

# COMMITTEE REPORT

## SENATE

FURTHER:

5/2/86

Date 5/7/86

Mr. President

The Committee on FINANCE considered CSHB 218(JUD)

standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt 3 CS for CSHB 218 (Jud)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
4.7 Leg. Att.
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

J. Hatch  
Rick Halford  
Carl Frick  
W. Gleason  
J. J. J.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Co - Chairman Carl Frick  
do pass  
Chairman recommendation

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SCS CSHB 218 (Jud)  
 Title : Standards of conduct/select committee on Legislative Ethics

Sponsor : Pourchot  
 Requestor : Senate Finance  
 Date of Request : May 10, 1986

**FISCAL DETAIL**

Agency Affected : Legislative Affairs  
 BRU : Council & subcommittees

Components : General Government

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL	0	4.7	0	0	0	0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>4.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
----------------	----------	----------	----------	----------	----------	----------

<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
----------------	----------	----------	----------	----------	----------	----------

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	0	4.7	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>4.7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : \_\_\_\_\_  
 Division : Senator Jan Faiks, Co-chairman

Phone : 465-4523  
 Date : May 10, 1986

Approved by Commissioner : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Date : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

Offered: 5/2/86  
Referred: Finance

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

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 a person is not a member of the legislature as to whether the facts  
2     the 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).

## SECTIONAL ANALYSIS FOR SCS HB 218 (Judiciary)

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

### Section 1

Reduces penalty for making a false accusation to the Ethics Committee from a Class C felony to a Class A misdemeanor.

### Section 2

Adds employees of legislators to the group of persons covered by the Ethics Law. After the original law went into effect, a legal opinion was issued stating that the only legislative employees covered by the ethics law were employees of the agency. That was never the intent of the original bill.

### Section 3

Adds a day certain (February 5) for when the list of outstanding loans to state agencies of legislators and staff must be published in the Journal.

### Section 4

Under current law, a legislator must disclose any close economic associations with other legislators, public officials or staff by the first day of the session in the Journal. This section amends that to the fifth day of the session. Also adds language again clarifying employees of a legislator versus employees of the agency.

### Section 5

Same as Section 4 except that it applies to disclosure of representation for compensation.

### Section 6

Same as Sections 4 and 5 except that it applies to disclosure of known conflicts of interest.

### Section 7

Increases the number of members of the Select Committee on Legislative Ethics to 9 members from the current 7 by adding 2 additional public members. Appointment of all 3 public members would now be made by the Chief Justice of the Supreme Court.

Section 8

Adds the requirement that at least 1 public member must be a former member of the Legislature.

Section 9

Deletes the requirement that the Committee shall publish a summaries of their informal advisory opinions.

Section 10

Would allow the Committee to provide an advisory opinion to persons elected to the Legislature but not yet sworn in.

Section 11

Clarifies the definition of staff employed by a legislator versus those employed by the Agency. Again, both would be covered.

Section 12

Immediate Effective Date.

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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		4.7				
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		4.7				

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		4.7				
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		4.7				

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 Phone: 465-3850  
 Division: Administrative Services Date: 2-22-85  
 Approved by: Warren W. Endicott Date: 2-22-85  
 Agency: Legislative Affairs Agency

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

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE  
COMMITTEE ON OIL AND GAS



ANCHORAGE  
PO BOX 104836  
ANCHORAGE, AK 99510  
(907) 338-2425


JUNEAU  
POUCH V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

## House of Representatives

### MEMORANDUM

DATE: May 5, 1986

TO: Senate Finance Committee  
Senator Jan Faiks, Co-Chairman  
Senator John Sackett, Co-Chairman  
Senator Jalmar Kerttula (Vice-Chairman)  
Senator Dick Eliason  
Senator Paul Fischer  
Senator Rick Halford  
Senator Frank Ferguson

FROM: Representative Pat Pourchot 

SUBJECT: House Bill 218, Legislative Ethics

As you know, the House passed unanimously House Bill 218, relating to Legislative Ethics. This bill builds upon the foundation of the Legislative Ethics Act passed in 1984. In light of a couple years experience with the present Ethics Code, I introduced HB 218 to deal with some of the inconsistencies, weaknesses and criticisms of the original legislation.

The major change proposed by this bill would be the increased public representation on the Ethics Committee. Public membership is increased from one to three people. In addition, the three would be selected by the Chief Justice of the Alaska Supreme Court, not by the Legislature.

