

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 16, 2018

1:36 p.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Bill Wielechowski
Senator Mike Shower

MEMBERS ABSENT

Senator Mia Costello
Senator Pete Kelly

COMMITTEE CALENDAR

SENATE BILL NO. 134

"An Act relating to the appointment of guardians ad litem; relating to petitions and proceedings for termination of parental rights; and amending Rules 1 and 6, Alaska Adoption Rules."

- MOVED SB 134 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 21

Urging the federal government to respect the authority of the state to regulate marijuana use, production, and distribution and to honor previous federal guidance on marijuana policy; and urging the federal government to reconsider its listing of marijuana as a schedule I controlled substance.

- MOVED SCS SSHJR 21(JUD) OUT OF COMMITTEE

CS FOR SS FOR HOUSE BILL NO. 44(STA)

"An Act requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; and requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 123 (HSS)

"An Act relating to disclosure of health care services and price information; and providing for an effective date."

- REMOVED FROM AGENDA

HOUSE BILL NO. 208

"An Act relating to disclosure of health care services and price information; and providing for an effective date."

- REMOVED FROM AGENDA

SENATE BILL NO. 81

"An Act relating to disclosure of health care services and price information; and providing for an effective date."

- REMOVED FROM AGENDA

PREVIOUS COMMITTEE ACTION

BILL: SB 134

SHORT TITLE: TERMINATION OF PARENTAL RTS; GUARDIANS

SPONSOR(S): SENATOR(S) GARDNER

01/16/18	(S)	PREFILE RELEASED 1/8/18
01/16/18	(S)	READ THE FIRST TIME - REFERRALS
01/16/18	(S)	HSS, JUD
04/06/18	(S)	HSS AT 1:30 PM BUTROVICH 205
04/06/18	(S)	Moved SB 134 Out of Committee
04/06/18	(S)	MINUTE (HSS)
04/09/18	(S)	HSS RPT 3DP
04/09/18	(S)	DP: WILSON, BEGICH, GIESSEL
04/10/18	(S)	JUD WAIVED PUBLIC HEARING NOTICE, RULE 23
04/11/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/11/18	(S)	Scheduled but Not Heard
04/13/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/13/18	(S)	<Bill Hearing Canceled>
04/16/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HJR 21

SHORT TITLE: FEDS RESPECT STATE REG OF MARIJUANA

SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG

04/16/17	(H)	READ THE FIRST TIME - REFERRALS
04/16/17	(H)	JUD
05/12/17	(H)	STA REPLACES JUD REFERRAL

05/12/17 (H) BILL REPRINTED 5/12/17
 05/16/17 (H) STA AT 3:00 PM GRUENBERG 120
 05/16/17 (H) -- MEETING CANCELED --
 02/05/18 (H) SPONSOR SUBSTITUTE INTRODUCED
 02/05/18 (H) READ THE FIRST TIME - REFERRALS
 02/05/18 (H) STA
 02/13/18 (H) STA AT 3:15 PM GRUENBERG 120
 02/13/18 (H) Heard & Held
 02/13/18 (H) MINUTE(STA)
 02/15/18 (H) STA AT 3:15 PM GRUENBERG 120
 02/15/18 (H) Moved SSHJR 21 Out of Committee
 02/15/18 (H) MINUTE(STA)
 02/16/18 (H) STA RPT 1DP 5NR 1AM
 02/16/18 (H) DP: KREISS-TOMKINS
 02/16/18 (H) NR: TUCK, BIRCH, KNOPP, WOOL, JOHNSON
 02/16/18 (H) AM: LEDOUX
 03/19/18 (H) TRANSMITTED TO (S)
 03/19/18 (H) VERSION: SSHJR 21
 03/21/18 (S) READ THE FIRST TIME - REFERRALS
 03/21/18 (S) JUD
 04/04/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/04/18 (S) Scheduled but Not Heard
 04/09/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/09/18 (S) LEGISLATIVE ETHICS: VOTING & CONFLICTS
 04/10/18 (S) JUD AT 9:00 AM BELTZ 105 (TSBldg)
 04/10/18 (S) Heard & Held
 04/10/18 (S) MINUTE(JUD)
 04/11/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/11/18 (S) Scheduled but Not Heard
 04/13/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 04/13/18 (S) <Bill Hearing Canceled>
 04/16/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 44

