

LEGISLATIVE

REFORM

*Editorial - Anch. Times*

## How to save a million

LEGISLATORS and the governor are perspiring heavily over some tough budget problems. It's beginning to appear the state spending program may be pared down considerably, just as many lawmakers had been forecasting at the beginning of the session.

Because oil income has dropped off significantly, there is talk about state employee layoffs, reductions in loan programs, retrenchment in departmental operating budgets and denial of pay increases already negotiated for state employees.

There also are discussions of a next-to-nothing capital budget for next year, in sharp contrast to the massive ones in recent years.

**EACH OF THESE** options is serious business.

Layoffs are a very painful way to save money. So are cuts in loan programs. Eliminating promised pay increases weakens employees' trust in the state.

Severe reductions in the capital budget deny communities and regions of needed facilities. They are a sharp blow to the construction industry and, therefore, to the economy of the state.

**ONE OPTION** not being seriously discussed by the legislators would be popular with many Alaskans. It also would save the state more than \$1 million next year alone.

By simply by rolling back the exorbitant pay increase they gave themselves two years ago, the legislators not only would save a million bucks but also would set a nice tone for the remaining five weeks of the session. It would show Alaskans that their elected representatives are putting service above self as they come to grips with the most serious financial problem the legislature has had to face since it started going wild a few years ago when the oil money began to flow.

JOAN C. BURGESS, M.D.  
4050 LAKE OTIS PARKWAY  
ANCHORAGE, ALASKA 99504

TELEPHONE 279-0042  
272-2625 361-1014

April 16, 1985

To: Alaska Legislature

We urge you to repeal the excessive pay increase in legislators' pay and retirement plans. (Doubled these last year!)

If you don't, the people of Alaska will repeal it by initiative on the ballot.

We expect you to act responsibly with our money. This was not intended to be a full time legislature. We hope you will respond to the overwhelming feelings of the Alaskan people rapidly.

Sincerely,

*Joan C. Burgess, M.D.*  
Joan C. Burgess, M.D.

Health, Education and  
Social Services Committee



Official Business

# Alaska State Legislature

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811  
465-4907  
465-4908

May 21, 1983

Senator Victor Fischer, Chairman, State Affairs Committee  
Senator Pat Rodey  
Senator Arliss Sturgelewski  
Senator Tim Kelly  
Senator Bill Ray

Dear Colleagues:

Attached are pages 22-27 are from the May 15, 1983,  
report of the National Conference of State Legislatures  
regarding Alaska legislative procedures.

Your attention is called to page 25 where, coincidentally,  
the NCSL refers to the New Jersey capital planning model,  
which I suggested in Senate Bill 220 that is before the  
Committee on State Affairs.

Thanks for your consideration.

Sincerely,

  
Joe Josephson

# ALASKA LEGISLATIVE PROCEDURES STUDY

## FINAL REPORT

Submitted to:

The Joint Special Committee on Legislative Reform



Prepared by the

**NATIONAL CONFERENCE OF STATE LEGISLATURES**

**1125 Seventeenth Street, Suite 1500**

**Denver, Colorado 80202**

**May 15, 1983**

To the extent that Alaska is unique, solutions for dealing with the troublesome aspects of Alaska's capital budgeting process must be carefully tailored to meet Alaska's unique situation.

1. The capital budget for local projects should be separated from the state capital budget and included either in a separate bill or in a separate section of the state appropriations bill. A specific deadline should be established for submission of the local capital budget.

Discussion: Over the past several years, a pattern has been established for the development of the Alaska capital budget. The governor develops a list of projects mainly, but not exclusively, of a statewide nature and uses up to a third of the monies available for capital finance to fund these. At the same time, each house of the legislature takes another third of the capital budget, divides up the funds among its members and allows the members to propose local capital projects. These projects are added onto the governor's list, and the result is the "state" capital budget. In fact, the capital budget is a hybrid that is neither a "state" nor a "local" capital budget.

A number of those interviewed for this study said they felt the most serious flaw in the current capital budgeting process is that neither local nor state capital projects receive a thorough review. Caught up with the development of what is in fact the local capital budget, individual legislators spend little time reviewing the governor's proposed list of state capital projects. Likewise, the executive branch has little opportunity to review the local capital budget since it is usually relatively late in the session before the legislature produces its list of local projects. In fact, individual legislators themselves have almost no opportunity to review the list of proposed local capital projects.

The legislature and the governor should thoroughly review all proposed capital projects and the public should have ample opportunity to examine and comment on these proposals. By separating the local and state capital budgets and requiring that these budgets be submitted early in the session, all interested parties will be able to carefully review the budgets, and state elected officials will be able to make explicit decisions as to how much should be spent on state versus local projects.

One state which has adopted an approach to capital budgeting not altogether unlike the one recommended here is Colorado. Included in Colorado's single state appropriations bill is a section which lists, by department, all capital construction appropriations for the year. Under the capital construction appropriation to the Department of the Treasury, there appears a multi-million dollar appropriation of Oil Shale Trust Fund monies. These monies are earmarked for expenditure in the western, energy-impacted counties of the state to relieve the effects of oil shale production. In a footnote to the oil shale appropriation are listed all the specific, local capital projects for which these monies are to be spent.

2. The Alaska Legislature should develop a standard form for capital projects which describes the purpose of and need for each project. A completed form should accompany each proposed capital project and be available for public inspection.

Discussion: In order to make well-informed decisions about capital projects, legislators need detailed information on the purpose of and need for each proposed project. Several legislators expressed frustration over the often inadequate documentation for proposed capital projects--especially local projects.

The standard form should include, at minimum, the following elements:

- Project title
- Project purpose
- Project justification (e.g., needed to protect health or welfare of citizens, to respond to court order, to encourage economic development, etc.)
- Alternative ways of dealing with the problem at hand
- Alternative funding sources if project is not funded
- Estimated capital expenditure requirements over the next five years, by year
- Estimated operating expenses which will be generated by this project, over the next five years, by year

A compendium of the completed capital project forms should accompany the proposed state and local capital budgets when they are taken up for consideration by the finance committees.

3. Legislative Finance Division staff or consultants should be responsible for reviewing all capital project proposals to see if the fiscal notes included are reasonable.

Discussion: In recent years, millions of dollars have been reappropriated by the Alaska legislature from excess capital funds appropriated in earlier years. This suggests that initial capital appropriations were unnecessarily generous. With revenue projections nowhere near as rosy as

they were just three years ago, the Alaska legislature can ill afford to appropriate more for any particular purpose than is actually needed.

In most states, the initial fiscal note on a proposed capital project is developed by an agency or entity that has a vested interest in seeing the project generously-funded. Typically, the corrections department develops the request for a new prison, the department of higher education develops the request for funds to remodel a dormitory, and the department of natural resources prepares the request for improving a lake habitat. While a state's central budget office and/or state buildings division may review these requests, it is important that the legislature conduct its own independent review, with an eye toward shaving any unnecessary costs. The Alaska legislature should have the capability, whether in-house or on a consulting basis, to independently and objectively examine proposed project costs before appropriating funds for capital projects.

4. A minimum of four joint hearings of the House and Senate finance committees should be held on the state and local capital budgets, preferably in different parts of the state.

Discussion: This recommendation addresses two weaknesses of the current Alaska capital budgeting process frequently cited by those interviewed in the course of this study. The first is that the finance committees do not schedule enough time for discussion of the final version of the capital budget. Senate and House capital projects are added onto the governor's proposed list relatively late in the session leaving little time for public review and comment on the whole capital budget. The second weakness is that the procedure used by the legislature for developing its list of local capital projects tends to encourage the inclusion of projects benefiting a specific, identifiable legislative district to the exclusion of projects benefiting a larger local area. The Anchorage Daily News wrote in a March 1983 editorial, "The breakdown in [legislative] negotiations [over the supplemental capital budget] limits the chances that areawide needs will be addressed. . . in the budget. . . House members from Anchorage apparently couldn't agree to work together to pool funds for major projects. . ."

By holding several hearings on the capital budget, in different parts of the state, people at the local level will have ample opportunity to testify on items in the proposed capital budget. Finance committee members will also be able to question local residents about the need for projects proposed for their areas. An added advantage of holding committee meetings in different parts of the state is that members of the finance committee can visit the sites of proposed new projects or examine the buildings which require expansion or remodeling.

5. The Alaska Legislature and governor should work together to develop goals and criteria for ranking capital projects. Using these goals and criteria, the state should write and annually update a five-year, long-term capital investment plan.

Discussion: As the cost of and demand for new infrastructure grows, more and more states are seeing the need to develop long-range capital investment plans. The necessity for such planning has become all the more acute in recent years as states have adopted measures to control total state expenditures. Alaska faces these same pressures.

Almost every legislator interviewed by NCSL for this study cited the need for better long-range capital planning by the state. Such planning requires a major analysis of future capital needs and a public decision about what the state should view as its funding priorities.

There are several models Alaska should consider for developing long-range capital investment plans and prioritizing projects.<sup>3</sup> New Jersey has a Commission on Capital Budgeting which advises the governor and the legislature. The Commission, which has four public members, four legislative members and four members from the executive branch, has the following responsibilities:

(1) to develop and maintain, on an ongoing basis, short and long-range capital spending plans for the State; (2) to analyze and report on the impact of capital spending programs on future operating budgets; and (3) to present the plans for short and long-range capital investments, recommending to the Governor and the Legislature items for inclusion in the annual budget. The Commission is required to recommend the means by which capital projects should be funded, to comment on capital projects recently completed or presently under construction, as well as to make annual recommendations on the maintenance of State facilities.<sup>4</sup>

In developing its recommendations for FY 1982, the Commission used the following criteria: 1) needs must be critical and well-defined; 2) careful planning must precede each capital project; 3) maximum utilization must be made of available federal matching monies, and 4) expenditures must be cost-effective with a minimal adverse impact on future operating budgets.

