

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 5, 2019

1:04 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Chuck Kopp
Representative Louise Stutes
Representative Adam Wool
Representative David Eastman

MEMBERS ABSENT

Representative Gabrielle LeDoux, Vice Chair
Representative Laddie Shaw

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 89(JUD)

"An Act relating to the Legislative Ethics Act; and providing for an effective date."

- MOVED HCS CSSB 89(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 89

SHORT TITLE: LEGISLATURE: ETHICS, CONFLICTS

SPONSOR(s): RULES

03/13/19	(S)	READ THE FIRST TIME - REFERRALS
03/13/19	(S)	JUD
03/18/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/18/19	(S)	Heard & Held
03/18/19	(S)	MINUTE(JUD)
03/20/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/20/19	(S)	Moved CSSB 89(JUD) Out of Committee
03/20/19	(S)	MINUTE(JUD)
03/22/19	(S)	JUD RPT CS 1DP 3NR 1AM SAME TITLE
03/22/19	(S)	DP: HUGHES
03/22/19	(S)	NR: REINBOLD, MICCICHE, SHOWER
03/22/19	(S)	AM: KIEHL
03/27/19	(S)	TRANSMITTED TO (H)
03/27/19	(S)	VERSION: CSSB 89(JUD)
03/29/19	(H)	READ THE FIRST TIME - REFERRALS

03/29/19 (H) JUD
04/01/19 (H) JUD AT 1:00 PM GRUENBERG 120
04/01/19 (H) Heard & Held
04/01/19 (H) MINUTE (JUD)
04/05/19 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

CHAD HUTCHISON, Senate Majority Counsel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 89.

ACTION NARRATIVE

1:04:17 PM

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Kopp, Wool, Stutes, and Claman were present at the call to order. Representative Eastman arrived as the meeting was in progress.

SB 89-LEGISLATURE: ETHICS, CONFLICTS

1:04:50 PM

CHAIR CLAMAN announced that the only order of business would be SENATE BILL NO. 89 "An Act relating to the Legislative Ethics Act; and providing for an effective date." [Before the committee was CSSB 89(JUD), version 31-LS0209\K.]

1:05:01 PM

CHAIR CLAMAN announced that the committee would take up amendments to SB 89. He noted that Legislative Legal Services has permission to make any technical and conforming changes to the bill. Chair Claman passed the gavel to Representative Stutes.

1:05:22 PM

CHAIR CLAMAN moved to adopt Amendment 1, labeled 31-LS0209\K.5, Wayne, 4/1/19, which read as follows:

Page 2, line 9, following "legislator":

Insert "or the legislator's spouse is employed
or"

Page 2, line 18, following "legislator":
Insert "or the legislator's spouse"

Page 2, line 23, following "legislator":
Insert "or the legislator's spouse"

REPRESENTATIVE STUTES objected for purpose of discussion.

CHAIR CLAMAN explained that Amendment 1 would expand the coverage for an ethics disclosure to a legislator's spouse. He said the current language of the bill requires only the legislator to disclose various financial interests. He noted that this amendment would require the disclosure of active employment in addition to any negotiations for employment.

REPRESENTATIVE STUTES removed her objection. She asked whether there was any further objection to adopting Amendment 1. There being no objection, it was so ordered.

[1:06:45 PM](#)

CHAIR CLAMAN moved to adopt Amendment 2, labeled 31-LS0209\K.11, Wayne, 4/1/19, which read as follows:

Page 1, following line 2:

Insert a new bill section to read:

"* Section 1. AS 24.60.010 is amended by adding a new paragraph to read:

(9) a fair and open government requires that constituents have unencumbered access to legislators about issues important to the state pursuant to art. I, secs. 5 and 6, Constitution of the State of Alaska, which protect the right of a legislator and a constituent to meet and the right of a person to petition the government, and this chapter is not intended to restrict those rights."

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

REPRESENTATIVE STUTES objected for purpose of discussion.

CHAIR CLAMAN said he felt the Select Committee on Legislative Ethics addressed House Bill 44 [passed in the Thirtieth Alaska State Legislature] in ways that ignored constitutional requirements regarding a citizen's right to petition his/her government. He added that he felt freedom of speech issues were also at play. He cited the committee's ethics opinions that suggested legislators could not have private meetings with constituents. He explained that Amendment 2 would add intent language to AS 24.60.010 that the Select Committee on Legislative Ethics would not be able to ignore. He said the language spells out the importance of ensuring legislators have free access to their constituents even if the legislator has conflicts.

[1:08:08 PM](#)

REPRESENTATIVE WOOL asked about language in the amendment that would protect the rights of legislators and constituents to meet. He asked whether the term "constituents" limits protections to just constituents or whether it covers other persons who may meet with a legislator.

CHAIR CLAMAN said he believes that the language covers other persons and not just constituents.

[1:08:42 PM](#)

REPRESENTATIVE STUTES removed her objection. She asked whether there was any further objection to adopting Amendment 2. There being no objection, it was so ordered.

[1:09:22 PM](#)

CHAIR CLAMAN encouraged support for SB 89 as amended. He said it would address challenges that have arisen due to the Select Committee on Legislative Ethics's analysis of House Bill 44. He said while legislators may disagree with the committee's analysis, the best way to address the issue is through legislation.

REPRESENTATIVE STUTES passed the gavel back to Chair Claman.

[1:10:39 PM](#)

REPRESENTATIVE EASTMAN said SB 89 is a partial fix to issues that have been raised. He asked if there is a plan to "fix the rest of it."

CHAD HUTCHISON, Senate Majority Counsel, Alaska State Legislature, said he would leave that to legislators. He said he has no comment on the next step.

[1:11:42 PM](#)

REPRESENTATIVE EASTMAN said he felt the bill and amendments are well-intended. He said the process and outcome of House Bill 44 was "just a mess." He suggested repealing House Bill 44 and restarting the process.

[1:12:27 PM](#)

REPRESENTATIVE WOOL said he agrees somewhat with Representative Eastman. He said, in a perfect world, changes would be made to the Alaska State Legislature Uniform Rules. He said he thinks that was the original intent of House Bill 44's prime sponsor. He said the fix proposed in SB 89 is "the best thing going forward" given where the legislature currently stands.

[1:12:53 PM](#)

REPRESENTATIVE KOPP said he appreciates the efforts made by [Senator Coghill], the prime sponsor, to swiftly obtain consensus and target the most problematic provisions of House Bill 44. He said he is pleased to move SB 89 forward.

[1:13:15 PM](#)

CHAIR CLAMAN said he appreciates the work done by Senator Coghill and his staff.

[1:13:34 PM](#)

REPRESENTATIVE STUTES moved to report version 31-LS0209\K of SB 89, as amended, out of committee with individual recommendations and the attached fiscal note. There being no objection, HCS CSSB 89(JUD) was moved from the House Judiciary Standing Committee.

[1:14:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:14 p.m.