SHORT TITLE: LEGISLATURE: ETHICS, CONFLICTS, PER DIEM

SPONSOR(s): REPRESENTATIVE(s) GRENN

01/18/17 (H) PREFILE RELEASED 1/13/17
 01/18/17 (H) READ THE FIRST TIME - REFERRALS
 01/18/17 (H) JUD, FIN
 01/23/17 (H) SPONSOR SUBSTITUTE INTRODUCED
 01/23/17 (H) READ THE FIRST TIME - REFERRALS
 01/23/17 (H) JUD, FIN
 01/25/17 (H) STA REPLACES FIN REFERRAL
 01/25/17 (H) BILL REPRINTED 1/25/17
 01/25/17 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23(A) FOR SSHB 44

01/25/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/25/17 (H) AMEND UNIFORM RULES: ABSTAIN FROM
 VOTING
 01/27/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/27/17 (H) Heard & Held
 01/27/17 (H) MINUTE(JUD)
 01/30/17 (H) JUD AT 1:30 PM GRUENBERG 120
 01/30/17 (H) Heard & Held
 01/30/17 (H) MINUTE(JUD)
 02/03/17 (H) JUD AT 1:30 PM GRUENBERG 120
 02/03/17 (H) Moved CSSSHB 44(JUD) Out of Committee
 02/03/17 (H) MINUTE(JUD)
 02/08/17 (H) JUD RPT CS(JUD) 1DP 3DNP 3AM
 02/08/17 (H) DP: LEDOUX
 02/08/17 (H) DNP: KOPP, EASTMAN, REINBOLD
 02/08/17 (H) AM: KREISS-TOMKINS, FANSLER, CLAMAN
 02/18/17 (H) STA AT 11:00 AM GRUENBERG 120
 02/18/17 (H) Heard & Held
 02/18/17 (H) MINUTE(STA)
 02/21/17 (H) STA AT 3:00 PM GRUENBERG 120
 02/21/17 (H) Heard & Held
 02/21/17 (H) MINUTE(STA)
 02/21/17 (H) STA AT 5:30 PM GRUENBERG 120
 02/21/17 (H) Heard & Held
 02/21/17 (H) MINUTE(STA)
 03/02/17 (H) STA AT 3:00 PM GRUENBERG 120
 03/02/17 (H) Heard & Held
 03/02/17 (H) MINUTE(STA)
 03/07/17 (H) STA AT 5:30 PM GRUENBERG 120
 03/07/17 (H) Heard & Held
 03/07/17 (H) MINUTE(STA)
 03/28/17 (H) STA AT 3:00 PM GRUENBERG 120
 03/28/17 (H) Moved CS SSHB 44(STA) Out of Committee
 03/28/17 (H) MINUTE(STA)
 04/03/17 (H) STA RPT CS(STA) NT 3DP 1DNP 3NR
 04/03/17 (H) DP: LEDOUX, TUCK, KREISS-TOMKINS
 04/03/17 (H) DNP: BIRCH
 04/03/17 (H) NR: JOHNSON, WOOL, KNOPP
 04/08/17 (H) SUSTAINED RULING OF CHAIR Y23 N16 E1
 04/08/17 (H) BEFORE HOUSE IN SECOND READING
 04/08/17 (H) TRANSMITTED TO (S)
 04/08/17 (H) VERSION: CSSSHB 44(STA)
 04/10/17 (S) READ THE FIRST TIME - REFERRALS
 04/10/17 (S) STA, JUD
 02/20/18 (S) STA AT 3:30 PM BUTROVICH 205
 02/20/18 (S) Heard & Held
 02/20/18 (S) MINUTE(STA)

