

HB

176

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

**3340 Badger Road, Suite 290**  
**North Pole, AK 99705**  
**(907)-488-5725**  
**Fax# (907)-488-4271**



**Session Contact:**  
**(907)-465-3719**  
**FAX# (907)-465-3258**  
**State Capitol**  
**Room 204**

## REPRESENTATIVE JOHN COGHILL

Date: April 20, 2004

To: Representative Lesil McGuire, Chairman

From: Representative John Coghill 

Re: Hearing Request

---

I am requesting a hearing on HB 176, "An Act providing that certain obligors can receive credit against their child support obligation for certain types of noncash child support; and providing for an effective date."

I have attached the sponsor statement. Last year CSED had said there were problems implementing this, however, we have been working with CSED and the Ag's office and have come up with a workable solution.

Thank you for your consideration.

23-LS0704H  
Mischel  
4/13/04

CS FOR HOUSE BILL NO. 176( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that certain obligors can receive credit against their child support  
2 obligation for certain types of noncash child support; and providing for an effective  
3 date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 25.27.020(b) is amended to read:

6 (b) In determining the amount of money an obligor must pay to satisfy the  
7 obligor's immediate duty of support, the agency shall consider all payments of money  
8 made by the obligor directly to the obligee or to the obligee's custodian before the time  
9 the obligor is ordered to make payments through the agency. After the obligor is  
10 ordered to make payments through the agency, the agency may not consider direct  
11 payments of money made to the obligee or the obligee's custodian unless the obligor  
12 provides clear and convincing evidence of the payment. Notwithstanding the  
13 definition of "support order" in AS 25.27.900, the agency shall reduce the  
14 amount of money an obligor must pay to satisfy the obligor's duty of support by

1 the fair market value, as determined by agreement between the agency and the  
 2 obligee's parent or custodian from information developed by other state agencies  
 3 and by agreement <sup>(and</sup> with the obligor,) of a noncash contribution made by the  
 4 obligor under the following circumstances:

5 (1) the obligee's custodian has agreed to allow the agency to give  
 6 the obligor credit for noncash support and has not withdrawn that agreement;

7 (2) the noncash contribution is for basic food, housing, or heat; the  
 8 agency, by regulation, may also give credit for other types of noncash  
 9 contributions that help to satisfy the basic material needs of the obligee;

10 (3) the noncash contribution is made directly to the obligee's  
 11 custodian or to a creditor of the obligee's custodian;

12 (4) the obligor presents clear and convincing evidence of the  
 13 noncash contribution and its use by the obligee or the obligee's custodian; and

14 (5) the obligee's custodian is not receiving assistance for the benefit  
 15 of the obligee under AS 47.27 or under 42 U.S.C. 612.

16 \* Sec. 2. AS 25.27.060 is amended by adding a new subsection to read:

17 (e) Notwithstanding the requirements in (a) - (d) of this section and the  
 18 definition of "support order" in AS 25.27.900, in a court or administrative proceeding  
 19 where the support of a minor child is at issue, the court or agency, as applicable, shall  
 20 reduce the amount of money an obligor must pay to satisfy the obligor's duty of  
 21 support for a child by the fair market value, as determined by the court or agency and  
 22 <sup>by</sup> ~~in~~ <sup>between</sup> ~~agreement with~~ the obligee's parent or custodian <sup>and the obligor</sup> ~~from information developed by~~  
 23 ~~other state agencies,~~ of a noncash contribution made by the obligor under the  
 24 circumstances described under AS 25.27.020(b)(1) - (5).

25 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
 26 read:

27 APPLICABILITY. AS 25.27.020(b), as amended by sec. 1 of this Act, and  
 28 25.27.060(e), added by sec. 2 of this Act, apply to noncash contributions made on or after the  
 29 effective date of this Act.

