

SENATE JOURNAL

ALASKA STATE LEGISLATURE

FOURTEENTH LEGISLATURE - SECOND SESSION

JUNEAU, ALASKA

FRIDAY

February 7, 1986

Twenty-sixth Day

Pursuant to adjournment, the Senate was called to order by President pro tempore Halford at 11:07 a.m.

The roll showed sixteen members present. Senators Bennett, Kelly, Sackett and Sturgulewski were excused from a call of the Senate.

The prayer was offered by the Chaplain, Right Reverend Archimandrite Innocent (Fryntzko) of St. Nicholas Russian Orthodox Church. Senator Zharoff moved and asked unanimous consent that the prayer be spread. Without objection, it was so ordered.

"In the Name of the Father and of the Son and of the Holy Spirit. Amen.

O Lord, enlighten us with the words of Thy wisdom:

'I am the true vine, and my Father is the vinedresser.

Every branch in me that beareth not fruit He taketh away; and every branch that beareth fruit, He purgeth it, that it may bring forth more fruit.

Now ye are clean through the word which I have spoken unto you.

I am the vine, ye are the branches. He that abideth in Me, and I in him, the same bringeth forth much fruit; for without Me ye can do nothing.

If a man abide not in Me, he is cast forth as a branch, and is withered; and men gather them, and cast them into the fire, and they are burned.

If ye abide in Me, and My words abide in you, ye shall ask what ye will, and it shall be done unto you.

These things I command you, that ye love one another.
(St. John 15:1-3,5-7,17)

O Lord, give Thy blessing.

Amen"

The Pledge of Allegiance was recited.

Senator Rodey moved and asked unanimous consent that the journal for the twenty-fifth legislative day and Senate Supplement No. 48 be approved as certified by the Secretary. Without objection, it was so ordered.

MESSAGES FROM THE GOVERNOR

SCR 30

Message of February 7 was read, stating the Governor read the following resolution and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE CONCURRENT RESOLUTION NO. 30

Relating to extending the existence of the joint legislative committee on local option elections

Legislative Resolve No. 27

STANDING COMMITTEE REPORTS

SB 349

The Resources Committee considered SENATE BILL NO. 349 (reorganization of private debt at the Delta Project) and recommended it be replaced with

CS FOR SENATE BILL NO. 349 (RES), entitled:

"An Act relating to the reorganization of private debt at a Delta Project."

with a majority do pass. The report was signed by Senator Sturgulewski, Chairman and concurred in by Senators Coghill, Halford, Eliason, Zharoff and Fahrenkamp.

SB 349 cont'd

Fiscal note is zero. Analysis from Department of Natural Resources: "Revenue: A paper loss of as much as \$14,800,000 could be realized if 37 parcels of 2,000 acres each are relinquished to the State.

37 parcels x 2,000 acres per parcel x \$200 per acre = \$14,800,000.

However, since the clearing loans and land contract payments may not be collectable under current Delta financial conditions, and because the State would receive cleared land in lieu of land and loan payments under this bill, it could also be argued that no revenue loss would occur.

In addition, renegotiating ARLF chattel and farm improvement loans could result in reductions in loan principal and interest due the State. However, since foreclosure and resale of farm chattel and improvements could generate less income than could be realized from loan renegotiations, it could be argued that no revenue loss would occur."

SENATE BILL NO. 349 was referred to the Finance Committee.

SB 351

The Health, Education and Social Services Committee considered SENATE BILL NO. 351 (retirement of school construction debt; efd) and recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Paul Fischer, Josephson, Sturgulewski and DeVries.

SENATE BILL NO. 351 was referred to the Finance Committee.

SB 361

The Judiciary Committee considered SENATE BILL NO. 361 (powers of magistrates in the extradition of fugitives) and recommended do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Kelly, Halford, Ziegler and Faiks.

Fiscal note is zero.

SENATE BILL NO. 361 was referred to the Rules Committee.

HJR 59

The Health, Education and Social Services Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 59 (HESS) (urging the United States Congress to pass an amended form of H.R. 1279 (99th Congress), the AFDC Error Reduction and Quality Control Act, or substantially similar legislation) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson and Sturgulewski. Senators DeVries and Paul Fischer signed "no recommendation".

CS FOR HOUSE JOINT RESOLUTION NO. 59 (HESS) was referred to the Rules Committee.

HB 144

The State Affairs Committee considered CS FOR HOUSE BILL NO. 144 (JUD) (title am) (lists of political campaign contributions) and a majority of the committee recommended do pass. The report was signed by Senator Abood, Chairman and concurred in by Senators DeVries, Vic Fischer and Ray.

CS FOR HOUSE BILL NO. 144 (JUD) (title am) was referred to the Judiciary Committee.

