

Offered: 5/2/86
Referred: Finance

Original sponsors: Pourchot, Hurley,
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1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 218 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND 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) Except as otherwise provided in this subsection, this [THIS]
15 chapter applies to a member of the legislature and to a person employ-
16 ed by the legislative branch of government [AND TO A PERMANENT OR
17 TEMPORARY EMPLOYEE OF AN AGENCY OF THE LEGISLATURE]. This chapter
18 does not apply to

19 (1) a former member of the legislature or to a person
20 formerly employed by the legislative branch of government [A MEMBER OF
21 THE LEGISLATURE OR AN AGENCY OF THE LEGISLATURE] unless the provision
22 specifically states that it so applies;

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

25 (3) a person employed by the legislative branch of govern-
26 ment [LEGISLATURE OR AN EMPLOYEE OF AN AGENCY OF THE LEGISLATURE]
27 whose compensation is below Step A, Range 18 of the state salary
28 schedule established in AS 39.27.011(a);

29 (4) a person employed privately by a legislator if the

1 person does not perform legislative duties.

2 * Sec. 3. AS 24.60.020(b) is amended to read:

3 (b) The provisions of this chapter specifically supersede the
4 provisions of the common law relating to legislative conflict of
5 interest that may apply to a member of the legislature or [,] a person
6 employed by the legislative branch of government [A MEMBER OF THE
7 LEGISLATURE, OR TO A PERMANENT OR TEMPORARY EMPLOYEE OF AN AGENCY OF
8 THE LEGISLATURE]. They do not supersede or repeal provisions of the
9 criminal laws of the state.

10 * Sec. 4. AS 24.60.040(a) is amended to read:

11 (a) A person to whom this chapter applies may not be a party to
12 or have an interest in a state contract or lease unless the contract
13 or lease is let by competitive sealed bid [UNDER AS 37.05.230] or the
14 total annual amount of the state contract or lease is \$1,000 or less,
15 or is a standardized contract or lease which was developed under
16 publicly established guidelines and is generally available to the
17 public at large, members of a profession, occupation or group. A
18 person has an interest in a state contract or lease under this section
19 if the person receives direct or indirect financial benefits.

20 * Sec. 5. AS 24.60.050(d) is amended to read:

21 (d) Each February 1, each state loan agency must deliver a
22 listing of all outstanding loans to persons to whom this chapter
23 applies, except for loans described in (a) of this section, to the
24 presiding officer of each house. The list must include the name of
25 the person, the date of issuance and current status of the loan. The
26 list shall be published in the supplemental journal before February 5
27 of each year.

28 * Sec. 6. AS 24.60.070 is amended to read:

29 Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. A person to

1 whom this chapter applies shall disclose in the journal of the appro-
2 priate body or if the legislature is not in session to the committee,
3 which shall maintain a public record of the disclosure and forward the
4 disclosure to the respective house for inclusion in the journal by
5 [FOR] the fifth [FIRST] day of the session, the formation or main-
6 tenance of a close economic association involving a substantial finan-
7 cial matter with

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

12 (2) legislators;

13 (3) a public official who [IN ANOTHER BRANCH, IF THE PUBLIC
14 OFFICIAL] is required to file a financial disclosure statement under
15 AS 39.50 and is not an appointed municipal officer;

16 (4) a registered lobbyist;

17 (5) a person to whom this chapter applies who is employed
18 by the legislative branch of government if the close economic asso-
19 ciation is with a legislator [WHO IS NOT A MEMBER OF THE IMMEDIATE
20 FAMILY OF THE PERSON].

21 * Sec. 7. AS 24.60.100 is amended to read:

22 Sec. 24.60.100. REPRESENTATION. A person to whom this chapter
23 applies who represents another person for compensation before an
24 agency, board, or commission of the state shall disclose the name of
25 the person represented, the subject matter of the representation, and
26 the body before which the representation is to take place in the
27 journal of the appropriate body or if the legislature is not in ses-
28 sion to the committee. The committee shall maintain a public record
29 of the disclosure and forward the disclosure to the respective house

1 for inclusion in the journal by [FOR] the fifth [FIRST] day of the
2 session.

