

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 10, 2020  
1:50 p.m.

**MEMBERS PRESENT**

Representative Matt Claman, Chair  
Representative Chuck Kopp  
Representative Harriet Drummond  
Representative Louise Stutes  
Representative Gabrielle LeDoux  
Representative Laddie Shaw  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**OTHER LEGISLATORS PRESENT**

Representative Jonathan Kreiss-Tomkins

**COMMITTEE CALENDAR**

HOUSE BILL NO. 133

"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

- MOVED HB 133 OUT OF COMMITTEE

HOUSE BILL NO. 201

"An Act relating to legal representation of public officers in ethics complaints."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 15

Proposing an amendment to the Constitution of the State of Alaska relating to actions upon veto.

- MOVED HJR 15 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 133

SHORT TITLE: JUVENILES: JUSTICE, FACILITES, TREATMENT

SPONSOR(s): REPRESENTATIVE(s) SPOHNHOLZ

04/15/19	(H)	READ THE FIRST TIME - REFERRALS
04/15/19	(H)	HSS, JUD
04/23/19	(H)	HSS AT 3:00 PM CAPITOL 106
04/23/19	(H)	Heard & Held
04/23/19	(H)	MINUTE(HSS)
04/25/19	(H)	HSS AT 3:00 PM CAPITOL 106
04/25/19	(H)	Moved HB 133 Out of Committee
04/25/19	(H)	MINUTE(HSS)
04/26/19	(H)	HSS RPT 4DP
04/26/19	(H)	DP: TARR, DRUMMOND, ZULKOSKY, SPOHNHOLZ
02/05/20	(H)	JUD AT 1:45 PM GRUENBERG 120
02/05/20	(H)	Heard & Held
02/05/20	(H)	MINUTE(JUD)
02/07/20	(H)	JUD AT 1:45 PM GRUENBERG 120
02/07/20	(H)	-- MEETING CANCELED --
02/10/20	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 201

SHORT TITLE: DEFENSE OF PUB. OFFICER: ETHICS COMPLAINT

SPONSOR(s): REPRESENTATIVE(s) LEDOUX

01/21/20	(H)	PREFILE RELEASED 1/17/20
01/21/20	(H)	READ THE FIRST TIME - REFERRALS
01/21/20	(H)	JUD, FIN
02/10/20	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HJR 15

SHORT TITLE: CONST. AM: VOTES NEEDED FOR VETO OVERRIDE

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

04/15/19	(H)	READ THE FIRST TIME - REFERRALS
04/15/19	(H)	STA, JUD, FIN
01/23/20	(H)	STA AT 3:00 PM GRUENBERG 120
01/23/20	(H)	Heard & Held
01/23/20	(H)	MINUTE(STA)
01/28/20	(H)	STA AT 3:00 PM GRUENBERG 120

01/28/20 (H) Moved HJR 15 Out of Committee  
01/28/20 (H) MINUTE(STA)  
01/29/20 (H) STA RPT 5DP 2DNP  
01/29/20 (H) DP: HOPKINS, THOMPSON, STORY, FIELDS,  
KREISS-TOMKINS  
01/29/20 (H) DNP: VANCE, SHAW  
01/31/20 (H) JUD AT 1:30 PM GRUENBERG 120  
01/31/20 (H) -- MEETING CANCELED --  
02/05/20 (H) JUD AT 1:45 PM GRUENBERG 120  
02/05/20 (H) Heard & Held  
02/05/20 (H) MINUTE(JUD)  
02/07/20 (H) JUD AT 1:45 PM GRUENBERG 120  
02/07/20 (H) -- MEETING CANCELED --  
02/10/20 (H) JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE IVY SPOHNHOLZ  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding HB 133, as prime sponsor.

TRACY DOMPELING, Director  
Division of Juvenile Justice (DJJ)  
Department of Health and Social Services  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding HB 133.

REPRESENTATIVE GABRIELLE LEDOUX  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, introduced HB 201.

DAN WAYNE, Attorney  
Legislative Legal Counsel  
Legislative Legal Services  
Legislative Affairs Agency  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding HB 201.