INTRODUCTION AND REFERENCE OF SENATE RESOLUTIONS

SCR 32

SENATE CONCURRENT RESOLUTION NO. 32 by Senators Vic Fischer, Coghill, Josephson and DeVries,

Relating to the bicentenary of the United States Constitution,

was read the first time and referred to the State Affairs Committee.

INTRODUCTION AND REFERENCE OF SENATE BILLS

SB 388

SENATE BILL NO. 388 by Senator Fahrenkamp, entitled:

"An Act relating to the chronically mentally ill."

was read the first time and referred to the Health, Education and Social Services Committee and the Finance Committee.

SB 389

SENATE BILL NO. 389 by Senator Josephson, entitled:

"An Act relating to the financing of elections for governor; and providing for an effective date."

was read the first time and referred to the State Affairs Committee, the Judiciary Committee and the Finance Committee.

SB 390

SENATE BILL NO. 390 by Senators Vic Fischer, Kerttula, Josephson and Rodey, entitled:

"An Act establishing additional marine parks."

was read the first time and referred to the Resources Committee.

SB 391

SENATE BILL NO. 391 by the Rules Committee by request of the Governor, entitled:

"An Act relating to the ethical conduct of governmental activities; and providing for an effective date."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

Fiscal note is in Senate Supplement No. 49.

Governor's transmittal letter dated February 4:

Dear Senator Bennett:

Under the authority of art. III, sec. 18 of the Alaska Constitution, I am transmitting a bill whose primary achievement is the establishment in statute of a code of ethics for all public officials and employees in the executive branch. The bill creates in AS 39 a new chapter entitled the "Alaska Executive Branch Ethics Act." The new chapter, AS 39.52, replaces the relatively unknown and unworkable aspects of the common law on conflicts of interests with concrete standards of conduct, and establishes the Alaska Ethics Commission, which is empowered to oversee the conduct of the executive branch through administration of the new ethics law.

SB 391 cont'd

Another major aspect of the legislation is the transfer of the current financial disclosure reporting requirements for executive-branch officials from the conflict-of-interests law (AS 39.50), administered by the Alaska Public Offices Commission, to the new Ethics Commission.

The essence of the bill is in sec. 1 which enacts the new ethics chapter. That chapter is divided into eight articles as discussed below.

ARTICLE 1

Article 1 of the new chapter sets out legislative findings and declarations. Although such findings and declarations are not regularly codified in statute, I believe that the important public purpose behind the need for and adoption of executive-branch ethics legislation requires a strong legislative statement in the statute itself. The language in AS 39.52.010 is taken from the current conflict-of-interests law, to parallel the transfer of a portion of the financial disclosure reporting requirements from AS 39.50 to the new law. AS 39.52.020 specifically recognizes the legislature's belief in the value of a code of ethics for executive-branch officials and employees as a safeguard of the public trust.

ARTICLE 2

Article 2 creates the Alaska Ethics Commission. Unlike previous attempts at ethics legislation (as far back as 1978), this bill does not add administration of an ethics law to the responsibilities of the Alaska Public Offices Commission (APOC). Instead, the bill creates a separate commission to handle administration of the new law. The size of the group covered by the law (i.e., all executive-branch public officials and employees, including members of all boards and commissions, the staff of the University of Alaska and of the Alaska Railroad, and the members and executive directors of all public and quasi-public corporations: a total of some 16,000 people) requires that a separate commission be created to administer the ethics law. Despite transfer of a small portion of the APOC's responsibility under the financial disclosure law to the Ethics Commission, the APOC retains responsibility in AS 39.50 for the financial disclosure reports of municipal and judicial officers, and for the reports filed by all candidates for elective office, whether state or municipal.

An intentional by-product of the transfer of a portion of the APOC's workload to the new commission is a concomitant -- albeit very modest -- reduction in the current workload of the APOC. However modest, this reduction will no doubt be welcomed by the APOC, which is responsible for the administration of Alaska's three important and complex disclosure laws.

SB 391 cont'd

The Alaska Ethics Commission is established to interpret and apply the code of ethics, render advisory opinions, investigate complaints of misconduct, appoint hearing officers to conduct hearings, and review hearing officer decisions. AS 39.52.150. The commission will be composed of seven members, whose terms are four years. AS 39.52.110. The commission may hire an executive director to carry out administrative and other specified functions. The executive director may hire necessary support staff; both the executive director and the staff are in the partially exempt service. AS 39.52.120. The attorney general is legal counsel for the commission, although the commission may hire independent counsel in matters involving a potential ethical violation by an employee of the Department of Law. AS 39.52.160.