In Maryland, capital planning is the responsibility of the Department of State Planning, which prepares an annual and a proposed five-year, prioritized capital improvement plan. The Maryland State Planning Commission, consisting of nine members, seven of whom are legislators, serves as a capital advisory group to the Department of State Planning. Each year, the Department and the legislature's budget committees jointly hold hearings on the short and long-range capital plans.

6. The Alaska Legislature and the governor should agree on the definition of a "capital item." Only those items which meet this definition should be included in the capital budget.

Discussion: Interviews with legislators and members of the public indicated that Alaska employs no consistent definition of a capital project. As

a consequence, a "capital project" may or may not appear in the capital budget. By the same token, operating budget items not infrequently are found in the capital budget. To aid in the planning process and assist people in reading the state budget, Alaska should adopt a working definition of a capital item and include all such items and only these items in the capital budget.

There are a number of ways in which a capital item may be defined. The Municipal Finance Officers Association's definition of capital expenditures includes programs that result in the acquisition of assets of a long-term character. Ohio's capital improvements bill describes the general purposes for which its appropriations can be used as follows:

Land acquisition; construction, architectural, and engineering expenses, complete heating and lighting systems, utilities, and ventilating, plumbing and sewer systems; machinery which is part of the structure at the time of construction or acquisition; and equipment essential to bring the facility up to its intended use, provided that its unit cost is at least \$10 and the item has a useful life of five years or more. Disallowed purchases are replacement equipment, vehicles, adding machines, calculators, dictating equipment and normal supply and maintenance items.<sup>5</sup>

Colorado's "Guide to the State Budget" defines capital construction as "the purchase, construction, remodeling or renovation of major capital facilities." Not included under the definition of capital construction are: equipment (automobiles, typewriters); alterations and replacement of buildings costs less than \$15,000; new structures costing less than \$15,000; and non-new structural improvements to land costing less than \$5,000.

7. Those entities responsible for spending capital appropriations should be required to submit annually to the legislature a status report on each project which has been funded by the legislature.

Discussion: The Alaska Legislature is inadequately informed as to how projects which have been funded by the state are progressing. The legislature does not routinely receive information on the status of state-funded local capital projects. Tracking of capital project expenditures is poor. According to the state auditor, excess capital project appropriations are not always being returned to the General Fund as they should be. Inadequate oversight of capital project expenditures has resulted in several deficits. Finally, poor tracking of exactly what capital project funds have been reappropriated, when, and for what purposes has resulted in differing estimates by executive agencies, the Office of Management and Budget, and legislative staff as to how much money is actually available at any time for previously-approved projects and for reappropriation.

The governor should be required to submit annually to the legislature a status report on every capital project for which funds have been appropriated. At minimum, this status report should include the following information:

- Project name and purpose
- Total appropriated by the state for this project
- Additional funds committed to this project (e.g., federal or local funds)
- Expenditures to date by object of expenditure and type of funds used
- Estimated total expenditures over the life of the project by object of expenditure and type of fund used
- Accrued but unpaid liabilities to date by object of expenditure and fund type
- Monies returned to the General Fund
- Description of the current status of the project.

8. The Alaska House and Senate should form a joint subcommittee on debt policy of the finance committees.

Discussion: There has been a significant increase in recent years in legislative concern over debt levels and debt policy. As legislatures have reviewed these issues, their recommendations are very similar. The Maryland Legislature created the Capital Debt Affordability Committee, composed of the State Treasurer, State Comptroller, and Secretaries of the Departments of State Planning and Budget and Fiscal Planning. This committee is required to submit to the Joint Budget and Audit Committee a review of the size of state debt and an estimate of the amount of new debt that may be prudently authorized. In a review of debt in Oregon, the Bonded Debt Advisory Commission recommended creation of a similar body, and also recommended creation of a subcommittee of the Joint Ways and Means Committee to review all debt authorizations. A recent report of the California Legislative Analyst recommended both creation of a long-term capital outlay plan and subcommittees of each fiscal committee "for overseeing on an ongoing basis all bond-related legislation."

By using a debt policy subcommittee, the Alaska Legislature would be better able to establish a clear link between its capital outlays and the need for bond financing; it would also be able to review debt issuance on a comprehensive basis, rather than issue by issue. A joint subcommittee, or one which at least held joint hearings, could make more efficient use of limited legislative time, particularly when considering new issues or holding oversight hearings.

### C. Finance Committee Structure and Procedures

Background: Alaska's finance committees play a critical role in shaping the state's budget. It is their job to hold hearings on the budget, to analyze, review and modify the governor's proposed budget, and to oversee all aspects of executive branch budget management. Finance Committee members are responsible for knowing every aspect of the budget. They must review agency budget requests, decide on what capital projects should be funded, and determine the cost of new legislation.

The organization of and procedures used by a finance committee influence its ability to carefully review and analyze the budget. These factors also have an effect on public access to the process.

Alaska's appropriations committee structure is like that in many other states. Alaska has a House and a Senate Finance Committee. These committees handle both revenue and appropriations issues. In 39 other states, there are separate House and Senate committees; in 14 of these states the committees are combined appropriations-revenue committees. Like most other states, Alaska relies on its finance subcommittees to hold hearings on agency budgets and make recommendations on individual agency budgets. There are 23 states that write a single omnibus state budget bill; Alaska is one of these. In Alaska, all bills with fiscal impact are referred to the finance committees, as is true in about half the states.

Not everything about Alaska's finance committee structure and procedures is typical. A much larger portion of the legislature sits on the finance committees in Alaska than do in most states. In large part because the legislature is so small, almost one-third (7 members) of the Alaska Senate, and over one-fourth (11 members) of the House sit on Finance. Having noted the large proportion of legislators serving on the finance committees, it is nonetheless true that in absolute numbers, the Alaska finance committees are small. Only five states have smaller finance committees than Alaska--Colorado, Delaware, Oregon, Wyoming, and Wisconsin--and Wisconsin is the only other state where the finance committee is responsible both for revenues and appropriations. What this means is that the legislators on finance in Alaska bear an especially heavy load.

The load on Senate Finance Committee members in Alaska is still heavier, for all Senate Finance Committee members also serve on other committees and indeed several even chair other committees. Again, because the Alaska Legislature is so small, the overlap in committee assignments is necessary.

*Alaska News Service 7/19*

# ALASKA

## Session limit fails to win two-thirds Senate vote

By JEAN KIZER  
Associated Press Writer

JUNEAU—Reversing a vote cast just hours earlier, the Alaska Senate on Tuesday defeated a proposed constitutional amendment to limit the length of legislative sessions.

Senators voted 11-9 in favor of the session limit, which already passed the House, but the ballot fell three votes short of the two-thirds majority needed to rewrite Alaska's constitution.

The proposed amendment would limit sessions to 120 days, with one 15-day extension allowed if agreed on by a majority of each chamber. When the House passed the measure, which is a priority of the GOP-led majority coalition, it set a strict 120-day limit with no extensions permitted.

Tuesday was the 128th day of the session. Last year, lawmakers stayed in Juneau for a record 165 days.

The Senate's defeat of the measure came on a final reconsideration ballot.

However, Senate President Jalmar Kerttula, D-Palmer, said he would hold the bill on his desk for at least a day rather than return it immediately to the House. That means the bill will be available if senators want to try to rescind their action.

The nine senators who voted against the session limit included Don Bennett, R-Fairbanks, Betty Fahrenkamp, D-Fairbanks, Frank Ferguson, D-Kotzebue, Bob Mulcahy, R-Kodiak, Charlie Parr, D-Fairbanks, Bill Ray, D-Juneau, John Sackett, R-Ruby, and Robert Ziegler, D-Ketchikan, and Kerttula.

Meanwhile, supporters of the measure vowed to try to turn around enough votes to pass the measure, which may be caught up in end-of-the-session bargaining between the two chambers.

That appeared to be the case Tuesday morning, when the Senate passed the session limit on an initial 14-4 ballot. The action came after senators, in a surprise move, amended the priority House measure to combine it with another constitutional amendment proposed by Senate Finance co-

Chairman Ed Dankworth, R-Anchorage.

His amendment calls for a portion of the state's oil and gas and mineral revenue to be dedicated to a new Alaska Resource Fund. The multi-billion dollar fund would be used for building dams and other revenue-producing projects.

Dankworth's proposal passed the Senate earlier, but was shot down in the House last week on a resounding vote.

Senators voted unanimously Tuesday morning to add Dankworth's amendment to the session limit measure, although some senators voiced criticism about "piggybacking" unrelated constitutional amendments.

When the Senate reconvened in the afternoon, Dankworth urged the Senate to withdraw approval of his amendment, and the Senate agreed.

Dankworth said he made the request because there could be legal problems in combining two constitutional amendments.

However, it also was clear that the Senate's action had been planned in advance to send the House a message encouraging lawmakers to reconsider their earlier rejection of Dankworth's proposal and to try to work out a compromise.

When he offered the amendment Tuesday morning, Dankworth assured senators that his action to attach the proposal to a priority House bill was "not to be clever or a smart aleck." He said he believes creation of a fund to finance dams is "the most important subject we could discuss this year."

After a meeting with House leaders Tuesday afternoon, Dankworth said they had agreed to try to work on a compromise proposal to create a fund for financing dams.

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Original sponsors: Hayes, Abood,  
Anderson, et al

Offered: 3/31/82  
Referred: Judiciary

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 12 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska provid-  
7 ing a method for limiting the length  
8 of regular sessions of the legisla-  
9 ture.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Article II, sec. 8, Constitution of the State of Alaska, is  
12 amended to read:

13 SECTION 8. REGULAR SESSIONS. The legislature shall convene each  
14 year on the fourth Monday in January, but the month and day may be  
15 changed by law. The legislature shall adjourn from a session convened  
16 under this section no later than one hundred twenty consecutive calendar  
17 days from the date it convenes unless the session is extended for a per-  
18 iod not to exceed fifteen consecutive calendar days by a majority vote of  
19 the full membership of each house of the legislature. A session may be  
20 extended only once.

21 \* Sec. 2. The amendment proposed by this resolution shall be placed  
22 before the voters of the state at the next general election in conformity  
23 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
24 laws of the state.

