

COMMITTEE REPORT
HOUSE

(11)

4/22/85

FURTHER:

Date:

5-3-85

The Committee on FINANCE has had HB 218

"An Act relating to standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; and providing for an effective date."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for HB 218 (Jud) same title
 new title

and recommends NO PASS

AND attaches a "Letter of Intent" New Fiscal Note
 Zero Fiscal Note Attached

reports it back without recommendation 5-2-84

referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
[Signature]
Ronald J. Janson
Fat Fanchot
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]

CHAIRMAN

Offered: 4/22/85
Referred: Finance

Original sponsors: Pourchot, Hurley,
M.M. Miller, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 218 (Judiciary)
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 (1) 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 main-
14 tenance of a close economic association involving a substantial finan-
15 cial 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;

25 (5) a person to whom this chapter applies who is employed
26 by a member of the legislature or an agency of the legislature if the
27 close economic association is with a legislator [WHO IS NOT A MEMBER
28 OF THE IMMEDIATE FAMILY OF THE PERSON].

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

1 Sec. 24.60.100. REPRESENTATION. A person to whom this chapter
2 applies who represents another person for compensation before an
3 agency, board, or commission of the state shall disclose the name of
4 the person represented, the subject matter of the representation, and
5 the body before which the representation is to take place in the
6 journal of the appropriate body or if the legislature is not in ses-
7 sion to the committee. The committee shall maintain a public record
8 of the disclosure and forward the disclosure to the respective house
9 for inclusion in the journal by [FOR] the fifth [FIRST] day of the
10 session.

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

12 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
13 who knowingly has a conflict of interest or has been notified of a
14 conflict of interest shall immediately

15 (1) resign the conflicting position;

16 (2) divest the interest that has resulted in the conflict
17 or potential conflict; or

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

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

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

27 (1) the senate subcommittee consists of three members of
28 the senate, appointed by the president of the senate with the concur-
29 rence by roll call vote of two-thirds of the full membership of the

1 senate; and

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

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

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

12 (c) No more than two legislative members of each subcommittee
13 may be members of the same political party or the same organizational
14 caucus. At least one public member must be a former member of the
15 legislature.

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

17 (a) The committee shall

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

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

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

26 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an
27 advisory opinion within 30 days on the request of a person to whom the
28 chapter applies or a person elected to the legislature who at the time
29 of election is not a member of the legislature as to whether the facts

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

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

12 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In
13 this chapter [,]

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

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

21 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

4/22/85

Date: 5-3-85

The Committee on FINANCE has had HB 218

"An Act relating to standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 218 (IUD) same title
and recommends DO PASS new title
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
5-2-84
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Albert P. Adams

John Ventrali

Michael Spina

Samuel H. Lucas

Ronald J. Farrow

Pat Farnsworth

Jul W.

Alvin Koger

Norm

Sam Costa

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Albert P. Adams
CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST
 Bill/Resolution No.: HB 218
 Title: Standards of conduct/
 legis & legis. employees...
 Sponsor: Pourchot
 Requestor: House Finance
 Date of Request: 5/2/85

FISCAL DETAIL
 Agency Affected: Legislature
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-				

CAPITAL		-0-				
----------------	--	-----	--	--	--	--

REVENUE		-0-				
----------------	--	-----	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		-0-				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Al Adams, Chair *ADA*
 Division: House Finance Committee

Phone: 465-3706
 Date: 5/2/85

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

SECTIONAL ANALYSIS
LEGISLATIVE ETHICS LEGISLATION
BY
REPRESENTATIVE PAT POURCHOT

The attached legislation makes several changes to statutes dealing with legislative ethics and the Select Committee on Legislative Ethics.

FALSE REPORTING
Section 1

This provision reduces the penalty for false reporting of a possible ethics violation from a felony to a misdemeanor. The current penalty has been criticized as extreme and acting as a deterrent to the filing of legitimate complaints of possible violations. It is also ironic that while there exists a felony penalty for "false" accusation, there is no statutory penalty for legislators violating the ethics law.

EXPANSION OF THE ETHICS LAW TO ALL LEGISLATIVE EMPLOYEES
Sections 2 and 11

This change clarifies that staff employees of individual legislators and committees, range 18 and above, must comply with the provisions of the Ethics Act. Presently, it has been interpreted that the only legislative employees covered by the Ethics Act are those employed by a legislative agency--for example, House Research or the Division of Legal Services. There is no clear rationale for this discrepancy in the current law.

REPORTING DEADLINES
Sections 3, 4, 5 and 6

The deadlines for reporting "close economic associations," "representations before state agencies" and "conflicts of interest" are changed from the first to the fifth day of the legislative session. These technical changes will hopefully avoid the confusion that faced those covered by the Act, particularly new legislators and staff, at the beginning of this session as they hurried to comply with the provisions of the Ethics Act. Several notices were published in the Journal beyond the first day of this year's session.

Section 3 stipulates that the list of specified loans to persons covered by the Act be reported in the legislative journals by February 5.

Although agencies are to provide the lists by February 1, there is currently no deadline for printing loan information in the journals.

DELETION OF FAMILY EXEMPTION FOR LOBBYIST DISCLOSURE
Section 4

The current Act requires the filing of a notice in the Journal if a person covered by the Act has a "close economic association" with a registered lobbyist unless the lobbyist is a member of the person's immediate family. This section removes this exemption for family members. Similar notice requirements of "close economic association" with supervisors, legislators, and public officials currently do not contain this family member exemption. There is no clear rationale for this discrepancy in the current Act.