ARTICLE 3

Article 3 contains the code of ethics. To clarify the intent behind the code of ethics, AS 39.52.210 describes its scope. One of the major criticisms heard is that it is difficult to get qualified people to serve in public office. I wanted to make it clear in this section of the bill that it is recognized that in a representative democracy, which draws its public officials and employees from society, those officials and employees cannot and should not be without a personal or financial stake in our government, so long as those private interests do not interfere with the full and faithful discharge of the person's public responsibilities. Additionally, the Ethics Commission needs to carefully distinguish between the minor and insignificant conflicts that are unavoidable in our free society and those conflicts that are substantial and material and deserve commission action. While the code's subsequent provisions set out stern prohibitions on conduct, officials and employees are encouraged to have and maintain private interests so long as those interests do not improperly benefit the officials or employees through abuse of the responsibilities given to them by their public office.

The code of ethics establishes eight types of ethical violations: (1) misuse of official position; (2) improper acceptance or solicitation of gifts or benefits; (3) improper use or disclosure of information; (4) improper influence; (5) improper representation; (6) acceptance of certain prohibited employment outside of government positions; (7) prohibited representation in matters after leaving state service; and (8) aiding in a violation of the code. AS 39.52.220 -- 39.52.290.

Misuse of Official Position (AS 39.52.220)

One of the clearest areas of public concern revolves around the conduct addressed in AS 39.52.220. This section prohibits a public official or employee from using or attempting to use an official position for personal gain or to intentionally secure unwarranted benefits for any person. AS 39.52.220(a).

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Several types of actions are specifically mentioned as examples of misuse of official position, including the source of much public complaint: the improper use of state time, property, or equipment. AS 39.52.220(b). This section also addresses the supervisor/subordinate relationship and prohibits activities that have in the past caused problems, including a prohibition against close economic associations between supervisors and subordinates, and activities that could suggest possible coercion of a subordinate by a supervisor. AS 39.52.220(c).

Improper Gifts or Benefits (AS 39.52.230)

This section addresses another potential abuse: the receipt of a gift or benefit under circumstances in which it could reasonably be inferred that the gift or benefit was intended to improperly influence the official or employee in the performance of his or her official duties. This section creates an objective -- rather than a subjective -- test by which the propriety of soliciting or receiving a gift or benefit can be judged from the viewpoint of a "reasonable person." AS 39.52.230(a).

The bill also sets up a reporting requirement for the receipt of certain gifts or benefits. By regulation, the commission may impose a dollar limit on the aggregate value of any gifts or benefits received within a specified time and retained by a public official or employee, and set a minimum value for the gifts to be reported. AS 39.52.230-(b).

The restrictions relating to gifts or benefits do not apply to campaign contributions to candidates for elected office so long as the contributions comply with the laws and regulations governing elections and campaign disclosure. AS 39.52.230(c).

Improper Use or Disclosure of Information (AS 39.52.240)

One commonly expressed complaint is that public officials and employees are able to improperly benefit themselves or family members through the use of information gained in the course of their employment that is not generally available to the public. This so-called "insider information" problem is the issue addressed in AS 39.52.240. This section specifically prohibits the use of information that has not been communicated to the public or the disclosure of information that is made confidential by law.

Improper Influence (AS 39.52.250)

Much public scrutiny has recently been focused on the conduct addressed by this provision of the code of ethics. This section prohibits an official or employee from improperly influencing state grant, contract, lease, or loan procedures. Specifically, a public official or employee may

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not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public official or employee may take or withhold official action that affects its award, execution, or administration. AS 39.52.250(a). There are exceptions listed to this broad prohibition, which focus on the specific conditions under which the grant, contract, lease, or loan is solicited or awarded. AS 39.52.250(b) -- 39.52.250(c).

In addition, a public official or employee must report to the commission any personal or financial interests held personally or by an immediate family member in any state grant, contract, lease, or loan that is awarded by the agency the official or employee serves. AS 39.52.250(d).

Improper Representation (AS 39.52.260)

Another public concern addressed by the code is the issue of a public official or employee using the advantage of the official position and knowledge of administrative procedures in representation before public agencies to benefit personal or financial interests. This section generally prohibits representation, advice, or assistance concerning a matter pending before the agency that the official or employee serves. AS 39.52.260(a). This prohibition does not apply, however, to activities related to collective bargaining, such as the processing of a grievance by an employee representative. AS 39.52.260(b).

Outside Employment Restricted (AS 39.52.270)

Although AS 39.52.210 makes it clear that holding employment outside of state employment is acceptable, the public interest requires that certain restrictions be placed on this privilege. This section prohibits public officials and employees from rendering services or accepting employment outside of their agencies if the outside service or employment is incompatible or in conflict with the proper discharge of official duties. AS 39.52.270(a). All outside employment must be reported. AS 39.52.270(b).

