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# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

|                 |        |         |         |
|-----------------|--------|---------|---------|
| House Judiciary | 3/5/85 | 3 pm    |         |
| "               | "      | 4/2/85  | 1:30 pm |
| "               | "      | 4/9/85  | 1:30 pm |
| "               | "      | 4/17/85 | 1:30 pm |



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 24.60.100 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).

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 "info. mal 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.

HB218 by Pourchot, et al.

Amendment #2

Sec. 24.60.090. NEPOTISM. (a) A spouse or an individual other than a spouse who is related to a member of the legislature, may not be employed in the house in which the legislator is a member, or by an agency of the legislature established under AS 24.20 [OR IN EITHER HOUSE OF THE LEGISLATURE IN THE INTERIM BETWEEN SESSIONS]. An individual who is related to an employee of the legislature may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother, father, sister, or brother.

HB 218 by Pourchot, et al.

Amendment #1

Sec. 24.60.090. is deleted.