25 24.05.150  
26  
27  
28  
29

HJR 12 TITLE & SPONSOR SUMMARY

10:43 6/21/82 PAGE 1 0.

AMENDED TITLE: SCS CSHJR 12(TRSP)AM S(FLD S)  
 PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE  
 OF ALASKA PROVIDING A METHOD FOR LIMITING THE  
 LENGTH OF REGULAR SESSIONS OF THE LEGISLATURE

PRIME SPONSOR: HAYES.

CO-SPONSORS: ABOOD, ANDERSON, BARNES, BEIRNE, BETTISWORTH, BYLSMA, CUDDY,  
 HALFORD, HAUGEN, MARTIN, METCALFE, MONTGOMERY, O'CONNELL, PHILLIPS, SUTCLIFFE  
 CURRENT STATUS: 5/18/82 FAILED (S) ON RECONS

HJR 12 HOUSE ACTION  
 DATE SEQ PAGE

10:43 6/21/82 PAGE 2 OF

LEGISLATIVE ACTION

02/10/81	01	0217	FIRST READING -- COMMITTEE REPORTS
03/12/81	02	0537	NOT MOVED FROM S.A. COMM BY DIV 17-22-01
05/11/81	03	1337	NOT MOVED FROM S.A. COMM BY DIV 15-21-04
01/22/82	04	0114	S.A. -- DNF02, DF(AM)03
01/25/82	05	0133	JUD -- CS06, NR01
03/03/82	06	0669	SECOND READING
03/03/82	07	0673	MOTIONS RULED OUT OF ORDER
03/03/82	08	0675	AM 01 TO CS ADOPTED BY DIV 25-12-03
03/03/82	09	0675	JUD CS ADOPTED BY DIV 25-09-06
03/03/82	10	0676	AM02 NOT ADOPTED BY DIV 12-25-03
03/03/82	11	0677	AM03 NOT ADOPTED BY DIV 13-24-03
03/03/82	12	0677	AM04 NOT ADOPTED BY DIV 12-25-03
03/03/82	13	0678	ADVANCED TO 3RD READING BY UNAN CONSENT
03/03/82	14	0678	THIRD READING
03/03/82	15	0678	FAILED BY DIV 24-13-03
03/03/82	16	0678	NOTICE OF RECONSIDERATION GIVEN
03/05/82	17	0699	POSTPONED UNTIL 03/10/82 BY DIV 22-11-07
03/10/82	18	0760	FAILED TO RETN 2ND READING BY DIV 11-26-03
03/10/82	19	0760	PASSED ON RECONSIDERATN BY DIV 27-10-03

\*\*\*\* \*\* \*\* \*\*\* \*\* \*

HJR 12 SENATE ACTION  
 DATE SEQ PAGE

10:43 6/21/82 PAGE 3 0.

LEGISLATIVE ACTION

03/12/82	20	0551	FIRST READING -- COMMITTEE REPORTS
03/31/82	21	0745	TRAN -- DNF01, CS01, NR02
05/17/82	22	1404	MOVED FROM JUD TO RLS BY UNAN CONSENT
05/18/82	23	1426	RLS -- OTHER03
			TAKEN UP IMMEDIATELY
05/18/82	24	1428	SECOND READING
05/18/82	25	1428	TRAN CS ADOPTED BY UNAN CONSENT
05/18/82	26	1428	AM01 ADOPTED BY UNAN CONSENT
05/18/82	27	1429	AM02 ADOPTED BY UNAN CONSENT
05/18/82	28	1430	AM03 NOT ADOPTED BY DIV 08-10-02
05/18/82	29	1430	AM04 NOT ADOPTED BY DIV 07-11-02
05/18/82	30	1430	ADVANCED TO 3RD READING BY UNAN CONSENT
05/18/82	36	1430	AM02 NOT ADOPTED BY DIV 00-20-00
05/18/82	37	1436	ADVANCED TO 3RD READING BY UNAN CONSENT
05/18/82	31	1431	THIRD READING
05/18/82	32	1431	PASSED BY DIV 14-04-02
05/18/82	33	1435	NOTICE OF RECONSIDERATION GIVEN
05/18/82	34	1435	RETURNED TO 2ND READING BY UNAN CONSENT
05/18/82	35	1435	ACTION NO. 027 RESCINDED BY DIV 20-00-00
05/18/82	38	1436	FAILED ON RECONSIDERATN BY DIV 11-09-00

# FREE denounces bill piggybacks

Despite earlier Legislator promises, the legislature has continued to gut, strip and "piggyback" bills. During the last legislative session in a report dated January, 1981, the FREE Committee, a committee of the Anchorage Women's Club, revealed that bill "piggybacking" and gutting was frequently practiced in the Alaska Legislature, even though the Alaska Uniform Rules prohibit it.

In "piggybacking", amendments which are totally unrelated to an existing bill are added to it, often in order to prevent public involvement or to facilitate the passage of weak or controversial legislation.

This means that a particular bill, favored by only a few, can be "piggybacked" onto another, more popular bill, favored by the public and therefore be assured of passing.

Bill gutting and stripping occurs when a bill as introduced addresses a particular subject, but subsequent committee substitutions completely change the content and meaning of the bill.

Frequently, legislators use bill gutting and stripping

worked hard to end these abuses and flagrant violations of the legislators own rules. Last year, in apparent lip service to these groups, the legislature adopted new, stricter rules which were to become effective June 30 after this session ended.

The legislature which will convene in Jan., 1983, may adopt new rules by which to govern itself and is bound in no way by changes enacted by the preceding legislature. It is imperative that the rules governing "piggybacking" and bill gutting are incorporated into the next legislatures adopted rules.

According to a study done by the FREE Committee during this legislative session, the practice has been commonplace in both Houses. Following are some significant bills which have been gutted, stripped or 'piggybacked':

• SB 150 began as a \$1.8 million appropriation for improvements to the Steese Highway (an appropriation made last session)...The House Rules Committee gutted this carry over bill and the House

Finance Committee "piggybacked" a \$20 million appropriation to the Federal Budget Impact Fund.

• SB 752 would give stockholders of a savings association access to the association's books and allowed the association to secure loans by real estate or by mobile homes, The House Labor and Commerce Committee "piggybacked" language which, with SB 756, would allow out-of-state banks to acquire a controlling interest in Alaska banks.

• SB 768 was a bill simply designed to change the definition of "rural" for the purpose of rural home loans. The House Resources Committee gutted this bill. The new, complicated bill would create fishery product loan guarantee fund in the Department of Revenue.

• SB 849 only related to minimum crew sizes of railroads in Alaska. The original bill only changed one sentence of an existing statute. The new, 46 page complex bill, "piggybacked" by the House Rules Committee establishes the Alaska Railroad Authority and essentially incorporates SB 212. This is a highly complex and important piece of legislation.

• SB 875 originally would have transferred ownership of

University of Alaska trust lands from Natural Resources to the University to facilitate a negotiated settlement between Anchorage and the University.

The House Resource Committee "piggybacked" complicated and detailed language establishing a new homestead program. Continued on Page 11

• Computer Software Systems  
• Office Management Systems  
• Radiographic Control Systems  
• Project Developers

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Systems Programs

# Committee returns ethics bill for probable 'burial' this year

by Bill White  
Times Juneau Bureau

Juneau — Bills setting up ethics standards for lawmakers and protection for workers who "blow the whistle" on their employers were returned to the State Affairs Committee Tuesday, where presumably they will die.

Sen. Pat Rodey, D-Anchorage, made the request on the Senate floor after reading an article in The Anchorage Times Sunday that he said implied his Judiciary Committee killed the measures.

He said his panel was put in an awkward position by the measure's prime author, Sen. Vic Fischer, another Anchorage Democrat. If the committee refined the measure to make the bill workable, it would be accused of watering it down, he said. And if the

panel let the bill die because it was poorly written, its members would be charged with being soft on ethics, he added.

But Fischer defended the bill.

"It is a good bill. It's an adequate bill. It would do a very good job in establishing a standard of conduct," he said. The attorney general's office, the state's ombudsman, the League of Women Voters and others worked on the proposal, he said.

At this point his State Affairs Committee has too little time to rewrite the measure and get it passed by both houses, he said, so he would take the bill back.

But Rodey cited what Fischer said when his committee first approved the bill in February: "I'd rather let it die in some other committee."

In interviews, two other Judiciary members — Sens. Bill Ray, D-Juneau, and Nels Anderson, D-Dillingham — agreed with Rodey that the ethics and whistleblowers bills were in bad shape when they received them.

"A grade schooler wouldn't have accepted them," Anderson said.

On the floor, Ray objected to a statement in The Times' story that referred to "blistering fights" over the bill between Ray and Fischer.

"I can't remember anything like that happening," he said. "The inference was that somehow that I was opposed to the bill."

"It wasn't the subject matter of the bills. It was the composition" that he found objectionable, Ray said. The Times never checked with him about the story, he added.

Anch Times 5/26

Notwithstanding abundant criticism to the contrary, the 1981-82 Legislature did more to reform the legislative process than any since statehood. Leading the way in the Senate was Majority Leader Pat Rodey.

It is likely that you remember it was Sen. Rodey who was the first - and for a long time the only - member of the Legislature to urge the expulsion of convicted felon George Hohman. But it was also Rodey, who as co-chairman the previous session of the Senate Special Committee on Legislative Reform, was successful in persuading his colleagues to adopt six substantive changes to the way the Legislature does its business.

The two most significant of these will go into effect next session. They will: (1) limit the power of budget free conference committees by prohibiting members from adding new items to the bill or increasing the amount of any appropriation above the higher amount contained in either version passed by a house; and (2) prohibit a change in the title of a bill once it reaches the other body, thus preventing a common practice called 'bill stripping' and sharply curtailing another called 'piggybacking'

Rules reforms which were in effect this session, and which did make a difference were those which:

- \* limited the powers of conference committees;
- \* mandated public notice requirements;
- \* provided for increased recordkeeping; and
- \* limited the establishment of interim committees.