**EXPANSION OF PUBLIC MEMBERSHIP ON THE SELECT COMMITTEE ON
LEGISLATIVE ETHICS**
Sections 7 and 8

Public membership on the committee is expanded from one to three people. The three would be selected by the Chief Justice of the Alaska Supreme Court and would be confirmed by a two-thirds vote of each house of the Legislature. Presently, there is one public member on the committee, chosen by two-thirds vote of the House subcommittee and two thirds vote of the Senate subcommittee and ratified by two thirds of the full membership of both houses.

The provisions in this legislation accommodate public sentiment to expand public membership on the Ethics Committee and remove the possibility of charges of "legislative bias" by providing that public members are initially selected by the head of the judicial branch of government.

CLEAN-UP PROVISIONS
Sections 9 and 10

Section 9 drops the requirement for the Committee's semi-annual reports to print "informal advisory opinions." The Ethics Committee as a matter of policy does not issue informal advisory opinions. Thus, the current printing requirement is unnecessary.

Section 10 would allow a person elected to the Legislature, but not yet sworn in, to request an advisory opinion from the Ethics Committee. Newly elected legislators are most often the individuals in need of conflict advice. This change will help newly elected legislators understand and comply with reporting deadlines.

1
CHIEF JUSTICE
JAY A. RABINOWITZ

JUSTICES
EDMOND W. BURKE
WARREN W. MATTHEWS, JR.
ALLEN T. COMPTON
DANIEL A. MOORE



ROOM 418, 604 BARNETTE ST
FAIRBANKS, ALASKA 99701
(907) 452-9300

Supreme Court
State of Alaska

April 8, 1985

Honorable Pat Pourchot
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

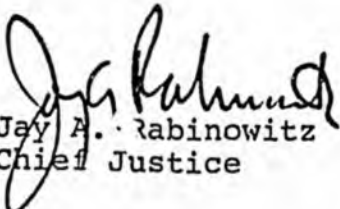
Dear Representative Pourchot:

I am writing with regard to HB 218, an act relating to the standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics.

Section 7 of the proposed legislation provides that three public members shall serve on the committee, including three public members who are selected by the chief Justice of the Alaska Supreme Court. I have no objection to undertaking this task, although I do not seek it. The role of Chief Justice in the selection process would not impair the ability to participate in any appeals deliberations which might be generated by the work of the committee.

Thank you for the opportunity to comment upon this proposed measure.

Sincerely,


Jay A. Rabinowitz
Chief Justice

APR 10 1985

JAR/th

cc: Arthur H. Snowden, II
Administrative Director

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB No. 218
 Title: Standards of conduct...Select
 Committee on Legislative Ethics, eff. date _____
 Sponsor: Representative Pat Pourchot
 Requestor: Representative Katie Hurley
 Date of Request: 2/22/85

FISCAL DETAIL

Agency Affected: Legislative Affairs
 Program Category Affected: General Government
 BRU, Program or Subprogram(s) Affected: _____
 Council & Subcommittees _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		4.7				
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		4.7				

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		4.7				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The Select Committee on Legislative Ethics currently consists of three (3) Senate members, three (3) House members, and one public member. House Bill No. 218 amends the committee composition to three (3) Senate members, three (3) House members, and three (3) public members. The additional members will require travel funds to carry out the committee's business.

Prepared By: Pamela A. Calhoon, Manager

Division: Administrative Services

Phone: 465-3850

Date: 2-22-85

Approved by: Warren W. Endicott
 Executive Director, Warren W. Endicott

Agency: Legislative Affairs Agency

Date: 2-22-85

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

Offered: 4/22/85
Referred: Finance

Original sponsors: Pourchot, Hurley,
M.M. Miller, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 218 (Judiciary)
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 main-
14 tenance of a close economic association involving a substantial finan-
15 cial 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;

25 (5) a person to whom this chapter applies who is employed
26 by a member of the legislature or an agency of the legislature if the
27 close economic association is with a legislator [WHO IS NOT A MEMBER
28 OF THE IMMEDIATE FAMILY OF THE PERSON].

29 * Sec. 5. AS 24.60.10C is amended to read:

1 Sec. 24.60.100. REPRESENTATION. A person to whom this chapter
2 applies who represents another person for compensation before an
3 agency, board, or commission of the state shall disclose the name of
4 the person represented, the subject matter of the representation, and
5 the body before which the representation is to take place in the
6 journal of the appropriate body or if the legislature is not in ses-
7 sion to the committee. The committee shall maintain a public record
8 of the disclosure and forward the disclosure to the respective house
9 for inclusion in the journal by [FOR] the fifth [FIRST] day of the
10 session.

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

12 Sec. 24.60.110. ACTION ON A CONFLICT OF INTEREST. A legislator
13 who knowingly has a conflict of interest or has been notified of a
14 conflict of interest shall immediately

15 (1) resign the conflicting position;

16 (2) divest the interest that has resulted in the conflict
17 or potential conflict; or

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

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

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

27 (1) the senate's committee consists of three members of
28 the senate, appointed by the president of the senate with the concur-
29 rence by roll call vote of two-thirds of the full membership of the

1 senate; and

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

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

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

12 (c) No more than two legislative members of each subcommittee
13 may be members of the same political party or the same organizational
14 caucus. At least one public member must be a former member of the
15 legislature.

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

17 (a) The committee shall

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

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

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

26 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an
27 advisory opinion within 30 days on the request of a person to whom the
28 chapter applies or a person elected to the legislature who at the time
29 of election is not a member of the legislature as to whether the facts

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

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

12 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In
13 this chapter [,]

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

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

21 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

Introduced: 2/20/85
Referred: State Affairs and
Judiciary

BY POURCHOT, HURLEY, M.M. MILLER,
CLOCKSIN, DAVIS, NAVARRE, GRUENBERG,
PETTYJOHN, PEARCE AND KOPONEN

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).