Restrictions on Employment
After Leaving State Service (AS 39.52.280)

The most difficult area to address in this legislation is the post-employment situation. The public interest requires some restrictions on the range of activities that former public officials and employees may perform in the private sector. Of course, regardless of whether employment is in the public or private sector, the expertise and knowledge one gains in a job are transferable skills that employees rightfully take with them and that enable the employees to seek more responsible positions. We must also consider that while Alaska has a relatively small workforce, government is the state's largest employer.

SB 391 cont'd

The development of a post-employment provision that places legitimate restrictions on the use of one's employment experience is, for these reasons, a difficult task. I believe that the post-employment section of this bill reflects a compromise between competing interests. That compromise protects the state's significant interests but does not unfairly restrict an employee's ability to work in the private sector after leaving state service.

Specifically, AS 39.52.280 prohibits certain types of representation by former public officials or employees for two years after leaving their public positions. The two-year ban is narrowly drawn: the official or employee is only prohibited from representing a person for compensation regarding a matter (1) that was under consideration by the agency directly served and (2) in which the official or employee participated personally and substantially through the exercise of official action. A "matter" is precisely defined as a case, proceeding, application, or determination, and does not include activities related to legislation or regulations. AS 39.52.280(a). This section does not prevent an agency from contracting with a former public official or employee to act on the state's behalf. AS 39.52.280(b). Additionally, the head of an agency may waive, in writing, application of this section after determining that representation by a former public official or employee is not adverse to the public interest. AS 39.52.280(c).

Aiding a Violation (AS 39.52.290)

Finally, the bill simply states that it is an ethical violation for a public official or employee to knowingly aid another official or employee in a violation of this chapter.

ARTICLE 4

Article 4 contains the financial disclosure reporting provisions transferred out of AS 39.50. Although the bill expands on the coverage of the disclosure provisions for executive-branch public officials (which the bill defines as any employee at Range 26 or higher, plus the members and executive directors of forty-eight boards and commissions), the substance of the disclosure provisions in the bill (AS 39.52.320) closely parallels the provisions presently in AS 39.50. Because AS 39.50 is a law enacted by the voters through the initiative process, I felt it inappropriate to substantially alter any of the financial disclosure provisions transferred into the new chapter, except to clarify certain requirements where possible, and to perform many technical housekeeping changes that conform to current legislative drafting style.

The only significant difference between the provisions of AS 39.50 and the new chapter is found in the term "immediate family member," which the bill uses as a replacement for the official's spouse, dependent child, or nondependent child living with the official in AS 39.50, but also adds to that meaning all regular members of the official's household.

SB 391 cont'd

The liabilities to be reported under AS 39.52.320 exclude retail or revolving charge accounts and credit card obligations, which mirrors a regulation adopted by the APOC under AS 39.50 and which the bill now codifies in the statute itself.

ARTICLE 5

Article 5 sets out the various procedures that public officials and employees have available to them for the prevention of a violation of the code of ethics. A major aspect of this legislation is its "preventative" posture. While the commission's education and information efforts will provide the executive branch with an appreciation for the code's prohibitions, officials and employees must also be able to seek and receive prompt advice in order to avoid actions that might violate the code. It is these preventative procedures in art. 5 that I believe give the bill its true strength, because it provides a positive approach to solving potential abuses and appropriately assists officials and employees before the commission of a violation, rather than waiting for violations to occur which the commission would then prosecute.

AS 39.52.410 sets out provisions regarding requests for advisory opinions and interpretations from the Alaska Ethics Commission, should a public official or employee, a person who has left state service, or a supervisor need the advice of the commission regarding their conduct.

AS 39.52.420 and 39.52.430 establish procedures for handling a potential violation of the code of ethics. Public employees initiate the procedures through cooperation with their supervisors (AS 39.52.420) while members of boards or commissions seek guidance from the chair of their board or commission or from a majority of the members of their board or commission (AS 39.430). In either instance, the advice of the commission may be sought. Any person may report a potential violation, which must be referred to a supervisor or board or commission chair for review and appropriate action. AS 39.52.440.

All supervisors and board or commission chairs must report to the Ethics Commission any potential violations reported to them and the disposition of each matter. All requests for advisory opinions and interpretations, the commission's deliberations, and the reports of potential violations filed under 39.52.450 are confidential. AS 39.52.450.

ARTICLE 6

The new chapter, in art. 6 establishes a complete process for handling complaints regarding violations of the provisions of AS 39.52.

AS 39.52.510 sets out the procedures for filing a complaint, whether brought to the commission or initiated by the commission itself, and establishes the conditions under

SB 391 cont'd

which a complaint will be accepted and investigated. AS 39.52.520 provides for the dismissal of a complaint, should investigation not provide sufficient evidence to find probable cause that a violation has occurred. AS 39.52.530 provides the executive director with the latitude to recommend action to correct or prevent a violation of the law, subject to the commission's approval, when the conduct complained about does not warrant the initiation of formal proceedings.