02/22/18	(S)	STA AT 3:30 PM BUTROVICH 205
02/22/18	(S)	Heard & Held
02/22/18	(S)	MINUTE(STA)
03/23/18	(S)	FIN REFERRAL ADDED AFTER JUD
03/27/18	(S)	STA AT 3:30 PM BUTROVICH 205
03/27/18	(S)	Moved SCS CSSSHB 44(STA) Out of Committee
03/27/18	(S)	MINUTE(STA)
03/28/18	(S)	STA RPT SCS 1DP 1DNP 3NR NEW TITLE
03/28/18	(S)	DP: MEYER
03/28/18	(S)	DNP: WILSON
03/28/18	(S)	NR: GIESSEL, EGAN, COGHILL
04/09/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/10/18	(S)	JUD AT 9:00 AM BELTZ 105 (TSBldg)
04/10/18	(S)	Scheduled but Not Heard
04/11/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/11/18	(S)	Scheduled but Not Heard
04/13/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/13/18	(S)	Meeting Canceled
04/16/18	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR BERTA GARDNER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 134

NATHANIEL GRABMAN, Staff
Senator Berta Gardner
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information about and delivered the sectional analysis for SB 134.

NANCY MEADE, General Counsel
Administrative Office
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Discussed the court rule change related to SB 134.

TRACY SPARTZ CAMPBELL, Deputy Director
Office of Children's Services (OCS)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Testified that SB 134 will not change the way OCS currently does business.

MILES CURTIS, representing self
Petersburg, Alaska

POSITION STATEMENT: Stated support for SB 134.

CHAD HUTCHINSON, Staff
Senator John Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed the changes that appear in version J of HJR 21.

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor of HJR 21, stated support for the Senate CS.

RYAN JOHNSTON, Staff
Representative Jason Grenn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions and reviewed the sectional analysis for the Senate CS for HB 44.

ACTION NARRATIVE

[1:36:58 PM](#)

CHAIR JOHN COGHILL called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Shower, Wielechowski, and Chair Coghill.

SB 134-TERMINATION OF PARENTAL RTS;GUARDIANS

[1:37:40 PM](#)

CHAIR COGHILL announced the consideration of SB 134. He noted there was one person online to testify on the bill.

[1:38:12 PM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, Juneau, Alaska, sponsor of SB 134, advised that the gentleman on the phone brought the issue to her attention, but the bill is not an attempt to intervene in his ongoing case about a custody issue. That contact did highlight the issue about parental rights when a child is the result of rape or sexual assault. Existing

statutes do cover this. Parental rights may be terminated in three ways: 1) a child in need of aid (CINA) case where the child has been abused, neglected, or abandoned; 2) a child can be freed for adoption under certain circumstances; and 3) when the child is conceived in rape. The problem is that despite the statutory language, some people dispute that parental rights can be terminated based on the child's conception. The bill seeks to clarify the existing policy that termination of parental rights should be with court approval and in the best interests of the child. Not many Alaskans are affected by this, but it is a huge issue for the people that are.

She said we believe it is important for a women who is pregnant by rape to be confident that she can avoid being locked into a long-term relationship with the person who raped her if she chooses to keep the child. She noted that the statutes are gender neutral.

[1:41:21 PM](#)

NATHANIEL GRABMAN, Staff, Senator Berta Gardner, Alaska State Legislature, Juneau, Alaska, stated that in 1987 AS 25.23.180(c)(3) was enacted. The legislative intent was to create a mechanism for a woman to terminate the parental rights of a father. In 2015, Congress passed the Rape Survivor Child Custody Act that allocated money for states that passed laws that allowed for the termination of parental rights in cases where the child was conceived in rape. Alaska has received that money each of the last two fiscal years and recently applied for the upcoming year. The reason for the bill is that AS 25.23 is specific to adoption and some family law attorneys and judges may be unaware of the provision to terminate parental rights in the circumstance of rape. In at least one case a judge interpreted the statute as not relevant to a case which did not involve adoption or Child in Need of Aid proceedings. The bill seeks to clarify the existing language and raise awareness of its existence.

