

SCS HB 218(SA)

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Referred: State Affairs and
Judiciary

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1 IN THE HOUSE

2 HOUSE BILL NO. 218

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct of legisla-
7 tors and legislative employees and to the Select
8 Committee on Legislative Ethics; and providing for an
9 effective date."

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

11 * Section 1. AS 11.56.805(b) is amended to read:

12 (b) False accusation is a class A misdemeanor [CLASS C FELONY].

13 * Sec. 2. AS 24.60.020(a) is amended to read:

14 (a) This chapter applies to a member of the legislature, to a
15 person employed by a member of the legislature, and to a permanent or
16 temporary employee of an agency of the legislature. This chapter does
17 not apply to

18 (1) a former member of the legislature or to a person
19 formerly employed by a member of the legislature or an agency of the
20 legislature unless the provision specifically states that it so ap-
21 plies;

22 (2) a person elected to the legislature who at the time of
23 election is not a member of the legislature;

24 (3) a person employed by a member of the legislature or an
25 employee of an agency of the legislature whose compensation is below
26 Step A, Range 18 of the state salary schedule established in AS 39.-
27 27.011(a).

28 * Sec. 3. AS 24.60.050(d) is amended to read:

29 (d) Each February 1, each state loan agency must deliver a

1 listing of all outstanding loans to persons to whom this chapter
2 applies, except for loans described in (a) of this section, to the
3 presiding officer of each house. The list must include the name of
4 the person, the date of issuance and current status of the loan. The
5 list shall be published in the supplemental journal before February 5
6 of each year.

7 * Sec. 4. AS 24.60.070 is amended to read:

8 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. A person to
9 whom this chapter applies shall disclose in the journal of the appro-
10 priate body or if the legislature is not in session to the committee,
11 which shall maintain a public record of the disclosure and forward the
12 disclosure to the respective house for inclusion in the journal by
13 [FOR] the fifth [FIRST] day of the session, the formation or
14 maintenance of a close economic association involving a substantial
15 financial matter with

16 (1) a supervisor who is not a member of the legislature who
17 has responsibility or authority, either directly or indirectly, over
18 the person's employment, including preparing or reviewing performance
19 evaluations, or granting or approving pay raises or promotions;

20 (2) legislators;

21 (3) a public official in another branch, if the public
22 official is required to file a financial disclosure statement under
23 AS 39.50;

24 (4) a registered lobbyist [WHO IS NOT A MEMBER OF THE
25 IMMEDIATE FAMILY OF THE PERSON].

26 * Sec. 5. AS 24.60.100 is amended to read:

27 Sec. 24.60.100. REPRESENTATION. A person to whom this chapter
28 applies who represents another person for compensation before an
29 agency, board, or commission of the state shall disclose the name of

1 the person represented, the subject matter of the representation, and
2 the body before which the representation is to take place in the
3 journal of the appropriate body or if the legislature is not in ses-
4 sion to the committee. The committee shall maintain a public record
5 of the disclosure and forward the disclosure to the respective house
6 for inclusion in the journal by [FOR] the fifth [FIRST] day of the
7 session.

8 * Sec. 6. AS 24.60.110 is amended to read:

9 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
10 who knowingly has a conflict of interest or has been notified of a
11 conflict of interest shall immediately

12 (1) resign the conflicting position;

13 (2) divest the interest that has resulted in the conflict
14 or potential conflict; or

15 (3) disclose the conflict of interest in the journal of the
16 appropriate body or if the legislature is not in session to the com-
17 mittee; the committee shall maintain a public record of the disclosure
18 and forward the disclosure to the respective house for inclusion in
19 the journal by [FOR] the fifth [FIRST] day of the session but dis-
20 closure does not remove the conflict of interest.

21 * Sec. 7. AS 24.60.130(b) is amended to read:

22 (b) The committee consists of nine [SEVEN] members, in two
23 subcommittees, as follows:

24 (1) the senate subcommittee consists of three members of
25 the senate, appointed by the president of the senate with the concur-
26 rence by roll call vote of two-thirds of the full membership of the
27 senate; and

28 (2) the house subcommittee consists of three members of the
29 house, appointed by the speaker of the house with the concurrence by

1 roll call vote of two-thirds of the full membership of the house; and
2 (3) three public members [ONE PUBLIC MEMBER,] who are [IS]
3 selected by the Chief Justice of the Alaska Supreme Court [TWO-THIRDS
4 OF EACH SUBCOMMITTEE] and who are [IS] ratified by two-thirds of the
5 full membership of the senate and two-thirds of the full membership of
6 the house, shall serve on both the full committee and each subcom-
7 mittee.

8 * Sec. 8. AS 24.60.130(c) is amended to read:

9 (c) No more than two legislative members of each subcommittee
10 may be members of the same political party or the same organizational
11 caucus. No more than one of the public members may be a member of the
12 Alaska Bar Association.

13 * Sec. 9. AS 24.60.150(a) is amended to read:

14 (a) The committee shall

15 (1) adopt procedures to facilitate the receipt of inquiries
16 and prompt rendition of its opinions;

17 (2) publish semi-annual summaries of decisions and [,] ad-
18 visory opinions [AND INFORMAL ADVISORY OPINIONS,] with sufficient
19 deletions in the summaries to prevent disclosing the identity of the
20 persons involved in the decisions or opinions that have remained
21 confidential.

22 * Sec. 10. AS 24.60.160 is amended to read:

23 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an
24 advisory opinion within 30 days on the request of a person to whom the
25 chapter applies or a person elected to the legislature who at the time
26 of election is not a member of the legislature as to whether the facts
27 and circumstances of a particular case constitute a violation of
28 ethical standards. The 30-day period for issuing an opinion may be
29 extended by the committee for not more than an additional 10 days if

1 the person requesting the opinion consents. The opinion issued is
2 binding on the committee in any subsequent proceedings concerning the
3 facts and circumstances of the particular case unless material facts
4 were omitted or misstated in the request for the advisory opinion.
5 Except as provided in this chapter an advisory opinion is confidential
6 but may be made public if a written request by the person who re-
7 quested the opinion is filed with the committee.

8 * Sec. 11. AS 24.60.190 is amended to read:

9 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In
10 this chapter [,]

11 (1) "committee" means the Select Committee on Legislative
12 Ethics or where appropriate, the applicable subcommittee;

13 (2) "person employed by a member of the legislature" means
14 a person who is employed by an individual legislator or by a legisla-
15 tive body other than an agency of the legislature established under
16 AS 24.20 whose duties include assistance to a legislator or a legisla-
17 tive body in the performance of legislative functions.

18 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).