AS 39.52.540 makes it clear that before the initiation of formal proceedings against a public official or employee, all information regarding an investigation or obtained in an investigation is confidential.

AS 39.52.550 sets out the conditions under which the executive director is required to seek commission approval of a proposed accusation against an official or employee alleged to have violated the chapter. AS 39.52.560 establishes the formal hearing process to be followed after the commission approves the filing of an accusation. The hearings are conducted by a hearing officer appointed by the commission. Except for the commission's deliberations, all proceedings held in accordance with this section are open to the public and the documents are available for inspection. AS 39.52.570 describes the commission's role in the hearing process and its authority to review each hearing officer's report and to issue its determinations.

AS 39.52.580 gives the commission, the executive director, and appointed hearing officers subpoena powers, while AS 39.52.590 dictates how service of an accusation and other documents related to a formal proceeding must be accomplished.

ARTICLE 7

Article 7 of the bill describes the enforcement powers available to both the Alaska Ethics Commission and the state when the commission finds that a violation of the new chapter has occurred.

AS 39.52.610 provides the commission with a variety of penalties for misconduct which it may assert against both current and former public employees and the non-salaried members of boards or commissions. AS 39.52.620 makes clear that a violation of this new chapter is valid reason to discipline an employee. AS 39.52.630 describes the actions that are voidable by the state when grants, contracts, leases, or loans have been entered into or received in violation of this chapter.

AS 39.52.640 provides for commission-imposed civil penalties when a current or former public official or employee is found to have violated this chapter, and AS 39.52.650 gives the commission the authority to seek from a current or

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former public official or employee payment of up to twice the financial benefit realized by a person in violation of this chapter. AS 39.52.660 clarifies that the civil penalties provided for in this article are in addition to any criminal actions that may be pursued.

ARTICLE 8

Article 8 contains the new chapter's general provisions. AS 39.52.910 gives notice that the bill applies generally to all public officials and employees within executive-branch agencies and that this statute supersedes the common law, including replacement of the common law standard of "appearance of impropriety" with the specific standards set out in the code of ethics in art. 2.

AS 39.52.920 establishes that agencies have the authority to adopt for their employees written policies that are more restrictive than the code of ethics. These agency policies are subject to the commission's approval. AS 39.52.930 requires that agencies in all branches of state government must cooperate fully with the commission in the performance of its duties. AS 39.52.240 calls for a liberal construction of the bill's provisions in order to promote high ethical standards in state government. AS 39.52.950 is the new chapter's definition section.

Whistleblower Protections

The other major aspect of this bill is found in sec. 4 of the bill, which creates so-called "whistleblower" provisions. Proposed AS 39.26.030 would protect state employees who report violations of law. This section is similar to model legislation published by the Council of State Governments and to enactments in Michigan and Rhode Island.

A state employee may not be subjected to disciplinary or adverse employment action because the employee, or a person acting on the employee's behalf, (1) reports to a public body a violation of law that the employee knows or reasonably believes has occurred or is about to occur, or (2) is requested to participate in an investigation, hearing, or inquiry held by a public body, or in a court action. AS 39.26.030(a).

The bill provides for a civil cause of action for injunctive relief, damages, or both, for employees who allege retaliation. Such laws are becoming more common and, as the size of public bureaucracies increases, so too does the need for such legislation. For those reasons, I am asking that these protections be provided to Alaska's state employees.

Amendments to Existing Statutes

Section 2 of the bill amends the reporting requirements for lobbyists to require disclosure of the amount and identity of every ownership or financial interest a lobbyist jointly

SB 391 cont'd

held with a public official or employee (as defined in AS 39.52.950) in any business or real property during the calendar year preceding the report. AS 24.45.051(7).

Section 3 amends AS 39.25.120(c) to add the executive director and staff of the Alaska Ethics Commission to the partially exempt service. AS 39.25.120(c)(19).

Sections 5 -- 11 and 14 of the bill amend or repeal some financial disclosure provisions of AS 39.50 which are currently administered by the APOC. Besides removing executive-branch officials from the coverage of AS 39.50, the bill includes a few substantive amendments to AS 39.50. The administrative director and deputy director of the Alaska Court System are added to the "judicial officers" required to file disclosure statements. AS 39.50.200(5). A city or borough administrator is also added to the list of municipal officers covered. AS 39.50.200(6). The term "immediate family member" has been substituted for references to an official's spouse, dependent child, or nondependent child living with the official. AS 39.50.030. "Immediate family member" is defined slightly more expansively to include all regular members of the official's household, not just the spouse and nondependent children. AS 39.50.200(3).