**ACTION NARRATIVE**

[1:50:47 PM](#)

**CHAIR MATT CLAMAN** called the House Judiciary Standing Committee meeting to order at 1:50 p.m. Representatives Claman, Drummond, Stutes, Shaw, and Eastman were present at the call to order. Representatives Kopp and LeDoux arrived as the meeting was in progress.

**HB 133-JUVENILES: JUSTICE, FACILITES, TREATMENT**

[1:51:27 PM](#)

CHAIR CLAMAN announced that the first order of business would be HOUSE BILL NO. 133, "An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

[1:51:47 PM](#)

CHAIR CLAMAN stated that the bill sponsor's office shared a memo [hard copy included in committee packet] that was circulated to the committee, correcting two items which were incorrectly described for the public record during the last House Judiciary Standing Committee meeting on 2/5/20.

[1:52:35 PM](#)

REPRESENTATIVE EASTMAN remarked that he recalls hearing some horror stories, from the previous year, of out-of-state juvenile facilities where children from Alaska were housed; he had read that these children were administered excessive dosages of medication and were subject to extended periods of isolation. He asked whether this bill was an attempt to address that issue.

[1:53:28 PM](#)

REPRESENTATIVE IVY SPOHNHOLZ, Alaska State Legislature, remarked that it is not the bill sponsor's intention to resolve that issue with HB 133.

[1:53:51 PM](#)

TRACY DOMPELING, Director, Division of Juvenile Justice (DJJ), Department of Health and Social Services, asked Representative Eastman to repeat the second half of his question.

[1:54:01 PM](#)

REPRESENTATIVE EASTMAN reiterated that he recalled hearing some concerns raised last year about some out-of-state facilities; therefore, he expressed that he is particularly interested in how HB 133 would impact out-of-state facilities. He referenced Section 12 and remarked that the definition for health care facilities could be very broad and might include out of state facilities.

[1:54:25 PM](#)

MS. DOMPELING answered that there would not be any impact on facilities outside of Alaska; the DJJ would not have the ability to control what out-of-state facilities do. She stated that the out-of-state facilities, which qualify for Medicaid eligible placements, have guidelines that they are required to follow, but as the bill sponsor had stated, HB 133 would not have any impact on this.

[1:54:54 PM](#)

REPRESENTATIVE EASTMAN remarked that he was glad to hear the intention of the bill itself but asked whether Alaska can send juveniles who are unable to receive appropriate care in state to an out-of-state facility.

[1:55:14 PM](#)

MS. DOMPELING replied that Alaska does have the option to send juveniles to out-of-state facilities after it has exhausted all in-state options or the in-state options are not appropriate for the juvenile's situation. She stated that these out-of-state facilities must be licensed, and Medicaid approved. In response to a follow up question, she replied that HB 133 would not impact the placement practices of the DJJ.

[1:56:42 PM](#)

The committee took an at-ease from 1:56 p.m. to 1:57 p.m.

[1:57:07 PM](#)

REPRESENTATIVE STUTES moved to report HB 133 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 133 was reported from the House Judiciary Standing Committee.

[1:57:29 PM](#)

The committee took an at-ease from 1:57 p.m. to 2:00 p.m.

[2:00:03 PM](#)

The meeting was recessed at 2:00 p.m. to a call of the chair.

[2:15:44 PM](#)

CHAIR CLAMAN reconvened the House Judiciary Standing Committee meeting at 2:15 p.m. Present at the call back to order were Representatives Claman, Drummond, Stutes, LeDoux, Shaw, and Eastman; Representative Kopp joined the meeting in progress.

**HB 201-DEFENSE OF PUB. OFFICER: ETHICS COMPLAINT**

[2:15:49 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 201, "An Act relating to legal representation of public officers in ethics complaints."

