

LEGAL SERVICES

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MEMORANDUM

February 9, 2017

SUBJECT: Drafting comments
(CSHB 87(); Work Order No. 30-LS0376\U)

TO: Representative Louise Stutes
Attn: Reid Harris

FROM: Linda M. Bruce 
Legislative Counsel

Attached to this memorandum is the draft that you requested for a new version of Work Order No. 30-LS0376\O that incorporates sec. 2 of Work Order No. 26-LS0220\A. Given the time constraints in drafting this request, I have drafted the bill as closely as possible to the language you provided but have the following comments.

Note that under AS 39.52.120(c), a member of the Board of Game or the Board of Fisheries must disclose "all personal or financial interests in a business or organization relating to fish or game resources" as provided under AS 39.52.220, which states:

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member shall refrain from voting, deliberating, or participating in the matter.

This draft broadens the scope of potential conflicts that will be excluded from the procedures for violations of the Alaska Executive Branch Ethics Act under AS 39.52.220 and appears to conflict with AS 39.52.120(c). The use of "notwithstanding any other provision" of the ethics code means that it overrides both of these other procedures for direct involvement in a financial and personal interest. Is this consistent with your intent? Also, who will be determining if a "conflict" exists under this bill?

If I may be of further assistance, please advise.

LBB:dls
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Attachment