Two other improvements to the legislative process were adopted by the 12th Legislature: a constitutional amendment limiting State spending which will appear on the November ballot, and a bill establishing specific procedures to be followed in the awarding of public contracts.

Still remaining as issues for the next Legislature to consider are a constitutionally-imposed session limitation, and adoption of a code of ethics for public officials.

~~Of course, the best legislative reform is that done in the voting booth.~~

## Legislative Reform

The 1981-82 Legislature did more to reform the legislative process than any legislature since statehood. As you might recall, legislative reform was one of the chief issues of the First Session, and leading the way in the Senate was Sen<sup>n</sup> Pat Rodey.

Co-chairman of the Senate Special Committee on Legislative Reform, Rodey was successful in persuading his colleagues to adopt six substantive changes to the way the legislature does its business. The two most significant of these go into effect next session. They will: (1) limit the power of budget free conference committees by prohibiting members from adding new items to the bill or increasing the amount of any appropriation above the higher amount contained in either version passed by a house; and (2) prohibit a change in the title of a bill once it reaches the other body, thus preventing a common practice called 'bill stripping' and sharply curtailing another called 'piggybacking'.

Additionally, rules reforms were adopted to:

- \* require a conference committee to request limited powers of free conference on specific points which can't be resolved by adopting exact provisions of either bill; only then if the committee<sup>still</sup> can't reach a compromise may a free conference committee be appointed, and then it must be all new members;

- \* require each committee to set weekly schedules, and give public notice of five days for the first hearing on a bill; 24-hour notice is required before adoption of a conference committee report;

- \* require committees to tape record meetings, and keep minutes in a standardized form; and

- \* require interim committees to be established by a resolution of the house, not simply by order of a presiding officer.

Two other improvements to the legislative process were adopted by the 12th Legislature: a constitutional amendment limiting state spending which will appear on the November ballot, and a bill establishing specific procedures to be followed in the awarding of public contracts.

Still remaining as issues for the next legislature are consideration of a constitutionally-imposed session limitation and adoption of a code of ethics for public officials

Introduced: 1/17/83  
Referred: State Affairs,  
Judiciary and Finance

BY M.M.MILLER, DUNCAN, ZHAROFF  
DAVIS, MCBRIDE AND SZYMANSKI

1 IN THE HOUSE

2 HOUSE BILL NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the responsibilities of the  
7 Alaska Public Offices Commission; establishing stan-  
8 dards of conduct for public officials; and providing  
9 for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. LEGISLATIVE FINDINGS. The legislature finds that it is  
12 essential in the conduct of public business that public officials hold the  
13 respect and confidence of the people. Public officials need to avoid  
14 conduct that violates the trust that the people have placed in them or that  
15 creates a justifiable impression among the public that the public trust is  
16 being violated. To ensure and preserve public confidence, persons serving  
17 in state and municipal government should have the benefit of specific  
18 standards to guide their conduct. In order to strengthen the faith and  
19 confidence that the governmental process reflects the will of the people  
20 and that each public official considers and makes decisions affecting the  
21 public according to the best interests of the public, AS 39.49 is enacted  
22 in sec. 2 of this Act.

23 \* Sec. 2. AS 39 is amended by adding a new chapter to read:

24 CHAPTER 49. STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS.

25 Sec. 39.49.010. GIFTS. A public official may not solicit,  
26 directly or indirectly, a gift, whether in the form of money, service,  
27 or benefit, under circumstances that the public official knows are  
28 intended to influence the performance of official action or are in-  
29 tended as a reward for official action.

1           Sec. 39.49.020. ABUSE OF OFFICE. (a) A public official may not  
2 use or attempt to use public office to

3           (1) seek employment or to contract for services that bene-  
4 fit the public official or a member of the household of the public  
5 official;

6           (2) solicit or accept compensation for the performance of  
7 official duties or responsibilities of benefit to the public official  
8 or others except as provided by law;

9           (3) use public time, equipment, or facilities for any  
10 private or business purposes of benefit to the public official or  
11 others;

12           (4) use public time, equipment, or facilities for political  
13 or campaign purposes;

14           (5) solicit or engage in a financial transaction with a  
15 subordinate or a person or business that the public official inspects  
16 or supervises;

17           (6) use information that is confidential by law for person-  
18 al gain or in a manner not connected with the performance of official  
19 action.

20           (b) The provisions of (a)(3) and (4) of this section do not  
21 apply to an elected public official. An elected public official may  
22 not use state or municipal equipment for a private, business, or  
23 campaign purpose.

24           Sec. 39.49.030. CONFLICT OF INTEREST. (a) Except as provided  
25 in AS 39.49.040 and AS 39.49.050, a public official may not take  
26 official action that the public official knows or has reason to know  
27 would affect

28           (1) a business or property in which the public official has  
29 a financial interest; or

1           (2) a business or property for which the public official  
2 acts as legal counsel, advisor, consultant, or representative.

3           (b) A public official has not acquired a financial interest in a  
4 business that may be involved in official action under this section if  
5 no benefit or detriment accrues to the public official beyond that  
6 which accrues uniformly to the members of the profession, occupation,  
7 or group affected by the official action.

8           (c) A public official of the state may not assist a person  
9 before a state agency for compensation that is conditioned on the  
10 success of the transaction in a transaction involving the state. A  
11 public official who is a member of the legislature or employed in the  
12 legislative branch of the state government may not assist a person or  
13 business before a state agency for compensation. A public official  
14 who is a member of the governing body of a municipality or an employee  
15 of a municipality may not assist a person or business before the  
16 municipal governing body or an agency of the municipality for compen-  
17 sation.

18           (d) A public official may not for compensation attempt to secure  
19 passage or defeat of a bill or appropriation or to obtain a contract,  
20 claim, transaction, or proposal in which the public official has  
21 participated or will participate as a public official. A public  
22 official may not assist a person or business for compensation on the  
23 bill, contract, claim, transaction, or proposal before the legisla-  
24 ture, a state agency, or a municipality.

25           (e) A public official may not assist a person before a state  
26 agency or a municipality for compensation as to a bill, contract,  
27 claim, transaction, or proposal involving official action by the state  
28 agency or municipality over which the public official has authority.

29           (f) A former public official may not

1           (1) use information that is confidential by law for person-  
2 al gain;

3           (2) within 12 months after separation from employment  
4 assist a person or business for compensation on a case or transaction  
5 upon which the public official took official action while a public  
6 official; for purposes of this paragraph "official action" does not  
7 include voting by an elected public official.

8           Sec. 39.49.040. ACTION ON CONFLICT BY PUBLIC OFFICIAL OF THE  
9 STATE. (a) A public official of the state who is unable to reassign  
10 responsibilities concerning an action otherwise prohibited by  
11 AS 39.49.030 or whose participation is necessary in order to  
12 constitute a quorum for official action does not violate AS 39.49.030  
13 if the public official has complied with AS 39.50.020 and announces  
14 the nature of the conflict at the time the official action is taken.

15           (b) A public official in the executive branch of the state  
16 government who has a conflict in the discharge of official duties  
17 shall

18           (1) prepare a statement describing the duties requiring  
19 official action and the nature of the conflict of interest with re-  
20 spect to the official action; and

21           (2) deliver copies of the statement to the commission and  
22 to the immediate superior of the public official or to the governor.

23           (c) A public official who is a member of a board or commission  
24 who has a conflict of interest shall state the conflict to the board  
25 or commission at the time of taking the official action.

26           (d) On receipt of a statement prepared under (b) of this sec-  
27 tion, the superior of the public official or the governor shall assign  
28 the official action to a public official who does not have a conflict  
29 of interest.

1 (e) The governor and a public official without a superior in the  
2 executive branch of the state government comply with this section if  
3 the statement described in (b)(1) of this section is delivered to the  
4 commission.

5 (f) The executive director of the commission shall review all  
6 statements filed under (b) of this section.

7 Sec. 39.49.050. ACTION ON CONFLICT BY A PUBLIC OFFICIAL OF A  
8 MUNICIPALITY. (a) A public official of a municipality who has a  
9 conflict in the discharge of official duties shall

10 (1) prepare a statement describing the duties requiring  
11 official action and the nature of the conflict of interest with re-  
12 spect to the official action; and

13 (2) deliver copies of the statement to the commission and  
14 to the immediate superior of the public official of a municipality or  
15 to the presiding officer of the governing body of the municipality.

16 (b) On receipt of a statement prepared under (a) of this sec-  
17 tion, the superior of the public official shall assign the official  
18 action to a public official who does not have a conflict of interest.

19 (c) A public official who is a member of the governing body of a  
20 municipality complies with this section if the statement described in  
21 (a)(1) of this section is delivered to the commission.

22 (d) A public official who is a member of the governing body of a  
23 municipality who has a conflict of interest shall state the conflict  
24 to the governing body before taking the official action.

25 (e) The executive director of the commission shall review all  
26 statements filed under (a) of this section.