CHAIR COGHILL asked Mr. Grabman to go through the sectional focusing on the key element and conforming parts.

[1:43:43 PM](#)

MR. GRABMAN said most of the sections in the bill reference Section 11 so he would start there.

Section 11. Restructures AS 25.23.180(c) to clarify that termination for parental rights may be ordered in an independent proceeding on the grounds that a parent

committed an act constituting sexual assault, sexual abuse of a minor, or incest that resulted in the conception of a child.

Sections 1 and 2. are conforming language.

Section 3. Authorizes the court to appoint a guardian ad litem for cases involving petitions for the termination of parental rights of a parent who has committed an act constituting sexual assault, sexual abuse of a minor, or incest that resulted in the conception of a child under section 11 of this bill.

Sections 4 through 10. are conforming language.

Sections 12 through 15. are conforming language.

Section 16. Adds a new subsection to AS 25.23.180 to clarify that a petition for termination of parental rights for the grounds specified in section 11 of the bill may be filed to initiate an independent proceeding not connected to a petition for adoption or a proceeding under AS 47.10.

Section 17. is conforming language.

Section 18. Describes how AS 25.23.180, as amended by this bill, has the effect of changing court rules.

He noted that the Tracy Spartz Campbell, the deputy director of the Office of Children's Services, and Nancy Meade, the general counsel of the Court System, were available to answer questions.

[1:45:44 PM](#)

CHAIR COGHILL asked Ms. Meade to talk about the effect of the court rule modification and how the new petition will work.

[1:46:23 PM](#)

NANCY MEADE, General Counsel, Administrative Office, Alaska Court System, Anchorage, Alaska, explained that because the court has rules on a similar subject in the adoption area, the court will look at whether this statutory change would cause the court to change the wording in the court rule. Generally, the court puts a notation on the rule so people know they can take advantage of this statutory process. Thus, a direct court rule change may not be necessary.

CHAIR COGHILL asked if the petition for termination of parental rights referenced in Section 16 is in existing statute that the bill makes it more explicit.

MS. MEADE said yes. If the bill passes, the court will look at whether the existing petition to terminate parental rights needs modification to accommodate termination in the circumstance of rape.

[1:48:46 PM](#)

CHAIR COGHILL asked Tracy Spartz Campbell if the proceeding in AS 47.10 referenced in Section 11 is a common civil proceeding for terminating parental rights.

TRACY SPARTZ CAMPBELL, Deputy Director, Office of Children's Services (OCS), Department of Health and Social Services (DHSS), Juneau, Alaska said that's correct.

CHAIR COGHILL asked if it asks for any new information.

MS. SPARTZ CAMPBELL replied we don't see that the bill will change the way OCS currently does business.

[1:49:41 PM](#)

CHAIR COGHILL opened public testimony on SB 134.

[1:50:04 PM](#)

MILES CURTIS, representing self, Petersburg, Alaska, stated support for SB 134. He said he is the grandfather of a child conceived in rape and his family has been involved in a five-year custody battle. His daughter was young when she was raped and he raised the child for the first six years. At age six the child was placed with the offender in Petersburg. He said the custody battle will probably go on until the child reaches age 18. The court did not recognize the existing law. Senator Gardner's bill will clarify the law but it is not the higher standard that other states are implementing. He suggested amending the language to require the unfit parent to prove they are fit. He said the biggest issue in his case is that the abuser has court support and can continue to be abusive to the victim. He would like a statutory amendment to change the court's direction. For example, Washington State passed a law making it easier for the victim to petition the court for termination outside the custody case. He continued to relate the particulars in his case.

CHAIR COGHILL asked the sponsor if she had any final comments.

[1:56:36 PM](#)

SENATOR GARDNER said Mr. Curtis has a heartbreaking tale and was instrumental in bringing the issue to her attention, but the bill is not trying to influence his case. She agreed that a person who has a child as a result of rape should have control over any contact afterwards. It is also appropriate that a judge should make the determination assisted by a guardian ad litem who makes recommendations about what is in the child's best interest.