[2:16:30 PM](#)

REPRESENTATIVE GABRIELLE LEDOUX, Alaska State Legislature, as prime sponsor introduced HB 201. She stated that HB 201 is a simple bill. She remarked that in the past, when an ethics complaint has been filed against the governor or the lieutenant governor, the defense of the complaint has not been represented by the attorney general. She remarked that there are some regulations in the works that will allow the attorney general, in his/her sole discretion, to determine whether to defend an ethics complaint against the governor or lieutenant governor. She expressed that she thinks returning to the regulations that previously existed is the proper way to go. She explained that in the system proposed under HB 201, the governor or lieutenant governor would pay his/her own fees up front, or the state would pay the fees up front when necessary, and he/she would be reimbursed after he/she was completely exonerated. She added that she does not think it is appropriate to spend state funds

when the governor or lieutenant governor may have done something unethical and is not completely exonerated. She remarked that HB 201 "takes us back to the status quo and doesn't allow those regulations to supersede the status quo."

REPRESENTATIVE LEDOUX remarked that she would like to make it perfectly clear that HB 201 is not a criticism of the current governor or lieutenant governor of Alaska; as a matter of course, she said that she thinks it is more appropriate for an individual who has been charged with an ethics violation to have his/her fees paid by the state only if he/she is exonerated. She added that she does not think the attorney general should be defending the governor or lieutenant governor.

[2:19:51 PM](#)

REPRESENTATIVE STUTES asked whether HB 201 would be applicable to legislators overall, in addition to the executive branch.

[2:19:59 PM](#)

REPRESENTATIVE LEDOUX answered that HB 201 would not apply to legislators. She offered her understanding that currently, a legislator pays his/her own fees and can then go to the Legislative Council for reimbursement, if he/she is completely exonerated. She added that she thinks it would be a good idea to put a reimbursement policy into statute, rather than having an anecdotal system which legislators may know about through its previous use by another legislator.

REPRESENTATIVE STUTES asked Representative LeDoux whether she would propose that a legislator exonerated of an ethics violation complaint go to the Legislative Council and ask for reimbursement, or whether she proposes an established system that automatically reimburses an exonerated legislator.

REPRESENTATIVE LEDOUX clarified that she is not suggesting a change to the current system. She opined that if the committee was concerned about this issue and wanted to amend HB 201 to include legislators, the system should work the same way it does currently.

[2:22:58 PM](#)

REPRESENTATIVE EASTMAN remarked that the committee had discussed how HB 201 would affect the legislative and executive branches. He questioned how the proposed legislation would affect the

judicial branch; for example, what would happen if a judge was involved in an ethics violation complaint?

REPRESENTATIVE LEDOUX replied that she did not know the answer to that question, but Dan Wayne from Legislative Legal Services might be able to answer the question.

[2:23:32 PM](#)

DAN WAYNE, Attorney, Legislative Legal Counsel, Legislative Legal Services, Legislative Affairs Agency, Alaska State Legislature, remarked that he helped to draft HB 201. He stated that the bill currently amends the executive branch ethics act only. Referencing page 1, lines 5-6, of HB 201, he pointed out some cited sections of the Alaska Executive Branch Ethics Act which could be potential hurdles to reimbursing public officers in the executive branch in an exoneration.

[2:24:17 PM](#)

CHAIR CLAMAN clarified that Representative Eastman did not ask about the executive branch; he asked what would happen if a judicial officer was accused of an ethics violation.

MR. WAYNE replied that he thinks judicial officers follow a code of ethics that they administer themselves through the Alaska Bar Association or the Alaska Supreme Court.

CHAIR CLAMAN remarked that he thinks it is called the Judicial Conduct Commission, which consists of members appointed by the governor and approved by the legislature.

MR. WAYNE replied that he thinks Chair Claman might be more knowledgeable on the topic than he is, and probably also knows that this is not in statute or regulated by the legislature.

[2:25:22 PM](#)

CHAIR CLAMAN stated that he did not think that Mr. Wayne provided the answer the committee was looking for, and he suggested that someone from the court system or the Judicial Conduct Commission answer the question for the committee at a future time. He remarked that the question he thinks Representative Eastman is hoping to hear an answer to is whether the state ends up paying when there is a complaint against a judge.

[2:26:03 PM](#)

REPRESENTATIVE EASTMAN confirmed that that is correct; he is hoping to find out who pays in that situation and the effects of extending HB 201 beyond just the executive branch.