27 Sec. 39.49.900. DEFINITIONS. In this chapter,

28 (1) "commission" means the Alaska Public Offices Commission  
29 established under AS 15.13.020;

1           (2) "compensation" means money, a thing of value, or eco-  
2           nomic benefit conferred on or received by a person in return for  
3           services rendered or to be rendered by the person for another;

4           (3) "employment" means services performed for compensation;

5           (4) "financial interest" means an interest held by an indi-  
6           vidual or a household member that is

7                   (A) an ownership interest in a business;

8                   (B) a creditor interest in an insolvent business;

9                   (C) employment;

10                   (D) prospective employment for which negotiations have  
11           begun;

12                   (E) an ownership interest in real or personal proper-  
13           ty;

14                   (F) a loan or other debtor interest;

15                   (G) a directorship or officership in a business;

16           (5) "member of the household" or "household member" means

17                   (A) a person who is the spouse, child, ward, brother,  
18           sister, or parent of a public official or of the spouse of a  
19           public official, and who shares a common residence with the  
20           public official; or

21                   (B) a person who is the child, ward, brother, sister,  
22           or parent of a public official or of the spouse of a public offi-  
23           cial, and over whose financial interests the public official has  
24           legal, actual, or joint control, whether or not they share a  
25           common residence;

26                   (C) a person who shares a common residence with the  
27           public official as though a spouse;

28           (6) "municipality" includes

29                   (A) a city or borough of any class;

1 (B) a municipality unified under AS 29.68.240 - 29.-  
2 68.440;

3 (C) a school district or a regional educational atten-  
4 dance area;

5 (7) "official action" means a decision, recommendation,  
6 approval, disapproval, or other action, including inaction, which  
7 involves discretion;

8 (8) "public official" means a member or employee of the  
9 legislature, the governor and lieutenant governor, appointed officers  
10 and employees of a state agency, elected and appointed officers and  
11 employees of a municipality of the state;

12 (9) "public time" means the regular work hours established  
13 by or under law, regulation, ordinance, or collective bargaining  
14 agreement for public officials;

15 (10) "state agency" means a department, board, board of  
16 regents, commission, council, committee, institution, office, cor-  
17 poration, authority or organization in the executive or legislative  
18 branch of the state government, and includes the University of Alaska  
19 and public corporations having a separate and independent legal exis-  
20 tence.

21 \* Sec. 3. AS 15.13.030 is repealed and reenacted to read:

22 Sec. 15.13.030. DUTIES OF THE COMMISSION. (a) The commission  
23 shall

24 (1) develop and provide all forms for the reports and  
25 statements required to be made under this chapter, AS 24.45, AS 39.49,  
26 and AS 39.50;

27 (2) prepare and publish a manual setting out uniform meth-  
28 ods of bookkeeping and reporting for use by persons required to make  
29 reports and statements under this chapter, AS 24.45, AS 39.49, and

1 AS 39.50 and otherwise assist candidates, groups, and individuals in  
2 complying with the requirements of this chapter, AS 24.45, AS 39.49,  
3 and AS 39.50;

4 (3) receive and hold open for public inspection reports and  
5 statements required to be made under this chapter, AS 24.45, AS 39.49,  
6 and AS 39.50 and, upon request, furnish copies at cost to interested  
7 persons;

8 (4) compile and maintain a current list of all reports and  
9 statements filed with the commission;

10 (5) prepare a summary of reports filed with the commission  
11 and make copies of the summary available to interested persons at  
12 cost;

13 (6) notify, by registered or certified mail, all persons  
14 who are delinquent in filing reports and statements required to be  
15 made under this chapter, AS 24.45, AS 39.49, or AS 39.50;

16 (7) examine, investigate and compare reports, statements  
17 and actions required by this chapter, AS 24.45, AS 39.49, and AS 39.50  
18 and report to the attorney general the names of persons or groups that  
19 the commission has substantial reason to believe have violated this  
20 chapter, AS 24.45, AS 39.49, or AS 39.50;

21 (8) prepare and publish an annual report to the legislature  
22 concerning the activities of the commission, the effectiveness of this  
23 chapter, AS 24.45, AS 39.49, and AS 39.50, the enforcement by the  
24 attorney general of this chapter, AS 24.45, AS 39.49 and AS 39.50, and  
25 recommendations and proposals for change;

26 (9) subject to the provisions of the Administrative Proce-  
27 dure Act (AS 44.62), adopt regulations necessary to implement and  
28 clarify this chapter, AS 24.45, AS 39.49, and AS 39.50;

29 (10) appoint an executive director.

1 (b) The commission may delegate to the executive director powers  
2 and duties given it by AS 15.13.031; it may not delegate to the execu-  
3 tive director the power to issue a determination under AS 15.13.034.

4 (c) The commission, a commissioner, the executive director, or  
5 an employee authorized by the commission may administer oaths, certify  
6 to all official acts, and issue subpoenas, subpoenas duces tecum, and  
7 other process to compel the attendance of witnesses and the production  
8 of testimony, records, papers, accounts and documents in an inquiry,  
9 investigation, hearing or proceeding before the commission. The com-  
10 mission, a commissioner, or the executive director may petition a  
11 court of this state to enforce its subpoenas, subpoenas duces tecum  
12 and other process.

13 \* Sec. 4. AS 15.13 is amended by adding new sections to read:

14 Sec. 15.13.031. POWERS OF COMMISSION. (a) The commission shall  
15 administer this chapter, AS 24.45, AS 39.49, and AS 39.50 and may

16 (1) issue an advisory opinion under AS 15.13.032(a) on the  
17 request of a public official or former public official;

18 (2) in its discretion issue an advisory opinion under  
19 AS 15.13.032(c) upon the request of any person;

20 (3) issue a determination under AS 15.13.034;

21 (4) accept or initiate complaints concerning a violation of  
22 a law administered by the commission, initiate investigations, and  
23 hold hearings;

24 (5) subpoena witnesses, administer oaths, and take testi-  
25 mony relating to matters before the commission and require the produc-  
26 tion for examination of books or papers relating to a matter under  
27 investigation by the commission.

28 (b) A complaint may be accepted by the commission and a com-  
29 plaint may be initiated by the commission on a violation of AS 39.49

1 no later than one year after separation from employment by a public  
2 official. This subsection does not prevent a proceeding against a  
3 person who by fraud prevents discovery of a violation of AS 39.49.

4 Sec. 15.13.032. ADVISORY OPINIONS. (a) A public official or a  
5 former public official may request an advisory opinion as to whether  
6 stated facts and circumstances describe a violation of AS 39.49.  
7 Unless material facts were omitted or misstated in the request

8 (1) if an advisory opinion is not issued within 30 days  
9 after the request is filed with the commission, the facts and circum-  
10 stances stated in the request do not describe a violation of AS 39.49;  
11 and

12 (2) the advisory opinion issued or the facts and circum-  
13 stances stated in the request is binding in a charge subsequent to the  
14 request concerning the public official or former public official.

15 (b) If an advisory opinion is issued under (a) of this section,  
16 the executive director shall provide the public official or former  
17 public official with the opinion.

18 (c) The commission may in its discretion, upon the request of  
19 any person, issue an advisory opinion if the commission determines  
20 that the request states a matter of general applicability or first  
21 impression under AS 39.49. The advisory opinion shall be based on  
22 facts and circumstances stated in the request and may not be used as a  
23 substitute for a complaint charging a violation of AS 39.49 under  
24 AS 15.13.031(4).

25 (d) The commission may publish summaries of advisory opinions  
26 issued under AS 15.13.033(b) and determinations issued under AS 15.-  
27 13.034 with deletions in the summary to prevent disclosure of the  
28 identity of a person involved in an advisory opinion or determination.

29 (e) The commission may authorize its executive director to issue

1 advisory opinions requested under (a) or (c) of this section.

2 Sec. 15.13.033. COMPLAINT PROCEDURES. (a) A complaint concern-  
3 ing a violation of a law administered by the commission must be in  
4 writing and signed by the complainant under oath. A complaint initi-  
5 ated by the commission must be signed by three members of the commis-  
6 sion. The executive director shall notify each person against whom a  
7 complaint is filed and afford the person an opportunity to explain the  
8 conduct stated to be a violation. The executive director shall inves-  
9 tigate complaints involving a violation of AS 39.49 on a confidential  
10 basis.

11 (b) The executive director shall provide the public official who  
12 is the subject of a complaint under (a) of this section with a deci-  
13 sion indicating whether a probable violation has been found. If the  
14 decision indicates a probable violation, the person who is the subject  
15 of the complaint may request a determination from the commission or  
16 comply with the decision.

17 (c) If the person who is the subject of the complaint fails to  
18 comply with the decision, a copy of a complaint shall be served on the  
19 person. The person has 20 days after service to reply to the com-  
20 plaint. Information on the face of the complaint is public informa-  
21 tion.

22 (d) Upon service of a complaint under (c) of this section, the  
23 commission shall set a time and place for a hearing with notice to the  
24 complainant and the person charged with a violation.

25 (e) Each party may have an opportunity to (1) be heard, (2)  
26 subpoena witnesses and require the production of books or papers  
27 relating to the proceedings, (3) be represented by counsel, and (4)  
28 have the right of cross-examination. The hearings shall be held under  
29 AS 44.62. A witness shall testify under oath.

1           Sec. 15.13.034. DETERMINATIONS. (a) When the commission, after  
2 hearings under AS 15.13.033(d), determines that there is sufficient  
3 cause to believe that a public official removable only by impeachment  
4 has committed a wilful violation of a provision of AS 39.49, it shall  
5 issue a determination and refer the determination to the senate for  
6 proceedings under art. II, sec. 20 of the state constitution. The  
7 determination shall contain a statement of the facts describing the  
8 violation.

9           (b) When the commission determines after hearings under AS 15.-  
10 13.033(d) that there is sufficient cause to believe that a public  
11 official other than a public official removable only by impeachment  
12 has committed a wilful violation of a provision of AS 39.49, it shall  
13 refer

14           (1) to the governor a determination concerning a public  
15 official in the executive branch;

16           (2) to the proper presiding officer of the legislature or  
17 to both presiding officers of the legislature a determination concern-  
18 ing a public official in the legislative branch;

19           (3) to the chairman of the Board of Regents a determination  
20 concerning a public official in the University of Alaska; or

21           (4) to the presiding officer of the governing body of the  
22 municipality a determination concerning a public official of the muni-  
23 cipality.

24           (c) Any action of the governor, legislature, chairman of the  
25 Board of Regents, or the governing body of a municipality in response  
26 to a determination of the commission is public information.

27           (d) A determination of the commission must be based on competent  
28 and substantial evidence. Testimony and evidence taken at the hearing  
29 shall be recorded. A determination of the commission regarding a

1 violation shall be approved by three members of the commission. A  
2 determination is public information.

3 Sec. 15.13.035. CONTRACTS VOIDABLE. (a) In addition to any  
4 other penalty provided by law, a contract entered into by the state or  
5 a municipality of the state in violation of AS 39.49 is voidable by  
6 the state or a municipality of the state.