The penalty provision for "false reporting" of a possible ethics violation would be reduced 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.

HB 218 includes clarification that all employees of the legislature, range 18 and above must comply with the provisions of the Ethics Act. It also clarifies what types of state contracts legislators and other covered persons could enter into without a conflict of interest.

Page two  
HB 218 - Legislative Ethics

Language regarding economic associations and filing financial disclosures is more explicit and tightened. Temporary replacement of members of the Ethics Committee is provided for in the proposal. A number of sections make reporting deadlines more realistic as does the section allowing legislators-elect to request advisory opinions from the Ethics Committee.

I believe this bill addresses many of the weaknesses and criticisms of our current law and feel passage can improve confidence of the public in the Legislature.

1  
CHIEF JUSTICE  
JAY A. RABINOWITZ

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



ROOM 418, 604 WARNETTE 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

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.

Offered: 3/13/86  
Referred: Judiciary

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

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 218 (State Affairs)  
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]

15 (A) is required to file a financial disclosure  
16 statement under AS 39.50; or

17 (B) is an elected municipal official;

18 (4) a registered lobbyist;

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

23 \* Sec. 7. AS 24.60.100 is amended to read:

24 Sec. 24.60.100. REPRESENTATION. A person to whom this chapter  
25 applies who represents another person for compensation before an  
26 agency, board, or commission of the state shall disclose the name of  
27 the person represented, the subject matter of the representation, and  
28 the body before which the representation is to take place in the  
29 journal of the appropriate body or if the legislature is not in

1 session to the committee. The committee shall maintain a public  
2 record of the disclosure and forward the disclosure to the respective  
3 house for inclusion in the journal by [FOR] the fifth [FIRST] day of  
4 the session.

5 \* Sec. 8. AS 24.60.110 is amended to read:

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

9 (1) resign the conflicting position;

10 (2) divest the interest that has resulted in the conflict  
11 or potential conflict; or

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

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

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

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

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

28 (3) three public members [ONE PUBLIC MEMBER,] who are [IS]  
29 selected by the Chief Justice of the Alaska Supreme Court [TWO-THIRDS

1 OF EACH SUBCOMMITTEE] and who are [IS] ratified by two-thirds of the  
2 full membership of the senate and two-thirds of the full membership of  
3 the house, shall serve on both the full committee and each subcom-  
4 mittee.

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

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

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

20 (a) The committee shall  
21 (1) adopt procedures to facilitate the receipt of inquiries  
22 and prompt rendition of its opinions;  
23 (2) publish semi-annual summaries of decisions and [,] ad-  
24 visory opinions [AND INFORMAL ADVISORY OPINIONS,] with sufficient  
25 deletions in the summaries to prevent disclosing the identity of the  
26 persons involved in the decisions or opinions that have remained  
27 confidential.

28 \* Sec. 12. AS 24.60.160 is amended to read:

29 Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an

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

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

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

24 \* Sec. 14. AS 24.60.190 is amended to read:

25 Sec. 24.60.190. DEFINITIONS. [DEFINITION OF "COMMITTEE."] In  
26 this chapter [,]

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

29 (2) "person employed by the legislative branch of

1 government" means a person who is employed by

2 (A) an individual legislator;

3 (B) a legislative body, including a legislative com-  
4 mittee; or

5 (C) an agency of the legislature established under  
6 AS 24.20 and AS 24.55.

7 \* Sec. 15. This Act takes effect immediately in accordance with AS 01.-  
8 10.070(c).

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 24.60.100 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 [FCR] 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

## SENATE

FURTHER: FINANCE

3/12/86

Date 5/1/86

Mr. President

The Committee on JUDICIARY considered CSHB 218(JUD)

standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 218 (JUDICIARY)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Tim Kelly -  
Rick Halford  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Jan Fick No Rec  
Tim Kelly  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Patrick R. Kelly  
Chairman  
do pass  
Chairman recommendation

# COMMITTEE REPORT

## SENATE

FURTHER: JUDICIARY  
FINANCE

5/6/85

Date 3/12/86

Mr. President

The Committee on STATE AFFAIRS considered CSHB 218(Jud)

standards of conduct of legislators and legislative employees and to the Select Committee on Legislative Ethics; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt SCS for CSHB 218(SA)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Edna De Vries  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Bill Ray no Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman  
[Signature]  
Chairman recommendation