30 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT #1

OFFERED IN THE HOUSE HESS

BY REPRESENTATIVE COGHILL

TO: CSHB 176(EDU)

1 Page 2, line 1:

2 Delete "the agency and"

3

4 Page 2, line 2-3:

5 Delete: "from information developed by other state agencies and by an agreement with"

6

7 Page 2, line 3, before "the obligor"

8 Insert and

9

10

11 Page 2, line 13:

12 Delete "and its use by the obligee or the obligee's custodian"

13

14

15

16

17

18

AMENDMENT #2

OFFERED IN THE HOUSE HESS

BY REPRESENTATIVE COGHILL

TO: CSHB 176(EDU)

1 Page 2, line 21:

2 Delete "agency and in"

3

4 Replace deleted language with:

5 by

6

7 Page 2, line 22, after the word "agreement":

8 Delete:

9 "with" and replace with the word between

10

11 Page 2, lines 22-23:

12 Delete:

13 "from the information developed by other state agencies,"

14 Replace language with:

15 and the obligor

16

17

18

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4721



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

---

### Sponsor Statement – Noncash Child Custody

---

HB 176 is introduced to give credit where credit is due. This legislation recognizes that there are other means of support outside cash payments. I think it is appropriate to count value in noncash contributions that help a person support their family.

This also recognizes the dignity of self-sacrifice in providing even when cash is not available. If a person can provide firewood, fish, labor or game meat that is significant support for family needs, I think that this should be recognized as real child support.

Under current state laws this person received no credit on their child support account with Child Support Enforcement Division (CSED). While a person may be working hard to provide for their children, a cash payment is the only thing we recognize.

HB 176 would provide that a custodial parent could enter into an agreement with the noncustodial parent to provide specific things and in return get credit on their CSED account. I hope we can work out a solution to this issue. Therefore, I commend HB 176 for your discussion and perfecting.

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4271



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

Sectional for HB 176 (as amended by HESS CS and Amendments)

**Section 1.** This section amends AS 25.27.020(b), "Duties and responsibilities of the agency", to allow the Child Support Support Division to apply noncash contributions of the noncustodial parent to his or her child support obligation if the following conditions exist:

1. the custodial parent has agreed to the arrangement.
2. outlines that noncash credit can be given for basic needs of the child(ren)
3. the noncash contribution is given directly to the child(ren)'s custodian
4. with the adoption of Amendment No. 1 the obligor would be required to present clear and convincing evidence of the noncash contribution
5. the custodial parent or guardian cannot be receiving assistance under AS 47.27 (Alaska Temporary Assistance Program) or 42 U.S.C. 612 (American Indian Welfare Reform Act)

**Section 2.** Section 2 amends AS 25.27.060, "Order of support", to add a provision defining support order and to allow the agency or the court to reduce the cash payment of a court or administrative support order to reflect the payment of a noncash contribution.

**Section 3.** Section 3 places in uncodified law language that only noncash contributions made on or after the effective date of HB 176 will be applied to a child support account.

**Section 4.** Section 4 is an immediate effective date clause.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 176(HES)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
 Title Noncash Child Support RDU Revenue Programs & Services  
 Component Child Support Enforcement  
 Sponsor Representative Coghill  
 Requester House Judiciary Committee Component No. 111

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	139.8	139.8	139.8	139.8	139.8	139.8
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts	92.3	92.3	92.3	92.3	92.3	92.3
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	47.5	47.5	47.5	47.5	47.5	47.5
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>	<b>139.8</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time	3	3	3	3	3	3
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

CSED estimates that in approximately 1,500 cases the parties may elect to participate in the noncash child support program. All case accounting for noncash payments would have to be done manually. If 1,500 cases were approved for noncash payments and each of these cases required an average of 4 adjustments per year, CSED would have to complete an additional 6,000 manual adjustments per year. To complete this number of adjustments, CSED would need three additional Accounting Tech I positions.

Prepared by: John Mallonee Phone (907) 269-6802  
 Division Child Support Enforcement Date/Time 4/21/04 10:15 AM  
 Approved by: Steve Porter, Deputy Commissioner Date 4/21/2004  
 Agency Department of Revenue

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS HB 425  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Education & Early Development  
 Title "An Act relating to funding for school districts RDU K-12 Support  
operating secondary school boarding programs..... Component Boarding Home Grants  
 Sponsor Representative Coghill  
 Requester House HESS Component No. 148

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	1,179.0	1,179.0	1,179.0	1,179.0	1,179.0	
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,179.0	1,179.0	1,179.0	1,179.0	1,179.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>1,179.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This Act would make a stipend available to districts currently providing a residential boarding home program. The stipend would be used for one round trip ticket per year for any boarding home student to travel within the state to attend the school in the district with the dormitory.  
  
 The restrictions on students who come from communities that have daily access to an appropriate grade would be removed until July 1, 2009.  
  