7 (b) In an action to void a contract entered into by the state or  
8 a municipality of the state in violation of AS 39.49, the interests of  
9 innocent parties who may be damaged by the action shall be protected  
10 and the action to void the transaction must be brought within 60 days  
11 of a determination of a violation of AS 39.49.

12 Sec. 15.13.036. VIOLATION. (a) The state or a municipality may  
13 recover the compensation received by a person as a result of a viola-  
14 tion of AS 39.49 by a public official or former public official. An  
15 action under this section shall be brought within two years of the  
16 violation.

17 (b) The appointing authority may discipline, reprimand, put on  
18 probation, demote, suspend, or discharge an appointed public official  
19 found to have violated a provision of AS 39.49.

20 Sec. 15.13.037. CIVIL PENALTIES. (a) The commission may assess  
21 a civil penalty in an amount not to exceed twice the benefit deter-  
22 mined by the commission to have been obtained by a violation of this  
23 chapter, AS 24.45, AS 39.49, or AS 39.50, or \$2,000, whichever is  
24 less, against a public official.

25 (b) If the commission determines that a public official received  
26 no economic benefit from a violation of this chapter, AS 24.45,  
27 AS 39.49, or AS 39.50, it may assess a civil penalty not to exceed  
28 \$2,000.

29 \* Sec. 5. AS 15.13.122 is repealed and reenacted to read:

1           Sec. 15.13.122. LEGAL COUNSEL. (a) The attorney general is  
2 legal counsel for the commission and shall advise the commission in  
3 legal matters arising in the discharge of its duties and represent the  
4 commission in actions to which it is a party.

5           (b) If, in the opinion of the commission, the public interest  
6 warrants, the commission may request the chief justice of the supreme  
7 court to appoint special counsel to represent the commission in a  
8 proceeding involving a law administered by the commission and to  
9 pursue appropriate remedies including criminal prosecution.

10           (c) The commission may employ temporary legal counsel in matters  
11 in which the commission is involved.

12 \* Sec. 6. AS 15.13.130 is amended by adding new paragraphs to read:

13           (8) "commission" means the Alaska Public Offices Commis-  
14 sion;

15           (9) "public official" means a member or employee of the  
16 legislature, the governor and lieutenant governor, appointed officers  
17 and employees of a state agency, elected and appointed officers and  
18 employees of a municipality of the state, and a person under a person-  
19 al services contract to a state agency or to a municipality of the  
20 state;

21           (10) "state agency" means a department, board, board of  
22 regents, commission, council, committee, institution, office, corpora-  
23 tion, authority or organization in the executive or legislative branch  
24 of the state government, and includes the University of Alaska and  
25 public corporations having a separate and independent legal existence.

26 \* Sec. 7. AS 15.13.130 is amended by adding a new subsection to read:

27           (b) In AS 15.13.010 and AS 15.13.040 - 15.13.125, "municipality"  
28 means a home rule or general law borough or city including but not  
29 limited to a unified municipality organized under AS 29.68.240 -

1       29.68.440. In the implementation of AS 39.49 by the commission under  
2 AS 15.13.030 - 15.13.037, "municipality" includes

- 3               (1) a city or borough of any class;  
4               (2) a municipality unified under AS 29.68.240 - 29.68.440;  
5               (3) a school district or a regional educational attendance  
6 area.

7       \* Sec. 8. AS 15.13.045, 15.13.130(6), and AS 39.50.090(a) - (e) are  
8 repealed.

9       \* Sec. 9. (a) AS 39.49 enacted in sec. 2 of this Act applies to the  
10 conduct of a public official of the state after the effective date of this  
11 Act. AS 39.49 applies to public officials of a municipality of the state  
12 on and after July 1, 1984, unless the municipality adopts standards of  
13 conduct for its public officials, submits the standards to the Alaska  
14 Public Offices Commission, and the Alaska Public Offices Commission deter-  
15 mines before July 1, 1984, that the municipal standards of conduct are  
16 substantially similar to the standards of conduct adopted in AS 39.49.

17       (b) The legislature does not intend that each municipality adopt a  
18 code establishing standards of conduct as comprehensive as the standards of  
19 conduct established in AS 39.49 enacted in sec. 2 of this Act. In deter-  
20 mining whether a municipal code establishing a standard of conduct is sub-  
21 stantially similar to the standards of conduct established in AS 39.49, the  
22 Alaska Public Offices Commission shall consider the standards of conduct  
23 established in the municipal code with reference to the size of the munic-  
24 ipal government and recent budgets of the municipality, procedures adopted  
25 by the municipality for the regulation of fiscal procedures, and other  
26 matters submitted to the commission by the municipality.

27       \* Sec. 10. This Act takes effect July 1, 1983.



# Alaska State Legislature

## Senate

OFFICIAL BUSINESS  
RULES COMMITTEE

JAN FAIKS  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3770

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

The Joint Special Committee on Legislative Reform finds that there is no specific law governing legislative conflict of interest and ethics nor is there a specific mechanism for resolution of questions which may arise in this area. It further finds that prescribing standards of legislative conduct and specific mechanism for addressing problems would assist in resolving questions in this area, provide guidance in a difficult area for legislators and would increase public confidence in the legislative process.

The Committee recommends:

1. Establishment of a legislative ethics commission within the legislative branch of government composed partly of legislators and partly of public members. The commission shall issue advisory opinions to assist legislators and staff in conforming their conduct to established requirements. It shall also consider complaints alleging a violation by a legislator or staff person of laws concerning conflict of interest in a manner which affords due process to any accused and protects the right of the public. The commission shall report the results of that consideration to the presiding officer of a house with its recommendations concerning action in cases where it determines a violation has occurred.
2. Adoption of standards of conduct for legislators and legislative staff. The purpose of these standards are to prevent action by legislators or staff which create a conflict of interest between the person acting and the public interest. It is neither desirable or feasible to prevent legislators and staff from participating in programs available to the public generally but it is necessary that improper use of office for private gain is prevented and appearance of improper use is avoided. It must be recognized in

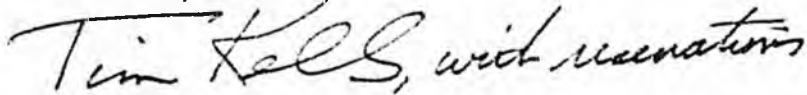
the standards of conduct that the legislature is a citizen legislature which would be seriously harmed if structured so severely that serving in the legislature would be substantially curtailed but that public confidence in the legislature be maintained.

3. That a balanced, carefully considered approach to implement the above recommendations be followed.

To assist in implementing these recommendations, the Committee is preparing legislation for submission to implement the recommendations.

Sincerely,

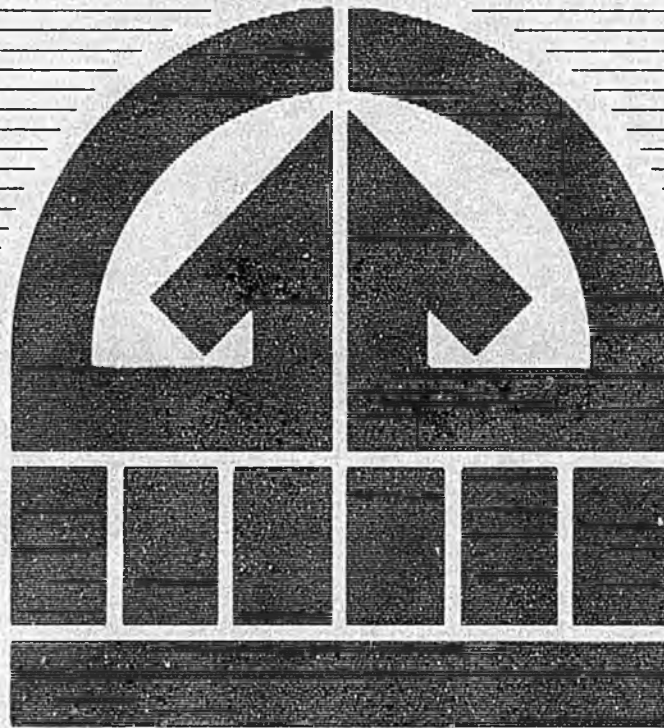
  
Jan Faiks, Senator

  
Tim Kelly, Senator

Tim Kelly, Senator

  
Joe P. Josephson, Senator

# STATE LEGISLATIVE REPORT



Legislative Management Series

FAIR CAMPAIGN PRACTICES

Vol. 8, No. 3

April, 1983

by

Candace Romig

An Information Service of the National Conference of State Legislatures

1125 17th Street, Suite 1500, Denver, Colorado 80202. Earl S. Mackey, Executive Director

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## FAIR CAMPAIGN PRACTICES

by

Candace Romig  
Legislative Management

### INTRODUCTION

Political election campaigns have been increasingly characterized by deceptive campaign statements, misleading advertising, and unscrupulous tactics. These unethical practices can unfairly damage the reputations of many candidates and public officials and may dissuade more qualified and competitive candidates from entering the political arena. Voters, confused by misleading information, are distracted from the more substantive political issues and vote not for their choice of candidates or issues but for the lesser of a set of perceived evils. As a consequence, election results may be skewed and less qualified and deserving candidates may be propelled into office.<sup>1</sup>

The deterioration of election campaigns for state and federal office has been the concern of the press, state ethics commissions, citizen advocacy groups, and political scientists. State legislatures, however, are ultimately responsible for designing effective and constitutional guidelines to police the election process and the conduct of political campaigns. This report will summarize a survey of federal and state statutes and case law controlling fair campaign practices. In addition, it explores voluntary alternatives to improve campaign practices in the states.

### FEDERAL LAW

In 1971, the United States Congress legislated election reform through the Federal Election Campaign Act (FEC Act) which was the first major election campaign legislation since 1925. The FEC Act extended regulatory control of the congressional and federal elections process to state primaries, caucuses, and conventions in addition to general and special elections. In 1974, the act was amended to include public financing for presidential elections, campaign finance provisions, and the creation of a board with civil enforcement powers to oversee the law. The FEC Act again was revised to comply with a 1976 U.S. Supreme Court decision that found statutory limitations on campaign expenditures to be in violation of First Amendment guarantees of freedom of expression.<sup>2</sup> The court, however, upheld expenditure limitations in public financing and reasonable limits on amounts which individuals contribute to campaigns.