As currently written, AS 39.50 requires the filing of reports by certain municipal officers and by "candidates for elective municipal office." Because there are some elective municipal positions not included in the coverage of "municipal officer," such as service area board members, an unintended situation has arisen where candidates may have to file while running for office but not file once they are elected. Consequently, AS 39.50.020 and 39.50.145 have been amended to require filing only by those candidates seeking election to positions of "municipal officer." Secs. 5 and 10.

Section 10 of the bill also automatically exempts municipalities with a population of 1,000 or less from the financial disclosure provisions of AS 39.50, unless a majority of the voters at an election votes to opt for coverage. The ability of other municipalities to vote to opt out of AS 39.50 coverage is continued.

Section 12 provides for consistency between AS 42.40, regarding employees of the Alaska Railroad, and the new AS 39.52.

Section 13 merely adds to the list of contents of the Alaska Administrative Journal, consistent with the proposed AS 39.52.410(h) in sec. 1 of the bill.

SB 391 cont'd

Transition and Effective Dates

The provisions of the bill establishing the Alaska Ethics Commission, the financial disclosure provisions for public officials, the definitions, the whistleblower section, and the amendments to existing statutes take effect July 1, 1986 (AS 39.52.010 -- 39.52.160, AS 39.52.310 -- 39.52.390, and 39.52.910 -- 39.52.950, and secs. 2 -- 18). Concurrently, sec. 17 of the bill provides for the transfer of executive-branch public officials' financial disclosure statements from the APOC to the Ethics Commission. The sections of the Executive Branch Ethics Act regarding advisory opinions and declarations of potential violations take effect six months later, on January 1, 1987 (AS 39.52.410 -- 39.52.450). Sec. 20.

Section 16 of the bill makes provision for staggering the terms of the ethics commission members. Under sec. 18, an agency with an existing policy related to the subject of this bill is required to submit the policy for the commission's review and approval.

The code of ethics, and the enforcement and remedy provisions, in AS 39.52.210 -- 39.52.290 and 39.52.510 -- 39.52.560, do not take effect until July 1, 1987, a year after the creation of the commission. Sec. 20. The Alaska Ethics Commission does not have jurisdiction over any alleged violation of the code of ethics occurring before July 1, 1987, unless the violation continues after that date. Sec. 15.

I have staggered the effective dates so that the Ethics Commission can begin immediately to employ staff and get its education program well in place by year's end. The sections of the bill providing for the issuance of advisory opinions take effect January 1, 1987, so that officials and employees may seek guidance and any necessary reassignments, transfers, or divestitures that need to occur can be accomplished before the code is in force. The provisions of the code itself then take effect on July 1, 1987.

Several attempts have been made in past years to enact legislation providing ethical standards for the executive branch. Most recently at my request, SB 501 was introduced in 1984, but it did not pass during the Thirteenth Alaska Legislature. I strongly endorse this bill and urge its serious consideration and passage this session.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield
Governor

CONSIDERATION OF THE CALENDAR

CITATIONS

Honoring - Anchorage Community College
by Senators Sturgulewski, DeVries, Vic Fischer,
Abood, Faiks, Rodey and Halford
Representative Rieger

Honoring - Robert Hahn
by Senators Faiks and Sturgulewski

In Memoriam - Paul Mason
by Senators Kelly and Halford

In Memoriam - Genevieve Evangeline Soboleff
by Senators Ray, Eliason, Sackett, Ziegler,
Zharoff, Rodey, Vic Fischer and Coghill
Representatives Duncan, M.M. Miller and Grussendorf

Senator Rodey moved and asked unanimous consent that the citation calendar be adopted. Without objection, the citations were adopted and referred to the Secretary for transmittal.

Senator Rodey moved and asked unanimous consent that the rules be suspended and the notice and publication requirements be waived and that the following citation be made a special order of business. Without objection, it was so ordered.

SPECIAL ORDER OF BUSINESS

Senator Rodey moved and asked unanimous consent that the following citation be adopted:

Honoring - Delta Junction Eagle Scouts
by Senator Coghill and Representative Shultz

Without objection, the citation was adopted and referred to the Secretary for transmittal.

UNFINISHED BUSINESS

SB 139

Senator Faiks, Co-Chairman, moved and asked unanimous consent that SENATE BILL NO. 139 (crime of conspiracy) have an additional referral to the Finance Committee. Without objection, it was so ordered.

SENATE BILL NO. 139 was referred to the Judiciary Committee and the Finance Committee.

SB 163

Senator Faiks, Co-Chairman, moved and asked unanimous consent that SENATE BILL NO. 163 (relating to marijuana; efd) have an additional referral to the Finance Committee. Without objection, it was so ordered.

