

31st Alaska State Legislature



Senate Rules Committee

SPONSOR STATEMENT

Senate Bill 89 (SB 89) – Version K - “An Act relating to the Legislative Ethics Act; and providing for an effective date.”

SB 89 clarifies uncertainties that have emerged after the 2018 passage of SCS CSSSHB 44(STA) (known as “House Bill 44” or “HB 44”). Specifically, certain portions of HB 44 eroded Alaskans’ ability to have full, constitutionally required representation by a citizen legislature.

For example, successful miners can’t carry a mining bill. Successful commercial fishermen can’t carry a fishing bill. The alleged “conflicted” subject matter can’t be discussed in private.

In addition: A legislator’s spouse or immediate family cannot be connected to the alleged “conflicted” subject matter either. In essence, legislators (that have a certain expertise in a field, or that are most knowledgeable, or because of broad family connections) can’t talk about multiple subject areas that are important to the state of Alaska, except under, essentially, unreasonably tight conditions.

Those elements combined damage the legislative process. In addition to restricting free, private speech on alleged “conflicted” subject matter, there are severe restrictions on “official action” in multiple forms (including drafting of legislation and amendments). A vast “net” of alleged “conflict” now exists because of the bill’s language extending “conflict” to immediate family members. “Conflicts” have been expanded to “financial interests” and measured against “the general public.”

What are the proposed changes?

1. All unconstitutional “conflict provisions” from HB 44 (2018) are being eliminated. Those provisions include language that infringed on a legislator’s constitutionally required rights/duties found in Article I and Article II of the Alaska Constitution.
2. Conflicts shall be declared before voting on questions before committee (so that Alaskans can draw their own conclusions).
3. “Financial interest” is being changed to back to “equity or ownership interest.”
4. “General public” is being returned to “substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.”
5. There is an immediate effective date.

Please join the Senate Rules Chair in supporting this necessary legislation.