The sole portion of the FEC Act which pertains to the regulation of campaign practices is Title 2, United States Code, Section 441d, entitled "Publication or distribution of political statements." The two key provisions are that:

- anyone paying for a political statement in any newspaper or publication, through the direct mail, or on broadcast must state whether or not the candidate has authorized the communication and must state the name of the person, committee or organization who is paying for the communication; and
- political advertising in newspapers and magazines may not be sold at a rate in excess of that charged for other comparable purposes.

#### CASE LAW

The First Amendment of the U.S. Constitution guarantees the right to free political expression, and the Fourteenth Amendment extends this right to the states. Because of these constitutional guarantees, any regulation of state political campaign practices must balance the states' interest in protecting the electoral process with the public's desire for unfettered debate among political candidates. Over the past 20 years, a sizeable body of case law has developed in order to preserve First Amendment guarantees in state political campaigns. Among the many cases, two are most important: New York Times Co. v. Sullivan, 84 S.Ct. 710 (1964), and Vanasco v. Schwartz, 401 F. Supp 87 (1975), aff'd 423 U.S. 1041 (1976).

The New York Times case established the "malice standard" upon which the constitutionality of state laws regulating political campaign practices is judged today. A suit for libel was brought against the New York Times for publishing an advertisement describing the mistreatment of protesting students. The Supreme Court's decision states:

The constitutional guarantee of freedom of speech and press prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with "actual malice," that is, with knowledge that it was false or with reckless disregard of whether it was false or not; such a qualified privilege of honest mistake of fact is required by the First and Fourteenth Amendments.<sup>3</sup>

The court subsequently clarified the New York Times decision with specific regard to campaign speech, stating that the First Amendment "has its fullest and most urgent application in speech by candidates for public office."<sup>4</sup> Consequently, state regulation of campaign speech is subject to strict scrutiny, and the standard of "actual malice" must be applied to a wide range of potential campaign situations in order to protect against abridgement of First Amendment guarantees.

The New York Times "malice standard" was tied directly to a state campaign statute in the case of Vanasco v. Schwartz. The Vanasco case challenged the constitutionality of the New York Fair Campaign Code which prohibited any attack on a candidate based on race, sex, religious affiliation, or ethnic background and outlawed the misrepresentation of a candidate's qualifications, position, or party affiliation. Portions of the code were declared in violation of the First and Fourteenth Amendments. The Supreme

Court sustained a lower court ruling that no statute could impose a fine or monetary sanction on deceptive campaign speech without adhering to the New York Times malice standard. The lower court stated:

Speech is often provocative and indeed offensive, but unless it falls into one of those "well defined and narrowly limited classes" of unprotected speech (e.g. "fighting words") it enjoys constitutional protection. New York's attempt to eliminate an entire segment of protected speech from the arena of public debate is clearly unconstitutional.<sup>5</sup>

The court further noted that political reality makes it very difficult to ascertain what statements made about a candidate would be relevant to his or her qualification for public office.

In one area--limitations on political contributions and related disclosure requirements--federal statutes have been sustained against First Amendment challenges.<sup>6</sup> The courts have concluded that governmental interests to ensure an informed public and to safeguard the political process against corrupt campaign finance justify regulation when weighed against the incidental effect on First Amendment freedoms.

In deference to free speech goals, the courts have struck down some statutory penalties for being too severe. For example, Pennsylvania tried unsuccessfully to impose criminal sanctions on candidates who publish defamatory political advertisements just before an election without giving opponents notice and the opportunity to respond.<sup>7</sup> In 1982, the U.S. Supreme Court overturned a Kentucky case which nullified an election victory, because the successful candidate had made a campaign promise in violation of a state law prohibiting the offering of material benefits to voters for their votes.<sup>8</sup> The court held that it is not "the government's function to select the issues" to be discussed in political debate.<sup>9</sup> Although erroneous statements are inevitable in open political discourse, the court has firmly stated that free debate must be protected "if the freedoms of expression are to have the breathing space that they need to survive."<sup>10</sup>

#### STATE LAW

State legislatures have attempted to secure the political process against abusive campaign practices by passing more specific legislation in careful consideration of the New York Times and Vanasco cases. The 50 states have fashioned four general strategies that cover: deceptive speech, literature disclosure, campaign tactics, and enforcement.

Deceptive Speech Statutes. Twenty states have statutes addressing the use of deceptive speech in campaigns, and more than half of these generally proscribe false statements which are knowingly made in a campaign to impugn the character of a candidate. Seven states are more specific in identifying prohibited elements of campaign speech. For example, in Florida, no one can charge another candidate with the willful violation of the election code. Massachusetts prohibits the misuse of the word "veteran" and erroneous use of a political party designation. Mississippi requires newspapers to print candidate retorts to editorials or news stories which reflect on the

character of the candidate. The Ohio statute specifies numerous false statements which a candidate cannot make in the course of a campaign, including remarks made about a candidate's incumbency, formal education, occupation, criminal or mental confinement record, voting record or the source of campaign statements. Erroneous statements of party support are prohibited under Minnesota law; fictitious names cannot be used in Virginia; and in Texas a candidate cannot make statements which lead the electorate to believe incorrectly that he or she holds an office.

Literature disclosure. Paralleling federal law, 23 states have statutes which require all political advertisements to include the name of the responsible person or group. Alabama, Arkansas, Kansas, Maryland, Massachusetts, Minnesota, Montana, Rhode Island, and North Carolina require that all paid political advertisements be identified as such together with the party responsible for the advertisement. California, Florida, Maine, Michigan, Pennsylvania, Texas, and West Virginia require that an advertisement indicate whether it has been officially endorsed by any candidate or group. In New Hampshire and Virginia, all political advertisements must indicate the source, whether the advertisement has an official endorsement, and if the statement is a "paid" advertisement. Only Arizona and South Carolina have no statutory requirement to disclose responsibility for campaign literature. Kentucky requires politicians or organizations making political advertisements to be in compliance with the Federal Communication Commission regulations concerning radio and television advertisements. In Nevada and New York, newspapers, broadcasting stations, and all distributors of campaign material must make available for inspection before each primary or general election information identifying the cost of all advertisements for each candidate. In addition, New York requires a report of all advertisements, campaign materials, and a schedule of all television and radio time purchased in an election.

Campaign tactics. State statutes regulating campaign methods have focused on political espionage, undue influence of voters, and campaign "dirty" tricks. Most states outlaw bribing voters and giving or offering a thing of value to influence an election. North Carolina also prohibits promises of appointment for political support. Nine states--Ohio, Minnesota, Montana, North Dakota, Texas, Utah, Virginia, West Virginia, and Wisconsin--prohibit the payment of any consideration to a newspaper, publication, or broadcasting service for an editorial, endorsing or opposing a candidate or ballot measure. In Florida, no candidate can pay for the privilege of speaking at a political meeting. In Washington, at least one picture of a candidate used in political advertisements must have been taken within the past five years. Some states have statutory regulations barring political espionage and unfair campaign practices. Alaska, Indiana, Louisiana, and Minnesota specifically ban the circulation of false information in a campaign. Washington also has comprehensive legislation pending in the 1983 session (Senate Bill 4012) which would outlaw theft of campaign materials or assets, misrepresentation of polls, bribery of campaign workers, eavesdropping, wiretapping and other tactics.

Montana, New York, and Pennsylvania have the most specific and extensive statutes pertaining to campaign dirty tricks. In an effort to avoid unfair tactics, Montana bans all political advertisements on election day. Candidates in Montana also have the opportunity to sign a voluntary code of fair campaign practices which specifies by statute methods and tactics condoned in political campaigns.

Montana is the only state that currently has a voluntary code detailed in statute; however, California and Connecticut legislators are considering bills this year to establish campaign ethics codes. California Assembly Bill 406 would require all candidates to sign a fair campaign practices agreement to be eligible for public campaign funds. Connecticut Proposed Bill 6788 would establish a voluntary code covering political espionage, malicious campaign speech, and subversive tactics.

In New York, it is illegal to misrepresent the contents of polls or to steal campaign materials. New York law also prohibits the placing of agents in campaign organizations, bribing an opponent's staff, and eavesdropping or wiretapping an opponent's activities. Ohio also bans the placement of an agent in a campaign organization for the purpose of impeding the success of a candidate or a ballot proposal.

Pennsylvania has an interesting statute pertaining to campaign practices. No advertisement, which refers to an opponent, may be broadcast or distributed in the 120 hours preceding the election, unless the opponent is given sufficient notice and time to reply. California's pending AB 406 similarly would have candidates preview copies of all campaign advertisements with their opponents. A constitutional amendment on last-minute campaign mailings also will be placed before the voters in the 1984 California general election.

Enforcement. Largely due to the First Amendment protections afforded campaign practices, enforcement of statutes regulating electoral campaigns has been difficult. There are few standards to determine whether campaign advertisements are false or misleading; and most adjudicatory procedures are too slow to offer a just remedy in the fast-paced and compressed time frame of a campaign.

Generally, violations of campaign practices codes are considered misdemeanors punishable by a fine or imprisonment, or both at the discretion of the court. Most states punish bribery with a felony conviction, but only a few treat other campaign violations as felonies. The size of the fine and the length of confinement vary between states. State legislatures would be well advised to scrutinize various enforcement laws.

Eight states--Alabama, Kansas, Kentucky, Maryland, Minnesota, Montana, North Carolina, and Wisconsin--provide that a person convicted of a campaign violation is ineligible for public office for a specified period of time. If the convicted individual has attained public office by the election in question, the office must be vacated. Some of the states also proscribe the privilege of voting for anyone convicted of a campaign violation. In Mississippi, if a person charged with a violation of the campaign practices statutes is acquitted, the complainant filing the original affidavit must pay all of the court costs of the proceedings. In Ohio, anyone filing a frivolous complaint may be ordered to pay court costs. Pending legislation

in Massachusetts (House Bill 3894) and Rhode Island would establish policing commissions on campaign practices. In addition, the Rhode Island legislation would set fines of up to \$25,000 and other civil and criminal penalties.