SENATE BILL NO. 163 was referred to the Health, Education and Social Services Committee, the Judiciary Committee and the Finance Committee.

ANNOUNCEMENTS

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator DeVries moved and asked unanimous consent that she be excused from the Senate, not subject to a call, on February 10 until plane time. Without objection, Senator DeVries was excused.

ADJOURNMENT

Senator Rodey moved and asked unanimous consent that the Senate adjourn until 11:00 a.m., February 10, 1986. Without objection, the Senate adjourned at 11:29 a.m.

Peggy Mulligan
Secretary of the Senate

February 1986

ANNOUNCEMENTS

Committee meetings in the Capitol

Change in time or place

COMMUNITY & REGIONAL AFFAIRS - BELTZ ROOM 211 - 3:30 PM

Feb 11 TUESDAY *RM 17
LOCAL BOUNDARY COMMISSION NORTH SLOPE/NANA ISSUES
*JOINT WITH HOUSE C&RA *TELECONFERENCE

FINANCE - FINANCE ROOM 518 - 8:30 AM

Feb 11 TUESDAY
SJR 32 CLAIMS TO WRANGLER AND OTHER ARCTIC ISLANDS
HB 118 CLAIM LIMITS FOR SMALL CLAIMS AND MAGISTRATES
HJR 24 FED REVENUE SHARING, OUTER CONTINENTAL SHELF
SB 196, 336, 337, 346, SJR 28, HB 28 PERMANENT FUND

Feb 12 WEDNESDAY
REVIEW CAPITAL PROJECTS OF DEPARTMENT'S
FISH AND GAME; H&SS; REVENUE; C&RA

Feb 13 THURSDAY
SB 84 AMENDING VARIOUS MOTOR VEHICLE LAWS
SB 278 DRIVER'S LICENSE COMPACT
SB 121 MISC CHANGES IN VARIOUS RETIREMENT LAWS
SB 386 APPROP OPERATION OF THE LEGISLATURE

HEALTH, EDUCATION & SOCIAL SERVICES - BELTZ RM 211 - 1:30 PM

Feb 11 TUESDAY *TELECONFERENCE
SB 251 PRACTICE OF PSYCHOLOGY
HB 172 RIGHTS OF PHYSICALLY & MENTALLY DISABLED

Feb 13 THURSDAY *TELECONFERENCE TO ANCHORAGE
BRIEFING BY CRIMINAL JUSTICE WORKING GROUP
GROWTH IN PRISON INMATE POPULATION

JUDICIARY - BUTROVICH ROOM 205 - 1:30 PM

Feb 11 TUESDAY
SB 341 STATE PROCUREMENT CODE
SB 344 INCREASING NUMBER OF SUPERIOR COURT JUDGES

Feb 13 THURSDAY *GOVERNORS CONFERENCE RM
ALASKA JUDICIAL COUNCIL ANNUAL PRESENTATION
*WITH HOUSE JUDICIARY

Feb 14 FRIDAY
CRIMINAL JUSTICE WORKING GROUP *WITH HOUSE JUD

Feb 15 SATURDAY *10:00 AM ANCHORAGE LIO
SB 341 STATE PROCUREMENT CODE

LABOR AND COMMERCE - BELTZ ROOM 211 - 3:30 PM

Feb 10 MONDAY
HB 356 GROUP LIFE POLICIES OF INSURANCE
SB 292 PLACING APA STAFF IN THE EXEMPT SERVICE
SB 265 COMPOSITION OF ALASKA POWER AUTHORITY BOARD

Feb 14 FRIDAY *1:30 PM ANCHORAGE LIO
ALASKAN HIRE

Feb 22 SATURDAY *1:00 PM FAIRBANKS BOROUGH BLDG
ALASKAN HIRE

RESOURCES - BUTROVICH ROOM 205 - 1:30 PM

Feb 7 FRIDAY NO MEETING
 Feb 10 MONDAY
 PRESENTATION DR. KIM, UAF, ON ANILCA
 SB 309 NATURAL GAS VALUATION COOK INLET BASIN
 SB 276 DISPOSITION OF NATURAL GAS
 Feb 12 WEDNESDAY NO MEETING
 Feb 14 FRIDAY *9:00 AM ANCHORAGE LIO
 MINING OVERVIEW INCLUDING RED DOG
 *TELECONFERENCE JUNEAU, FBX, BARROW, KOTZEBUE

STATE AFFAIRS - BUTROVICH ROOM 205 - 9:00 AM

Feb 12 WEDNESDAY
 SB 356 CAMPAIGN FINANCING - WORK SESSION
 Feb 13 THURSDAY
 SJR 35 OPPOSING UN RESOLUTION AGAINST ZIONISM
 SJR 31 SUMMIT MEETING IN ALASKA
 SB 350 ADVISORY VOTE PERMANENT FUND DIVIDENDS
 EO 62 FIRE-SERVICE TRAINING PROGRAM