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

4 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
5 who knowingly has a conflict of interest or has been notified of a
6 conflict of interest shall immediately

7 (1) resign the conflicting position;

8 (2) divest the interest that has resulted in the conflict
9 or potential conflict; or

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

16 * Sec. 9. AS 24.60.130(b) is amended to read:

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

19 (1) the senate subcommittee consists of three members of
20 the senate, appointed by the president of the senate with the concur-
21 rence by roll call vote of two-thirds of the full membership of the
22 senate; and

23 (2) the house subcommittee consists of three members of the
24 house, appointed by the speaker of the house with the concurrence by
25 roll call vote of two-thirds of the full membership of the house; and

26 (3) three public members [ONE PUBLIC MEMBER,] who are [IS]
27 selected by the Chief Justice of the Alaska Supreme Court [TWO-THIRDS
28 OF EACH SUBCOMMITTEE] and who are [IS] ratified by two-thirds of the
29 full membership of the senate and two-thirds of the full membership of

1 the house, shall serve on both the full committee and each subcom-
2 mittee.

3 * Sec. 10. AS 24.60.130(h) is amended to read:

4 (h) A member is disqualified from participating as a member in
5 any proceeding before the committee involving a complaint against the
6 member or an advisory opinion requested by the member. If the legis-
7 lature is in session when [WHEN] a legislative member is disqualified
8 under this subsection, the presiding officer of that member's house
9 shall, with the concurrence by roll call vote of two-thirds of the
10 full membership of that house, appoint another member from that house
11 to act as a member of the committee in the proceeding. If the legis-
12 lature is not in session when a legislative member is disqualified,
13 the presiding officer of the house of which the disqualified legisla-
14 tor is a member shall appoint another member from that house, with a
15 recorded concurrence of a majority vote of the subcommittee of that
16 house, to act as a member of the committee in the proceeding.

17 * Sec. 11. AS 24.60.150(a) is amended to read:

18 (a) The committee shall

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

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

26 * Sec. 12. AS 24.60.160 is amended to read:

27 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an
28 advisory opinion within 30 days on the request of a person to whom the
29 chapter applies or a person elected to the legislature who at the time

1 of election is not a member of the legislature as to whether the facts
2 and circumstances of a particular case constitute a violation of
3 ethical standards. The 30-day period for issuing an opinion may be
4 extended by the committee for not more than an additional 10 days if
5 the person requesting the opinion consents. The opinion issued is
6 binding on the committee in any subsequent proceedings concerning the
7 facts and circumstances of the particular case unless material facts
8 were omitted or misstated in the request for the advisory opinion.
9 Except as provided in this chapter an advisory opinion is confidential
10 but may be made public if a written request by the person who re-
11 quested the opinion is filed with the committee.

12 * Sec. 13. AS 24.60.170(1) is amended to read:

13 (1) If the majority of the members of the committee agree to a
14 decision that a former member of the legislature or an employee or a
15 former employee of the legislative branch of government [A LEGISLATOR
16 OR OF AN AGENCY OF THE LEGISLATURE] has violated a provision of this
17 chapter, the committee shall issue a public statement of its decision
18 30 days after the date of the decision. The legislature shall act on
19 the decision as it considers appropriate. In the case of an employee
20 the action may include suspension, demotion, or dismissal. The em-
21 ployee is entitled to a hearing before final action is taken.

22 * Sec. 14. AS 24.60.190 is amended to read:

23 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In
24 this chapter [.]

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

27 (2) "person employed by the legislative branch of govern-
28 ment" means a person who is employed by

29 (A) an individual legislator;

1 (B) a legislative body, including a legislative com-
2 mittee; or

3 (C) an agency of the legislature established under
4 AS 24.20 and AS 24.55.

5 * Sec. 15. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).