[2:26:39 PM](#)

REPRESENTATIVE LEDOUX reiterated that HB 201 only applies to the executive branch, but if the committee were to amend the bill to include the other branches, she is sure it would get answers to all those questions.

[2:27:05 PM](#)

REPRESENTATIVE EASTMAN remarked that he noticed it was mentioned that HB 201 was introduced in response to a regulation change, and he wondered why HB 201 would be a better option than the legislature clarifying the regulation itself.

REPRESENTATIVE LEDOUX replied that she had approached the Legislative Legal Counsel and asked to have something drafted that would address the new regulations, which she does not want to see go in to effect.

[2:27:54 PM](#)

CHAIR CLAMAN asked whether the reimbursement structure would be a "pay to be paid clause," in which the executive would have to write a check to his/her attorney for representation on an ethics violation complaint and would then seek reimbursement, or the executive would be able to send the bills directly for payment and not have to pay out-of-pocket at all, unless he/she lost the ethics violation complaint, in which case he/she would have to pay the fees back.

[2:28:29 PM](#)

REPRESENTATIVE LEDOUX replied that she thinks the idea is that an executive could either pay up front and be reimbursed by the state if he/she is exonerated, or the state could pay the fees and the individual would have to agree to pay the fees back if he/she were not totally exonerated. She suggested that Mr. Wayne might have more information on the subject.

[2:29:02 PM](#)

MR. WAYNE remarked that HB 201 does not go into detail on who the payment would go to; it just specifies that there would be an authorization of reimbursement. He suggested that reimbursement could be interpreted differently by different people. As an example, he explained that money could go directly from the stated to a law firm and could be called reimbursement. He expressed that the bill was based on existing regulations, which is where the criteria for reimbursement was drawn.

[2:30:04 PM](#)

REPRESENTATIVE EASTMAN, referencing page 1, lines 9-11, of HB 201, stated, "It would seem to me that somebody could accept reimbursement before the case is finally adjudicated, because otherwise why are we asking them to pay it back if it turns out they're not fully exonerated?"

[2:30:24 PM](#)

CHAIR CLAMAN, referencing the eighth edition of Black's Law Dictionary, defined reimbursement as: "Repayment" and "Indemnification." He added that indemnification was defined as: "The action of compensating for loss or damage sustained" and "The compensation so made."

REPRESENTATIVE EASTMAN asked Representative LeDoux whether she considers everything pertaining to the current regulations as excellent, considering that HB 201 would put the current regulations into statute, or whether there are some areas that work better than others. Referencing page 1, line 11, of HB 201, he remarked that it states, "exonerated of all violations". He expressed that he thinks there could be more than one allegation lodged against an executive official at a time. For example, if one is an egregious violation that he/she is exonerated of but the other is a minor violation akin to littering that he/she is found guilty of, then the executive official would be required to pay for the expenses of the egregious offense that he/she was exonerated of, even if those expenses comprised 99 percent of the total cost.

[2:33:08 PM](#)

REPRESENTATIVE LEDOUX replied that Representative Eastman made an excellent point, and she had wondered if it might make sense to consider a system similar to that used in a court fee

situation with attorney fees, where fees are reimbursed if the individual is exonerated on most of the charges.

[2:34:03 PM](#)

CHAIR CLAMAN remarked that in a court fee system, the prevailing party is entitled to get back his/her attorney fees; however, the attorney fees are almost never 100 percent fees. He asked Representative LeDoux whether this factors in to how she would approach the situation.

REPRESENTATIVE LEDOUX replied that she is not certain. She said that she thinks in public interest litigation it is 100 percent of the fees, and she thinks that if the individual prevailed on 99 percent of the claims, he/she would be reimbursed 99 percent of his/her fees. She remarked that HB 201 was written to parallel the existing regulations, but she is not sure herself of what the correct approach is.

[2:35:50 PM](#)

REPRESENTATIVE STUTES asked whether she understood correctly that an official must be exonerated in order to receive reimbursement.

REPRESENTATIVE LEDOUX replied that that is not the case. She Referenced language on page 1, lines 9-11, of HB 201, which read: "A public officer or former public officer who accepts the reimbursement under this section shall promptly repay all money received if the officer is not exonerated of all violations." She remarked that an official could accept payment to begin with, as not everyone has the funds to pay up front out-of-pocket.