[1:58:10 PM](#)

CHAIR COGHILL said he was willing to move the bill.

[1:58:54 PM](#)

SENATOR WIELECHOWSKI moved to report SB 134, version A, from committee with individual recommendations and zero fiscal note(s).

CHAIR COGHILL announced that without objection, SB 134 moved from the Senate Judiciary Standing Committee.

[1:59:25 PM](#)

AT ease

HJR 21-FEDS RESPECT STATE REG OF MARIJUANA

[2:00:43 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HJR 21. He noted the proposed committee substitute (CS).

[2:01:11 PM](#)

At ease

[2:01:31 PM](#)

CHAIR COGHILL reconvened the meeting.

SENATOR WIELECHOWSKI moved to adopt the Senate CS for SSHJR 21, version 30-LS0820\J, as the working document.

CHAIR COGHILL objected for an explanation of the changes.

[2:02:10 PM](#)

CHAD HUTCHINSON, Staff, Senator John Coghill, Alaska State Legislature, Juneau, Alaska, said the CS makes two substantive

changes that resulted in a title change. The new title eliminates the words "and to honor previous federal guidance on marijuana policy".

The first substantive change is to the last "Whereas" on page 3. It replaces the phrase, "undermines federal priorities" with "demonstrates a need to address federal law". The second change is in the "Be It Resolved" provision on page 3. It replaces the phrase "in keeping with the federal enforcement priorities enumerated in the United States Department of Justice's August 29, 2013, memorandum" with "and urges the United States Congress to address these issues while respecting states' rights".

[2:04:36 PM](#)

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, Juneau, Alaska, sponsor of HJR 21, said he supports the changes.

CHAIR COGHILL said he was trying to tell Congress it had to do something about this.

He removed his objection and version J was adopted. He asked the sponsor if he had final comments.

[2:06:03 PM](#)

REPRESENTATIVE GUTTENBERG said the resolution articulates the legislature's position that it wants this conflict resolved. It passed the other body unanimously.

[2:06:48 PM](#)

SENATOR WIELECHOWSKI moved to report the Senate CS for SSHJR 21, version J, from committee with individual recommendations and attached zero fiscal note(s).

CHAIR COGHILL announced that without objection, SCS SSHJR21(JUD) moved from the Senate Judiciary Standing Committee.

[2:07:12 PM](#)

At ease

HB 44-LEGISLATIVE ETHICS: VOTING & CONFLICTS

[2:08:19 PM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HB 44. [SCS CSSSHB 44(STA) was before the committee.] He noted that the State Affairs Committee significantly changed the bill.

[2:08:58 PM](#)

RYAN JOHNSTON, Staff, Representative Jason Grenn, Alaska State Legislature, Juneau, Alaska, reviewed the following changes from version R to version N and for HB 44:

The sections of Version R can be found in the corresponding sections of Version N

- Ver R Section 1 corresponds with Section 7 in ver N
- Ver R Section 2 corresponds with Section 8 in ver N
- Ver R Section 3 corresponds with Section 9 in ver N
- Ver R Section 4 corresponds with Section 11 in ver N

The new sections of the bill include:

Sections 1 and 2 prohibits foreign corporations and nationals from making political expenditures on behalf of candidates in state elections.

Section 3, page 6 lines 5-12, amends AS 24.10.120(a) to implement a stricter policy on legislative foreign travel.

Section 4, page 6 lines 5-12, amends AS 24.10.130(b) so there will be no per diem for legislators after 121 days if the budget has not been passed

Section 5, page 6 lines 25-31, amends AS 24.10.130(c) to direct the Legislative Council to adopt a per diem policy in accordance with section 4 of the bill.

Section 6, page 8 lines 1-12, amends AS 24.45.121(a) to read that a lobbyist may only purchase a non-alcoholic beverage for a legislator.

