by fund raising for a political party or campaign.

SENATOR COGHILL summarized that a legislator cannot raise money while traveling "on the state dime," and emphasized the importance of the public trust. He reiterated that the activity should be during "the normal workday" and has to be incidental, not planned. He thought his criteria were good, but he was open to discussion. He concluded that the issue falls out to the urban rural divide and that the legislators in the Anchorage "Bowl" have an advantage.

[2:20:41 PM](#)

CHAIR FRENCH said the amendment may be held over. There may be a chance of coming to common ground. He commended the sponsor for bringing the issue forward and agreed it was a difficult issue.

He observed that legislators operate in a state building using state resources for incidental personal use without running afoul, but there is an absolute prohibition for using those resources for campaign purposes. This wouldn't change that prohibition. He said he believes that a legislator that is in Anchorage on state travel from Fairbanks can take a phone call about his or her campaign. There's nothing particularly special to the location and the phone call. He said he'd like to clarify that if a legislator needed to return to their hotel room to work on campaign emails, that it would be okay because it's not specific to a place. But he's not convinced about attending political meetings, lunches, or other political events while on state travel. "I'm struggling with that," he said.

[2:23:50 PM](#)

SENATOR COGHILL said the issue isn't specific to Anchorage, but that's the most common. That's why he was suggesting on of the standards be incidental to state travel. It's a tough question, but right now anybody that doesn't live in the Anchorage area is under separate, unfair, scrutiny.

SENATOR PASKVAN asked the meaning of the phrase "incidental to the purpose of the travel."

SENATOR COGHILL said the primary reason for travel is one criterion. An inordinate amount of time used on political activities, beyond 51 percent, is way beyond incidental. He referred to the definition of incidental that was included in members' packets.

CHAIR FRENCH read the definition: "Subordinate to something of greater importance, having a minor role."

[2:26:36 PM](#)

SENATOR COGHILL said his intention is to give a definition to clarify the person's motive and action in order to determine if there is an ethical problem. This language is probably sufficient.

SENATOR PASKVAN agreed that the law would establish minimum standards of conduct, and it was up to the individual legislator to set higher personal standards of ethical conduct. There is no bright line, so it comes back to personal ethics.

SENATOR COGHILL agreed and provided a personal example.

CHAIR FRENCH asked Ms. Anderson if there were any existing rules that covered state-paid travel and campaign activity during the travel.

[2:29:35 PM](#)

MS. ANDERSON reported that the Select Committee on Legislative Ethics discussed this issue over the last four years and has come to the same understanding as Senator Coghill. The statute is very clear that state resources cannot be used for campaigning. There is an absolute prohibition from attending political events while on state-paid travel.

SENATOR COGHILL agreed, but pointed out that citizen legislators often came across situations that put them in violation. The statute uses the phrase "partisan political activity."

CHAIR FRENCH asked if that phrase was defined.

MS ANDERSON replied that there is a definition of "partisan political activity" in state statute.

SENATOR COGHILL said he believes his amendment clarified the definition.

CHAIR FRENCH questioned whether a campaign phone call while on state travel was partisan political activity and suggested the committee may need to have clarification from the ethics committee.

[2:32:35 PM](#)

MS. ANDERSON reported that the ethics committee determined that if the activity can only be performed because the legislator is on a specific trip, then it's prohibited. She gave several examples of prohibited activity, such as door knocking, dropping

off leaflets, a fund raiser, or having a press conference. Those are things that can only be done at a specific location, versus another location.

CHAIR FRENCH said he jotted down, "not related to the physical location." Ms. Anderson agreed. Chair French commented that door knocking was a good example.

[2:33:56 PM](#)

SENATOR COGHILL paraphrased the conduct and conflict of interest section of the statute: "Use of public funds, facilities, equipment, services, and other government assets, which includes travel, for non-legislative purpose for involvement in, or support of, or opposition to, partisan political activities for the private benefit of the legislator, legislative employee, or any other person." He concluded that it gives narrow exceptions. The ethics committee has broadened its look at partisan political activity exceptions connected to state travel. He reiterated that the issue needs clarification.

CHAIR FRENCH agreed, and asked if any legislators had been found guilty of ethics violations such as those mentioned.

[2:35:42 PM](#)

MS. ANDERSON said there haven't been any complaints that are in the public record regarding the aforementioned examples, but rather from legislators and staff asking what they can and cannot do.

CHAIR FRENCH summarized that they are not reporting violations, but instead are asking for clarification on what is appropriate behavior.

MS. ANDERSON agreed, and gave an example of a legislator who attended campaign activities while on a week-long, state-paid trip. The ethics committee recommended that the individual pay back the airfare.

[2:37:09 PM](#)

CHAIR FRENCH opined that the public does not want legislators to use state money to advance a political cause. Activities that are not location dependent would be acceptable.

SENATOR COGHILL said he was sympathetic to that idea, but also to the legislator who has to fly into town to conduct business, and is the only one prohibited from participating in any

political activity. He opined that it was wrong to strip someone of their partisan label because they traveled somewhere.

SENATOR WIELECHOWSKI pointed out that a challenger doesn't have the advantage of a state-paid trip for a partisan political activity, and questioned why the incumbent should be given the advantage.

SENATOR COGHILL cited the inequities experienced by non-Anchorage legislators, and questioned whether, to provide a balance, there should be prohibitions on partisan political activities on those from Anchorage.

He said he doesn't understand why it would be a violation of public trust for someone to stand with a group, with which they are philosophically aligned, to participate in a political activity when doing so is incidental to their state travel. He said he wanted to have a clear accountability measure, and was open to suggestions to clarify it further. He concluded that if the amendment fails, it will come around again because an answer is needed.

[2:43:44 PM](#)

CHAIR FRENCH clarified that there is no intention to allow legislators to raise money during the session. He pointed out that Anchorage legislators face Anchorage challengers so it's a level playing field. He agreed with Senator Wielechowski's point that a Fairbanks incumbent has a big advantage over a Fairbanks challenger when using state funds to travel to Anchorage.

CHAIR FRENCH asked Senator Coghill to clarify his statement about allowing a legislator to stand with a group with whom he or she is philosophically aligned.

SENATOR COGHILL explained that he carries his philosophy very openly and that draws invitations to speak to different groups. It's okay if he speaks to a Chamber of Commerce, but it's a problem if it's a political group and he is on state travel. He shared a personal experience.

CHAIR FRENCH said he didn't think that Senator Coghill would run afoul of this, but others might.

SENATOR COGHILL shared his basic philosophy of freedom and responsibility.

CHAIR FRENCH noted that free people don't have access to the state treasury.

[2:48:18 PM](#)

SENATOR COGHILL concluded that it's a problem to say a legislator must not be partisan.

CHAIR FRENCH agreed there's a definite rub and reiterated his appreciation for bringing the difficult issue forward.

He announced he would hold Amendment 1 open and set SB 89 aside for further consideration.

[2:48:42 PM](#)

There being no further business to come before the committee, Chair French adjourned the Senate Judiciary Standing Committee hearing at 2:48 p.m.