

H B

4 1 8

House Judiciary Committee  
April 23, 1975

The meeting was called to order at 1:25 by Chairman Gardiner. All members were present.

#### SB 266 Motor Vehicles

Charlie Smith of the Department of Public Safety testified that at present various agencies serve intra related motor vehicle functions. SB 266 would consolidate these functions under the Department of Public Safety and is expected to produce a fiscal savings of \$30,000 in FY 77. Initially the transfer will cost \$10,000 to reclassify employees and relocate some facilities. Employees of other departments will become employees of Public Safety.

Mr. Specking moved SB 266 out of committee do pass. There being no objection, it was so ordered.

#### HB 276 Real Estate Appraisers

The committee discussed the need to protect the public vs. the profession's need to protect themselves. Since there had been no public input regarding a problem, Mr. Specking moved to hold the bill until next year. Mr. Brown objected. On vote, the committee decided to hold the bill but to prepare all the latest suggestions into another proposed CS to be ready to consider at that time.

#### HB 418 Conflict of Interest

Mr. Walker stated that the language "general election" is defined in statute to mean only the November election. This bill would include "regular" elections (annual municipal elections) or special elections.

Mr. Eliason moved in line 14 to delete "called for that purpose" since it was possible that a special election would be called for another purpose but the subject of conflict of interest could be considered. The amendment passed.

Mr. Walker brought up a problem with HB 390 which is now on the Governor's desk. "Members of municipal bodies" was the language used to provide a further exemption. These people (this language) was not in the original bill so Mr. Walker felt that by exempting them the bill impliedly included them in the rest of the bill. There is no definition for who a member of a municipal body is. The committee requested that Mr. Walker draw up a CS for HB 148 which would include Mr. Eliason's amendment and would correct the problem in HB 390. The committee would consider the CS when prepared.

109  
House Judiciary Committee  
April 28, 1975

The meeting was called to order at 1 p.m. by Chairman Gardiner. All members were present except Mr. Eliason.

#### SB 99 Public Records

The committee reviewed the proposed CS by the Judiciary Committee which put section 2 in title 11 and incorporated material relating to the Ombudsman. Mr. Brown moved the Judiciary CS SB 99 do pass. There being no objection, it was so ordered.

#### SB 167 False reports

Mr. Brown moved SB 167 out do pass since it had been determined that it was in the correct title.

#### HB 418 Conflict of Interest

The committee reviewed the proposed CS by the Judiciary Committee which cleans up the problem of "members of municipal bodies" and "special" elections.

Mr. Parr raised the question on page 1, line 26 as to whether "legislative" only applied to state level or whether it could be interpreted to include municipal level. Mr. Walker stated that it could be open to interpretation. The committee requested Mr. Walker to draw up additional language to the effect that legislative related to matters before the state government.

#### HB 416 Abuse of power

Since the bill was determined to be in the correct title, Mr. Brown moved HB 416 out of committee as amended. There being no objection, it was so ordered.

#### HB 417 Intelligence Information

Mr. Brown moved HB 417 out of committee. There being no objection, it was so ordered.

#### CS SCR 5 Criminal Code

Mr. Brown moved this bill out of committee as it was the same as a bill already acted on by the committee. Mr. Gardiner mentioned the possibility of getting a LEAA grant for the study to be matched by state funds.

134

House Judiciary Committee  
May 12, 1975

The meeting was called to order at 1:20 p.m. by Chairman Gardiner.  
All members were present.

CS HB 418 Conflict of Interest

Mr. Walker explained the new CS stating that it takes care of the committee's concerns about members of a municipal body. Mr. Hanley of the Attorney General's Office agreed that the proposed CS solves the problem created by the earlier legislation. Mr. Bradley moved the Judiciary CS HB 418 out of committee. There being no objection, it was so ordered.

SB 302 Convicts/weapons

Mr. Turnbull explained that the proposed language from the Attorney General's office clears up the vague problem in lines 10 and 11 and the committee's problem with section (c). The Judiciary CS was moved out of committee.

SB 113 Health Care Information

This bill fulfills a federal requirement which will enable the state to receive medicade money -- that of a professional staff review. The bill stipulates those situations under which the person affected cannot sue and which records must be kept confidential.

Senator Ziegler testified that 030 provides adequate safeguards for someone who feels that he didn't receive a fair hearing. Only the actual minutes of the hearing are to be kept confidential.

Mr. Brown moved on page 2, line 4: change punctuation and add except as provided in this section, all  
line 8: except as provided in this section, all  
line 11: organization and the proceeding  
line 23: hearings, except as provided in this section Testimony, documents, proceedings, records and other evidence adduced before a review organization that are otherwise inaccessible under this section, may be obtained under subpoena for discovery proceedings brought by a plaintiff who claims that information provided to a review organization was false and that the person providing the information knew or had reason to believe that the information was false.  
These amendments passed in substance. The committee requested that a CS be prepared for their review.

SB 202 Malicious mischief

The repealers are covered under the bill's definition of real or personal property. They included mostly misdemeanor penalties which, according to the bill, will be dependent upon the value of the property.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

April 5, 1975

MEMORANDUM

TO: Representative Terry Gardiner  
FROM: David T. Walker, Legislative Counsel  
SUBJECT: Bill relating to conflicts of interest

Mr. Mike Miller requested this bill. It would allow municipal officers to give legislative advice and legislative assistance for fees. It would also allow municipal officers to represent clients before state agencies. If it is the legislature's wish to authorize this practice for municipal officers (as it has for members of state commissions and boards), then the bill should be enacted as soon as possible.

NOTE:

Sec. 39.50.145 enacted by HCS CSSB 62 am H (conflicts of interest) allows municipalities to exempt its officers from the requirement of the Act if a majority of the voters at a "general election" vote to exempt them. This language may cause difficulties in that the only definition I can find of general election is found in AS 15.60.010(10):

(10) "general election" means the election held on the Tuesday after the first Monday in November of even-numbered years;

Local elections are defined by (2):

(2) "local election" means any election held by a borough, city, or other local unit of government;

Special elections are defined by (22):

(22) "special election" means any election held at a time other than when the general or party primary election is held and any election called to be held with, and at the time of, the general or party primary election;

Within the municipal code, AS 29.78.010 defines municipal elections and regular elections:

(7) "municipal election" includes but is not limited to elections to choose city councilmen, borough assemblymen, school board members, and utility board members;

(14) "regular election" means the municipal election held on the first Tuesday of October annually, or on an election date or at an interval of years provided by ordinance;

Whatever term is used, I recommend that the section be amended to include a statutory cross-reference (i.e., local election as defined by AS 15.60.010(2)). You may wish to consider this problem in the bill attached to this memo -- but you have more time to consider the problem addressed by this note than the one addressed by the bill.

DTW/sm