REPRESENTATIVE STUTES remarked that she thinks Representative LeDoux may have just made a point for her; if an official doesn't have the funds to pay up front, and the state covers the up front cost but the official is not exonerated, when the state looks for the official to pay back those fees he/she might not pay the fees back.

[2:37:17 PM](#)

CHAIR CLAMAN remarked that "nothing of Representative Stutes' question is to suggest that any legislator, or the governor, is a deadbeat."

REPRESENTATIVE STUTES remarked that that is certainly not the case. She asked whether there would be an adversity to having legislation requiring an official to be exonerated in order to apply for reimbursement. She added that she thinks most attorneys would be amenable to that idea.

[2:37:49 PM](#)

REPRESENTATIVE LEDOUX replied that many attorneys might be amenable to that idea, if there were a standard in place which allowed for most prevailing counts - and not all counts - to be exonerated. She added that she thinks there would be political considerations; not only would the official be facing the stigma of having faced an ethics violation, he/she would have to face his/her next election with public knowledge that, "Representative so-and-so is a deadbeat; they owe the state 'X' number of dollars."

[2:39:08 PM](#)

REPRESENTATIVE STUTES remarked that she appreciated what Representative LeDoux was saying; however, she recounted that many people in Juneau have commented to her that they will not rent to legislators, as they will not pay their rent. She added that she has heard this approximately four times from different people.

REPRESENTATIVE LEDOUX commented that she finds that somewhat appalling.

[2:39:40 PM](#)

CHAIR CLAMAN noted that there is potential for an attorney's fees bill to range from \$25,000 to \$50,000 in a complicated ethics violation case. He stated that the questions of the ability to repay and whether the state should be advancing these funds are significant. He added that these dollar amounts may not seem to be big items compared to some of the items discussed in the state budget; however, public suspicion may be raised if funds were being routinely advanced for fees relating to ethics complaints, where the essence of the complaint is that the official is acting outside of the law.

[2:40:41 PM](#)

REPRESENTATIVE EASTMAN asked whether the executive branch has the same limitations on accepting legal help as the legislative

branch. He clarified that in the legislative branch it would be considered unethical for a legislator to accept pro bono representation from an attorney, as it would be considered accepting a gift over \$250.

[2:41:32 PM](#)

REPRESENTATIVE LEDOUX replied that she did not know whether the executive branch has the same limitations as the legislative branch, but her understanding is that the legislative branch can set up a legal defense fund, which is not governed by the \$250 gift rule.

[2:42:37 PM](#)

CHAIR CLAMAN asked Mr. Wayne whether he could clarify Representative LeDoux's comment and question.

[2:42:47 PM](#)

MR. WAYNE asked Representative LeDoux whether she could clarify her question.

[2:43:09 PM](#)

REPRESENTATIVE LEDOUX clarified that the question was whether the executive branch has the same restrictions on receiving money as the legislative branch. In addition, she repeated her understanding that the legislative branch can set up a legal defense fund, which is not governed by the \$250 gift rule.

MR. WAYNE responded that he did not know whether this was correct. He remarked that it could raise a concern under AS 24.60.080 for a legislator accepting a gift of legal fees; however, he stated that he did not know if there has been an exception carved out for that.

[2:44:35 PM](#)

REPRESENTATIVE EASTMAN asked whether anyone could clarify what the limitations are on the executive branch regarding gifts. He remarked that during his time on the Ethics Committee, it was explained to him that the committee's understanding was that an official charged with a violation could not receive legal help totaling over \$250 in a calendar year. Replying to a follow-up question from Chair Claman, he clarified that an attorney could

volunteer only \$250 worth of his/her time and nothing more, regardless of whether it was offered as pro bono.

[2:45:48 PM](#)

CHAIR CLAMAN asked Mr. Wayne whether he could provide insight into what the limitations are on the executive branch in terms of acquiring legal advice from outside counsel. He clarified that he thinks Representative Eastman's question was very specific: If the governor has an ethics complaint brought against him/her, and asks for advice from an attorney regarding the complaint, the governor is barred from getting advice that would equate to over \$250 pro bono.