 A community with an ADM of less than 10 will still be counted as a school if the decline is due to students enrolling in another district's secondary school boarding program.

Prepared by: Eddy Jeans, School Finance Manager Phone 465-8679  
 Division Education and Support Services Date/Time 3/10/04 9:10 AM  
 Approved by: \_\_\_\_\_ Date 3/10/2004  
 Agency Education & Early Development

Alaska Department of Education & Early Development  
 Residential Programs  
 Prepared 2/27/04 by Elwin Blackwell Updated 3/10/04

Disirict	Community	Capacity	Monthly Stipend	Yearly Cost	Estimated Round trip	Annual Airfair	Estimated Grant	Comments
Galena	Galena*	92	577	477,756	800	73,600	551,356	180 day program
Lower Kuskokwim	Bethel	35	490	154,350	500	17,500	171,850	180 day program
Nenana	Nenana	96	472	407,808	500	48,000	455,808	180 day program
Totals		223		1,039,914		139,100	1,179,014	

Iditarod	Takotna	40	490					Inactive program
Northwest Arctic	Kotzebue	40	577					Inactive program
Nome - Beltz HS.	Nome	40	577					2 week Voc-Ed program

\*Galena's capacity was reduced by the 8 students that they are currently being reimbursed for under the Boarding Home program.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB176-ACS-TC-4-13-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Noncash Child Support BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Coghill  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The Alaska Court System does not anticipate any fiscal impact from the passage of HB 176.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 4/13/04 10:58 AM  
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 4/13/2004  
 Agency Alaska Court System

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB176-LAW-C&S-4-13-0  
Bill Version: HB176  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An Act providing that certain obligors can receive credit against their child support obligation..." RDU CIVIL  
Component Collections and Support  
Sponsor Representative Coghill  
Requester House Health, Education and Social Services Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill allows certain types of noncash child support to reduce the amount of money owed for child support in certain circumstances.

Passage of this legislation will have no significant fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughettee, Director Phone 465-3673  
Division Administrative Services Date/Time 4/13/04 8:55 AM  
Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 4/13/2004  
Agency Department of Law

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 176  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Revenue  
Title Noncash Child Support RDU Revenue Programs & Services  
Component Child Support Enforcement  
Sponsor Representative Coghill  
Requester House HESS Component No. 111

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	72.0	72.0	72.0	72.0	72.0	72.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts	47.5	47.5	47.5	47.5	47.5	47.5
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	24.5	24.5	24.5	24.5	24.5	24.5
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>	<b>72.0</b>

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

There are approximately 3,600 cases that could qualify for noncash child support. All case accounting for noncash payments would have to be done manually. If 900 cases were approved for noncash payments and each of those cases required an average of 4 adjustments per year, CSED would have to complete an additional 3,600 manual adjustments per year. To complete those adjustments CSED would need two additional Accounting Tech I positions.

Prepared by: John Mallonee Phone (907) 269-6802  
Division: Child Support Enforcement Date/Time 4/9/04 2:42 PM  
Approved by: Steve Porter, Deputy Commissioner Date 4/9/2004  
Agency: Department of Revenue

*Rec 3:40 pm 4/26/04*

23-LS1932\H  
Cook  
4/20/04

**HOUSE BILL NO.**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Introduced:  
Referred:

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to open meetings guidelines applicable to legislators, to the  
2 confidentiality of complaints and proceedings involving alleging violations of AS 24.60,  
3 and to hearings on formal charges by the Select Committee on Legislative Ethics or its  
4 subcommittees."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 24.60.037 is repealed and reenacted to read:

7 **Sec. 24.60.037. Open meetings guidelines.** (a) A meeting of a legislative  
8 body is open to the public in accordance with the open meetings guidelines established  
9 in this section. A legislator may not participate in a meeting held in violation of these  
10 open meeting guidelines.

11 (b) Public notice of the time and place of a meeting of a legislative body that  
12 is reasonable under the circumstances shall be provided, except that public notice of a  
13 caucus meeting is not required.

14 (c) Political strategy may be considered in a closed meeting; however, a vote

1 may not be taken or other agreement reached on support for or opposition to a  
2 particular measure in a closed meeting. For purposes of this subsection, "political  
3 strategy" includes the scheduling of measures for committee consideration or for  
4 calendaring, matters involving scheduling of sessions or relations between the houses,  
5 and selection of a procedural course of action to be pursued in an open meeting.