Section 10, page 9, amends AS 24.10.120(a) to clarify that a Legislator can accept a non-alcoholic beverage from a lobbyist.

Section 12, page 11 line 4-19, amends AS 39.23.540(d) to include the new stipulations on per diem set forth in section 4.

Section 13, page 11, line 20, repeals AS 24.10.051(b).

Section 14, page 11 lines 21-24, amends the uncodified law of the State of Alaska to direct the Alaska Public

Office Commission to adopt the necessary regulations to implement sections 1 and 2 of this bill.

Section 15, page 11 lines 27-31, amends the uncodified law of the State of Alaska to state that if any section of this bill is found invalid, then the rest of the bill will not be affected.

Section 16, page 12 line 1, states that section 14 of the bill will take effect immediately upon the bill's passage.

Section 17, page 12 line 2, changes the effective date to July 1, 2018.

[2:11:49 PM](#)

CHAIR COGHILL said he understands that the only difference between the initiative and the bill is the de minimis value of a meal versus the \$15 amount which is in statute.

MR. JOHNSTON agreed.

[2:12:55 PM](#)

SENATOR WIELECHOWSKI asked if the sponsor supports the Senate committee substitute.

MR. JOHNSTON replied, "The Representative is appreciative of the conversation that goes on with this bill and appreciates the ability to speak before the committee and apologizes that he can't be here currently."

SENATOR WIELECHOWSKI commented that it was a good political answer.

CHAIR COGHILL said he'd like to dialog with the sponsor on the record about the policy calls. He offered his perspective of the per diem provision. He struggles with it because extended sessions aren't always within the legislature's control. He said he can understand why some people don't support international travel, but "whether we like it or not Alaska is an international state." Its largest trading partners are China, Japan, Korea, and Canada. Furthermore, Alaska is an Arctic state, the Pacific fishery is international, and tourism has an international flavor. He said he would study the language, but to exclude the impact an international conversation might have on a campaign might be unwise. He opined that legislators may need to be part of both national and international

organizations. He said he understands that money is perceived as buying elections, but it's up to the integrity of the individual whether the money is used as a voice to communicate with constituents or if it's used to drive special interests.

2:19:40 PM

SENATOR WIELECHOWSKI asked if there is any legal opinion or consultation about whether the current version of the bill would take the initiative off the ballot.

MR. JOHNSTON responded that the Senate State Affairs Committee received a legal memo that said the current version of the bill satisfies the intent of the initiative. However, it would rest on a court case. He offered to supply a copy of the memo.

CHAIR COGHILL advised that the 3/21/18 memorandum from legislative attorney Dan Wayne is in the packets.

SENATOR WIELECHOWSKI said he read the memo and it seems to address constitutional issues as opposed to whether it would take the initiative off the ballot.

2:21:40 PM

MR. JOHNSTON said any constitutional concerns will only be resolved through a court case. He offered to have someone from the lieutenant governor's office come and talk about its finding that the initiative was not unconstitutional.

CHAIR COGHILL relayed that testimony in the State Affairs Committee was that being constitutional to go on the ballot is one question and whether the policy calls are constitutional is another, larger question. Legal advice on that point is warranted.

SENATOR WIELECHOWSKI noted that the memo did raise the question about the effect of the bill in an initiative election. The conclusion is not a slam dunk in either direction, but it does say the court would probably find the bill passes the three-part test.

CHAIR COGHILL shared that he is not a fan of either the initiative or the bill because of the restrictions that may be outside legislators' control. It also supposes the authority of lobbyists that may not be entirely accurate. He reiterated the request to have a dialog on the record with the sponsor during the 9:00 a.m. meeting tomorrow.

MR. JOHNSTON said the sponsor has a Finance meeting at the same time but he would do his best.

[2:26:05 PM](#)

CHAIR COGHILL held HB 44 in committee for further consideration.

[2:27:03 PM](#)

There being no further business to come before the committee, Chair Coghill adjourned the Senate Judiciary Standing Committee meeting at 2:27.