[2:46:27 PM](#)

MR. WAYNE replied that this would fall under AS 39.52.130(a)(b), which read as follows:

Sec. 39.52.130. Improper gifts.

(a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

MR. WAYNE interpreted that if a gift is worth more than \$150, it must be reported, but he was not sure if there is a defined upper limit to what could be accepted.

[2:47:50 PM](#)

CHAIR CLAMAN asked Mr. Wayne whether his view was that an officer is not prohibited from receiving services greater than \$250, just that the services must be declared after they have exceeded the \$250 amount.

MR. WAYNE answered that he does not see a limitation defined anywhere in statute, unlike AS 24.60.080, which applies to the legislature and has a defined yearly limit. He said that it is possible the attorney general has established a limit based on statute, but he does not know for sure.

[2:49:04 PM](#)

The committee took a brief at-ease at 2:49 p.m.

[2:49:24 PM](#)

CHAIR CLAMAN opened public testimony on HB 201. After ascertaining that there was no one who wished to testify, he closed public testimony. He announced that HB 201 would be held for further review.

**HJR 15-CONST. AM: VOTES NEEDED FOR VETO OVERRIDE**

[2:50:26 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 15, Proposing an amendment to the Constitution of the State of Alaska relating to actions upon veto.

[2:50:39 PM](#)

CHAIR CLAMAN stated that Legislative Legal Services has permission to make any technical and conforming changes to HJR 15. He added that his office had received one amendment to the resolution.

[2:51:28 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, labeled 31-LS0862\M.1, Wallace, 2/6/20, which read as follows:

Page 1, line 13:  
Delete "fifth"

Insert "third [FIFTH] "

Page 1, line 15:

Delete "fifth"

Insert "third" [FIFTH]

[2:51:33 PM](#)

REPRESENTATIVE STUTES objected for purposes of discussion.

[2:51:38 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 1 would lower the time requirement, proposed under HJR 15 for a veto override vote, from five days to three days. He explained that it occurred to him that five days is a long time to try and keep upwards of sixty legislators together in one place, and having a lower veto override vote threshold should make it easier to gather the votes and require less time.

[2:53:29 PM](#)

REPRESENTATIVE LEDOUX remarked that the work of a legislator takes place over the course of 90 to 120 days, and similar to other work situations, it should be assumed that without a compelling reason to be absent, legislators should be present at the place of their employment; therefore, she doesn't see a difference as to whether the time frame is five days or three days.

[2:54:24 PM](#)

REPRESENTATIVE STUTES remarked that she agreed with Representative LeDoux; a legislator should remain present during the legislative session, as it is his/her place of employment. She remarked that she does not think that three days allows enough time to gather and discuss whether there is potential for an override. She explained that just this session, there were five days to come together for an override and the legislature was barely able to make it by the fifth day; therefore, she remarked that she thinks it would be inappropriate to cut that time down to three days.

[2:55:02 PM](#)

CHAIR CLAMAN, after ascertaining there was no further discussion on Amendment 1, asked whether the objection was maintained.

[2:55:09 PM](#)

REPRESENTATIVE STUTES stated that the objection was maintained.

[2:55:16 PM](#)

REPRESENTATIVE EASTMAN commented that he agrees with the comments from Representatives LeDoux and Stutes. He stated that he does not see a reason to change the constitution at this point. He said that if this were a recurring issue, which had been discussed previously, he thinks it might be worth considering; however, he thinks HJR 15 was intended to address a political situation with a particular governor.

[2:55:52 PM](#)

CHAIR CLAMAN asked Representative Eastman whether he was speaking to Amendment 1 of this resolution.

REPRESENTATIVE EASTMAN replied that he was speaking to Amendment 1. He stated that if the route of making it easier and more streamlined to override vetoes is not being taken, then he would be inclined to withdraw the amendment.

[2:56:11 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 1.