6 (d) To the extent that the application of this section to a particular situation  
7 conflicts with the uniform rules adopted by the legislature, or a parliamentary ruling  
8 by a house of the legislature or one of the presiding officers, the rules or the ruling  
9 controls.

10 (e) Notwithstanding AS 24.60.130(h) and (n), if a complaint alleges a  
11 violation of this section by a group of legislators that includes a legislative member of  
12 the committee and that member's alternate, the complaint shall be treated as two  
13 separate complaints with members of the group apportioned between them so that the  
14 legislative member is not disqualified from participating in a proceeding involving one  
15 of the complaints and the alternate is not disqualified from serving in a proceeding  
16 involving the other.

17 (f) This section does not apply to a meeting of

18 (1) a committee on committees;

19 (2) a legislative body or group of legislators considering only matters  
20 involving the organization of a committee or a house of the legislature, including  
21 selection of legislative officers;

22 (3) a legislative body or group of legislators and the governor or staff  
23 of the Office of the Governor;

24 (4) officers of the legislature, including committee chairs;

25 (5) officers of a caucus or officers of more than one caucus.

26 (g) For purposes of this section,

27 (1) "caucus" means a group of legislators who share a political  
28 philosophy or common goal and who organize as a group, but does not include a  
29 committee or other organization formed by appointment, or under statute or the  
30 uniform rules;

31 (2) "legislative body" means

- 1 (A) the legislature or a house of the legislature;  
2 (B) a legislative committee, task force, commission, or similar  
3 body formed by appointment, or under statute or the uniform rules;  
4 (C) a caucus; and  
5 (D) a subcommittee consisting of more than one of the  
6 members of a legislative body listed under (A) - (C) of this paragraph;

7 (3) "meeting" means a gathering of at least a majority of the members  
8 of a legislative body during which the legislative body takes action by voting or  
9 otherwise reaching agreement on a course of action.

10 \* Sec. 2. AS 24.60.170(j) is amended to read:

11 (j) If the committee has issued a formal charge under (h) of this section, and if  
12 the person charged has not admitted the allegations of the charge, the committee shall  
13 schedule a hearing on the charge. The committee may appoint an individual to  
14 present the case against the person charged if that individual does not provide  
15 and has not provided legal advice to the committee except in the course of  
16 presenting cases under this subsection. The hearing shall be scheduled for a date  
17 more than 20 days after service of the charge on the person charged, unless the person  
18 agrees to an earlier hearing date. At the hearing, the person charged shall have the  
19 right to appear personally before the committee, to subpoena witnesses and require the  
20 production of books or papers relating to the proceedings, to be represented by  
21 counsel, and to cross-examine witnesses. A witness shall testify under oath. The  
22 committee is not bound by the rules of evidence, but the committee's findings must be  
23 based upon clear and convincing evidence. Testimony taken at the hearing shall be  
24 recorded, and evidence shall be maintained.

25 \* Sec. 3. AS 24.60.170(l) is amended to read:

26 (l) Proceedings of the committee relating to complaints before it are  
27 confidential until the committee determines that there is probable cause to believe that  
28 a violation of this chapter has occurred. The complaint and all documents produced or  
29 disclosed as a result of the committee investigation are confidential and not subject to  
30 inspection by the public. If in the course of an investigation or probable cause  
31 determination the committee finds evidence of probable criminal activity, the

1 committee shall transmit a statement and factual findings limited to that activity to the  
2 appropriate law enforcement agency. If the committee finds evidence of a probable  
3 violation of AS 15.13, the committee shall transmit a statement to that effect and  
4 factual findings limited to the probable violation to the Alaska Public Offices  
5 Commission. All meetings of the committee before the determination of probable  
6 cause are closed to the public and to legislators who are not members of the  
7 committee. However, the committee may permit the subject of the complaint to attend  
8 a meeting other than the deliberations on probable cause. The confidentiality  
9 provisions of this subsection may be waived by the subject of the complaint. Except  
10 to the extent that the confidentiality provisions are waived by the subject of the  
11 complaint, if a complainant violates any confidentiality provision, the committee  
12 shall immediately dismiss the complaint.

13 \* Sec. 4. Section 10, ch. 69, SLA 1994, is repealed.