

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 31, 2011

9:03 a.m.

**MEMBERS PRESENT**

Senator Bill Wielechowski, Chair  
Senator Joe Paskvan, Vice Chair  
Senator Albert Kookesh  
Senator Kevin Meyer  
Senator Cathy Giessel

**MEMBERS ABSENT**

All members present

**OTHER LEGISLATORS PRESENT**

SENATOR JOHN COGHILL

**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 SB 104 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 non legislative 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."

- MOVED CSSB 89(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

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

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)

**WITNESS REGISTER**

SENATOR HOLLIS FRENCH  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of SB 104.

ANDY MODEROW, Staff to Senator Hollis French  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented SB 104 for the sponsor, Senator French.

SENATOR JOHN COGHILL  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of SB 89.

MICHELE SYDEMAN, Staff to Senator Bill Wielechowski

Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Explained changes in CSSB 89.

RYNNIEVA MOSS, Staff to Senator John Coghill  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Answered questions and provided information regarding SB 89.

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

**POSITION STATEMENT:** Answered questions regarding SB 89.

#### **ACTION NARRATIVE**

[9:03:13 AM](#)

**CHAIR BILL WIELECHOWSKI** called the Senate State Affairs Standing Committee meeting to order at 9:03 a.m. Present at the call to order were Senators Giessel, Paskvan, Meyer, Kookesh, and Chair Wielechowski.

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

[9:03:48 AM](#)

**CHAIR WIELECHOWSKI** announced the first order of business would be SB 104.

**SENATOR HOLLIS FRENCH**, sponsor of SB 104, said Mr. Moderow had answers to some questions from the last meeting.

[9:04:30 AM](#)

**ANDY MODEROW**, staff to Senator Hollis French, said he had reviewed the issue of municipal taxation which was raised during the previous hearing. On page 13 of SB 104, AS 29.45.75, relating to property taxes, is amended as it specifically relates to mobile homes. The current law requires municipalities as real property for taxation purposes unless they are expressly classified as personal property by a municipal ordinance. He reviewed how mobile homes are taxed in various towns in Alaska. SB 104 would not create a whole new tax base, because mobile homes located in parks are generally taxed as personal property, while those located on private lots are taxed as real property.

**CHAIR WIELECHOWSKI** asked about the issue of title companies, and stated it seems to be more of a Judiciary issue rather than

State Affairs. He said he would like to see more information when the bill reaches Judiciary.

SENATOR PASKVAN moved to report SB 104, version I, from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

[9:07:00 AM](#)

At-ease.

### **SB 89-LEGISLATIVE ETHICS ACT**

CHAIR WIELECHOWSKI announced the next order of business would be SB 89. He asked for a motion to adopt the proposed committee substitute (CS).

[9:08:59 AM](#)

SENATOR PASKVAN moved to adopt the proposed CS for SB 89, labeled 27-LS0452\T, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

[9:09:20 AM](#)

SENATOR JOHN COGHILL, sponsor of SB 89, said he would comment after the review of the new CS.

MICHELE SYDEMAN, staff to Senator Wielechowski, explained that version T makes four changes to the previous version. The first substantive change is to remove provisions that would have allowed a legislator to use his or her legislative mailing list for campaign purposes. Underlined text was removed from version E, page 3, lines 3-4. On page 4, lines 26-27, the same wording was removed.

[9:12:27 AM](#)

The next substantive change was removal of the provision allowing a legislator or legislative employee to campaign or participate in partisan activities while on state travel.

The third substantive change added a provision allowing a legislator or legislative employee to request to refrain from making a disclosure if that would violate a confidentiality rule of his or her profession.

[9:14:45 AM](#)

The fourth substantive change adds language clarifying the requirement that volunteers or trainees complete the legislative

ethics class. It would now apply only to those who work for more than 30 days. Casual or drop-in employees or volunteers would not have to complete the ethics training.

[9:16:11 AM](#)

SENATOR GIESSEL asked what committee is being referred to on page 10, line 18, which says "the committee shall approve or deny the request."

MS. SYDEMAN answered it refers to the Select Committee on Legislative Ethics.

[9:16:42 AM](#)

SENATOR COGHILL said the 30-day change for volunteers was an excellent idea, and he also had no problem with section change to section 8.

RYNIEVA MOSS, staff to Senator Coghill, said a change on page 12 was requested by the Chair of the Ethics Committee. They had removed language on line 26, which said "or unable to participate." This change was dropped from the new CS.

[9:19:33 AM](#)

SENATOR COGHILL said the mailing list issue came from an advisory opinion that they wanted to include in the statutory language. The new CS says legislators may not use mailing list from office in campaign. The advisory opinion went to the direction that you can use it. He noted that would probably make them revise the ethics opinion.

CHAIR WIELECHOWSKI said removal would not alter an existing advisory opinion.

SENATOR COGHILL said he just wanted to clarify. He is okay as long as there is a clear rule.

[9:21:23 AM](#)

SENATOR COGHILL stated the big question is what happens with regard to partisan activity while on state travel. This has been discussed since 1993. If you are under state travel, is there any time that partisan activity is acceptable? He tried to find a way to say that there are times and reasons. For legislators from urban areas, they can go from a committee meeting to a Republican luncheon, but those from out of town cannot because they are away from home on state business.

He said he was trying to find a reasonable solution. The question is left unanswered in the version T CS. He understands the reason. When his bill was introduced, headlines implied they were trying to use state monies to campaign. This leaves a strict prohibition.

CHAIR WIELECHOWSKI noted the bill has a further referral to the Judiciary Committee.

9:24:49 AM

SENATOR COGHILL said he has been tasked to ask the question. It is a tough question. In fairness to people who live outside the urban areas, we need to resolve this issue.

JOYCE ANDERSON, Chair, Select Committee on Legislative Ethics, said this has been an issue since 1993. She feels the legislature needs to decide if they want to change this policy or keep as it is. The Ethics Committee has not made any specific proposal; that is up to the legislature.

9:26:27 AM

SENATOR COGHILL said in the ethics act which applies to members of the administration, they talk about de minimis use of time. Perhaps that could be used in this bill also.

SENATOR PASKVAN asked if there is some place to look for de minimis conduct. If someone just attends a luncheon, that might be okay; if they were the keynote speaker, then that would be another thing. He asked how to define de minimis and what some examples are.

SENATOR COGHILL said he struggles with that, because it is a question of intent. This kind of question would always need to come before the Ethics Committee. If statutes list prohibited actions, then intent is not as much of a problem. He would like to see the statutes be clear. Any time there is an ethics complaint, it puts peoples' integrity at risk. He is trying to clarify actions so that a member knows he when has crossed a line.

9:30:21 AM

That is why he put time frames and other specific items in the bill. Action versus intent is too hard to define. Under much of the ethics law we have guidance as to what is ethical behavior, but we need good guidelines as to what is unethical. We have put legislators not in urban areas under an ethical cloud. In this bill he was trying to find a way to dispel that cloud.

CHAIR WIELECHOWSKI asked the will of the committee.

SENATOR KOOKESH moved to report SB 89, version T, from committee with individual recommendations and attached fiscal note(s).

CHAIR WIELECHOWSKI announced that without objection, CSSB 89(STA) moved from the Senate State Affairs Standing Committee.

9:33:01 AM

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee meeting at 9:33 a.m.