[2:56:36 PM](#)

REPRESENTATIVE LEDOUX stated that she does not think that there is any need to change the constitution. She expressed that she thinks HJR 15 is the result of an unhappiness about the way recent veto overrides went, but she thinks that there would not have been a different outcome even if HJR 15 had been in effect during the veto overrides. She summarized that she would not get in the way of HJR 15 advancing, but she is not thrilled with the proposed joint resolution.

[2:57:42 PM](#)

REPRESENTATIVE DRUMMOND stated that in comparison to the rest of the U.S. states, she finds it amazing that Alaska has such a high veto override vote threshold. She remarked that Alaska considers itself special, but she doesn't think that Alaska is so unique as to require the three-fourths vote that it currently

does for an override, when two-thirds would be a substantial enough hurdle to overcome. She expressed that for that reason, she is in support of HJR 15.

[2:58:17 PM](#)

REPRESENTATIVE STUTES stated that she agrees with Representative Drummond and she thinks that a three-fourths vote threshold is a high bar to achieve. She said that she agreed with Representative LeDoux and even if it had been a two-thirds veto override vote requirement in the recent vote, the override would have failed; however, she disagreed with the statement that HJR 15 is only a reaction to this specific administration. She said that she thinks this specific instance brought the issue of an incredibly high vote requirement to the surface, and she was in support of HJR 15.

[2:58:57 PM](#)

REPRESENTATIVE EASTMAN stated that he thinks HJR 15 might be an elegant solution in search of a problem. He explained that if the problem is that it is too hard to raise revenue bills to get past governors, then he thinks this would be a good solution; however, he remarked that he has not heard much discussion about this being the problem, and he has not heard this issue raised prior to the most recent veto override vote. He summarized that he thinks the next election would be a better solution to the problem than changing the constitution.

[2:59:49 PM](#)

REPRESENTATIVE SHAW stated that he would like to mirror Representative LeDoux's comments, in that a lower vote threshold would not have made a difference. He said he understands where Representative Stutes is coming from, but it is hard to balance against the loss of the voice of the minority, considering the threshold as is, and stated that he is probably not in support of HJR 15.

[3:00:23 PM](#)

REPRESENTATIVE KOPP stated that he thinks HJR 15 "has a journey" and, like Representative LeDoux, he would not stop the bill from further discussion. He expressed that he wanted to learn more about the long-term policy impacts of the resolution, as he is interested in a just and fair process that does not look at the situation considering any one personality or one specific

governor. He added that he thinks it is worth considering whether Alaska would be better served with a different vote threshold over the course of several decades. He summarized that he supports HJR 15 moving out of committee and will watch it on its journey but does not know whether it is the proper course of action yet. He stated that he appreciated the bill sponsor bringing the issue to the committee's attention.

[3:01:15 PM](#)

CHAIR CLAMAN commented that when he served as the Mayor of the City of Anchorage, there was a point in time in which he vetoed a funding bill that was bothersome to much of the Anchorage Assembly. He expressed that he does not see this as an issue of trying to protect the minority, and said he was reminded that it is important to build coalitions and work with other people. He explained that he had spoken with the members of the Anchorage Assembly to see whether he had the numbers to support the veto, before he attempted to exercise a veto authority as mayor. He expressed that he did not think it was good politics to think that he lived in a world alone.

CHAIR CLAMAN explained that he thinks a two-thirds override vote threshold encourages the governor to spend time working with the legislature to build the kind of coalition that an effective governor needs to do his/her job well. He expressed that he thinks that having the highest veto override threshold in the country, as Alaska does, encourages a governor to think that he/she is a king/queen and that he/she does not need to work with the legislature to find a room for consensus and negotiate in good faith to make the government work better. He summarized that he supports passage of HJR 15 and, until he sees something that changes his perspective, he expects to support it moving forward. He expressed that giving this option to the voters and having a meaningful debate would give voters the opportunity to make a reasonable decision about whether they want a governor with the authority on finances similar to a king/queen or a governor who will work with a broad cross section of the public as he/she was elected to do.

[3:03:54 PM](#)

REPRESENTATIVE KOPP moved to report HJR 15 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HJR 15 was reported from the House Judiciary Standing Committee.

3:04:30 PM

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:05 p.m.