TRANSPORTATION - BUTROVICH ROOM 205 - 3:30 PM

Feb 7 FRIDAY
 OVERVIEW IMPLEMENTATION OF HB 133
 DEPT PUBLIC SAFETY AND COMMERCE AND ECONOMIC DEV
 HB 111 LOCAL SERVICE ROADS AND TRAILS
 Feb 10 MONDAY *TELECONFERENCED TO RAILBELT LOCATIONS
 REVIEW ALASKA RR CROSSING TASK FORCE REPORT
 SB 240 OVERTAKING AND PASSING SCHOOL BUSES
 Feb 12 WEDNESDAY
 SB 373 METROPOLITAN PLANNING
 SB 374 TOLL FACILITIES
 Feb 14 FRIDAY
 NO MEETING - MOVED TO 2/12

FINANCE SUBCOMMITTEE

*Joint with House subcommittee unless otherwise noted

DEPARTMENT OF ADMINISTRATION - HOUSE FINANCE RM - 1:00 PM

Feb 11 TUESDAY
 RISK MANAGEMENT
 Feb 18 TUESDAY
 ADMIN MNGMT; FINANCE; GEN SV & SUPPLY; CIP DIRECT
 PUBLIC DEFENDER; PUBLIC ADVOCATE; PUBLIC OFFICES COM
 Feb 25 TUESDAY
 HUMAN RES - PERSONNEL; RETIREMENT & BENEFITS
 LABOR RELATIONS AGENCY; PIONEER BENEFITS
 Mar 11 TUESDAY
 HUMAN RES - OLDER ALASKANS COMM; LABOR RELATIONS DIV

COURT SYSTEM - HOUSE FINANCE RM - 7:00 AM

Feb 25 TUESDAY
 Feb 26 WEDNESDAY

DEPARTMENT OF FISH AND GAME - HOUSE FINANCE RM - 1:00 PM

Feb 13 THURSDAY
 GAME; HABITAT
 Feb 20 THURSDAY
 BDS OF FISH & GAME; COMMERCIAL FISHERIES ENTRY COM
 Feb 27 THURSDAY
 FRED

FISH AND GAME cont'd

Mar 4 THURSDAY

COMMERCIAL FISHERIES; VESSELS; SPORT FISH

DEPT. OF HEALTH & SOCIAL SVS - SENATE FINANCE RM - 1:00 PM

Feb 13 THURSDAY

ASSISTANCE PAYMENTS; PFD HOLD-HARMLESS
ENERGY ASSISTANCE; MEDICAID RATE COMMISSION
MEDICAL ASSISTANCE ADMIN

Feb 18 TUESDAY

PURCHASES SV; SOCIAL SV; CHILD & YOUTH CUSTODY
SOCIAL SV BLOCK GRANT; YOUTH SV; MANILAQ
NORTON SOUND; KAWERAK; TANANA CHIEFS; TLINGIT-HAIDA
ANCHORAGE SOCIAL SERVICES; FAIRBANKS SOCIAL SERVICES

Feb 20 THURSDAY

STATE HEALTH SERVICES; HEALTH GRANTS
ALCOHOL AND DRUG ABUSE SERVICES

Feb 27 THURSDAY

COMMUNITY & MENTAL HEALTH GRANTS
DEVELOPMENTAL DISABILITY GRANTS
INSTITUTION & ADMINISTRATION; ADMIN. SERVICESDEPARTMENT OF LABOR - HOUSE FINANCE RM - 3:00 PM

Feb 8 SATURDAY

*10:00 AM

ADMIN SERVICES; MNGMT; SPECIAL SERVICES
OCCUPATIONAL SAFETY, HEALTH; FISHERMANS FUND
WORKERS COMP; SECOND INJURY FUNDDOT/PF - SENATE FINANCE RM - 3:30 PM

Feb 11 TUESDAY

OFFICE OF THE COMMISSIONER; STATEWIDE PROGRAMS

Feb 13 THURSDAY

CONT 2/11 MEETING

Feb 18 TUESDAY *TELECONFERENCE TO ANCHORAGE

CENTRAL REGION; ANCHORAGE INTERNATIONAL AIRPORT

Feb 27 THURSDAY

*HOUSE FINANCE RM

NORTHERN REGION; INTERIOR, WESTERN & SOUTHCENTRAL
DISTRICT *TELECONFERENCE FBX, NOME, VALDEZ

Feb 28 FRIDAY

SOUTHEAST REGION; MARINE HIGHWAY SYSTEM

PERSONAL BILL DEADLINE IS FEB. 14, 1986