Finally, a review of state law on campaign practices reveals that 16 states prohibit the sale of political advertising at a rate in excess of that charged for comparable advertising by other commercial customers. California, Illinois and Tennessee also prohibit the distribution of campaign materials at public expense.

#### VOLUNTARY ALTERNATIVES

In the absence of government regulation of fair campaign practices, some officials are attempting to invoke standards and procedures through the voluntary support and cooperation of candidates. Between 1965 and 1979, the Fair Campaign Practices Commission, which was composed of many prestigious, nonpartisan and knowledgeable persons, attempted to establish ethical standards, arbitrate disputes, and offer public judgments on unethical campaign behavior. Urging voluntary cooperation, the commission devised a fair campaign practices code which candidates were encouraged to sign. Although the commission was available to arbitrate disputes, few candidates availed themselves of the opportunity, largely because of the difficulty of obtaining the required consent from both candidates. Headquartered in Washington, D.C., the commission also was inaccessible to many candidates around the country.<sup>11</sup>

Connecticut had a voluntary campaign code which was in effect for the 1978 elections. The code had no enforcement mechanism and was reported to have received some negative response from candidates who chose not to subscribe to the voluntary agreement but who faced the issue in their campaign debates. Some Connecticut legislators are interested in establishing a statutory code with some enforcement mechanisms.

The California Fair Political Practices Commission (FPPC) has developed a model fair campaign practices agreement as a result of extensive public hearings on the problem of false and misleading campaign practices. This agreement contains general provisions encouraging candidates to: 1. assume personal control and accountability for the conduct of their campaign; 2. provide accurate and relevant information on their past records, issues, character, and competency; 3. participate in debates on issues relevant to the office; 4. appear at public forums and other events where skills for office can be judged and constituents have the opportunity to ask questions and make comments; and 5. disavow and repudiate support derived from unethical, false, or misleading campaign material.<sup>12</sup>

In addition, the agreement establishes procedures for ensuring that candidates have ample opportunities to respond to advertisements distributed by their opponents. The agreement also provides for candidate-appointed panels to arbitrate disputes.

The Fair Campaign Practices Agreement was in operation for the first time during the 1982 elections. According to California FPPC officials, opposing candidates signed the agreement in six out of 100 state legislative

contests, in four out of 43 congressional races, and in many local and judicial elections. In many races throughout California, at least one candidate in a contest signed the agreement. Major campaign advertisements were previewed by the candidates and the 48-hour predisclosure requirements were respected, according to reports by the California FPPC. No advertisement was publicly repudiated by the panel for being deceptive or false, and candidates took personal responsibility for advertisements instead of shifting the onus onto their managers. All candidates who signed the agreement committed themselves to participate in public debates.

Because of the notoriety the agreement received, the press was attentive to the presence of misleading campaign advertising in California during the November elections. When only one candidate chose to sign the agreement, the opponent's refusal often became a major campaign issue. The FPPC reports, however, that the news coverage of the agreement may have diverted attention from more substantive campaign issues. Although the agreement will not be able to resolve all of the problems with fair campaign practices, the FPPC contends it can have an important impact on reducing unfair political advertisements and on focusing public attention on unethical practices.<sup>13</sup>

#### CONCLUSION

The detrimental effects which abusive campaign practices have on the political process have not gone unnoticed in state legislatures. The number of bills currently pending and the increasing interest in voluntary codes are evidence of this continuing concern. Because the courts have underscored the importance of the First Amendment in political debate, legislative solutions have not been easily fashioned. Whether through statutory innovations or simply as political candidates, state legislators will play a central role in promoting higher ethical standards in political campaigns.

NOTE: In addition to the chart on state fair campaign statutes provided with this report, NCSL compiled a more detailed listing of state statutory provisions pertaining to deceptive speech, literature disclosure, campaign tactics, enforcement, and other pertinent items. For further information on fair campaign practices, contact Candace Romig of the NCSL Denver office, (303)292-6600.

## FOOTNOTES

1. Houston, Thomas Kingsley, "Ethics in Political Campaigns," Draft paper presented to The Hastings Center at a meeting on legislative ethics, December, 1982, p. 5.
2. Buckley v. Valeo, 424 U.S. 1 (1976).
3. New York Times Co. v. Sullivan, 84 S.Ct. at 710 (1964).
4. Briefing Book on Misleading, Negative and Last Minute Campaign Advertising, California Fair Political Practices Commission, Sacramento, California, March, 1982.
5. Vanasco v. Schwartz, 401 F.Supp. at 94 (1975).
6. "The Use of Adverse Publicity to Regulate Campaign Speech," Pacific Law Journal, Volume 12, pp 812 and 813.
7. Commonwealth of Pennsylvania v. Wadzinski, 422 A2d 124 (1980).
8. Brown v. Hartlage, 102 S.Ct. 1523 (1982).
9. Ibid, at 1532.
10. Ibid.
11. Houston, p. 29 and 30.
12. Houston, p. 32.
13. Houston, p. 42.

STATE FAIR CAMPAIGN STATUTES

State	DECEPTIVE SPEECH			LITERATURE DISCLOSURE				CAMPAIGN TACTICS				ENFORCEMENT						OTHER	
	Irresponsible or Deliberate False Statements Prohibited	Notices Required	Other	Identification of Responsible Party	Paid Advertisements to be so Marked	Payments for Editorial Support Prohibited	Other	Bribery or Undue Influence on Election	Circulation of Certain False Statements Prohibited	Political Espionage Prohibited	Other	Misdemeanor	Felony	Fine	Imprisonment	Ineligible or Forfeiture of Public Office	Voting Restricted	Other	Advertising at Cost and Commercial Rate
Alabama				X	X			X			X	X	X						
Alaska	X			X	X			X	X	X	X								
Arizona								X		X	X								
Arkansas				X				X			X	X	X	X	X				
California		X			X		X	X	X	X	X	X	X	X	X				
Colorado	X			X							X	X	X	X					X
Connecticut				X				X					X	X					
Delaware				X	X			X					X	X					
Florida			X	X	X		X	X		X	X	X	X	X					X
Georgia				X				X	X		X	X	X	X					
Hawaii				X			X	X	X		X	X	X	X					
Idaho				X				X			X		X						
Illinois				X				X			X								
Indiana				X	X			X	X		X								
Iowa								X			X								
Kansas				X				X			X				X				X
Kentucky				X			X	X					X	X	X	X			X
Louisiana	X			X				X	X			X	X						X
Maine				X			X	X				X							
Maryland				X	X			X			X	X	X	X					X
Massachusetts	X		X	X		X		X		X									
Michigan				X			X				X	X	X						
Minnesota	X			X	X			X	X		X			X					X
Mississippi	X		X	X				X			X	X	X	X					X
Missouri				X	X			X			X	X	X						

STATE FAIR CAMPAIGN STATUTES (cont'd.)

State	DECEPTIVE SPEECH			LITERATURE DISCLOSURE				CAMPAIGN TACTICS			ENFORCEMENT					OTHER			
	Irresponsible or Deliberate False Statements Prohibited	Notices Required	Other	Identification of Responsible Party	Paid Advertisements to be so Marked	Payments for Editorial Support Prohibited	Other	Bribery or Undue Influence on Election	Circulation of Certain False Statements Prohibited	Political Espionage Prohibited	Other	Misdemeanor	Felony	Fine	Imprisonment	Ineligible or Forfeiture of Public Office	Voting Restricted	Other	Advertising at Cost and Commercial Rate
Montana	X			X	X	X		X	X	X	X	X	X	X	X	X			
Nebraska	X			X				X		X	X	X							
Nevada							X	X			X	X	X	X					
New Hampshire				X		X	X	X		X	X	X	X	X					X
New Jersey				X				X	X	X	X	X	X	X					
New Mexico				X				X		X	X	X	X	X					
New York	X						X	X	X		X	X	X	X					
North Carolina	X			X	X			X		X	X	X	X	X	X	X			X
North Dakota	X			X		X		X			X								
Ohio	X			X	X			X	X	X	X	X	X	X	X	X			X
Oklahoma				X				X			X	X	X	X					
Oregon	X			X		X		X		X	X	X	X						
Pennsylvania			X				X			X	X	X	X	X					
Rhode Island				X			X	X		X	X	X	X	X					X
South Carolina							X	X			X	X	X	X					
South Dakota				X			X	X			X	X	X	X		X			
Tennessee				X			X	X			X								
Texas	X			X		X		X		X	X	X	X	X					X
Utah	X			X		X		X		X	X	X	X	X					X
Vermont				X			X	X					X						
Virginia			X	X	X	X	X	X			X								X
Washington	X			X			X	X		X	X	X	X	X					
West Virginia	X			X	X	X	X	X			X	X	X	X					
Wisconsin				X	X	X	X	X		X		X	X	X					X
Wyoming				X			X	X			X	X	X	X					X

- **WOULD REQUIRING ALL STANDING COMMITTEES TO OPERATE UNDER THE SAME SET OF FORMAL RULES ENHANCE THE PUBLIC'S ABILITY TO UNDERSTAND AND WORK WITH THE COMMITTEE SYSTEM?**

The League believes that formal committee rules should be adopted and that all committees should be required to follow the same procedures.

- **WOULD THE PROHIBITION OF "PIGGYBACKING" (amending one bill onto another when their subject matters are the same or similar) PRESERVE THE COMMITTEE HEARING PROCESS?**

The League believes that the practice of piggybacking should be prohibited unless approval is obtained from a majority of the members of the committee which has or has had jurisdiction over the "carrier" bill. Some tracking mechanism should be devised whereby bills that have become amendments to other bills are indicated as such.

- **WOULD RESTRICTIONS ON THE POWER OF FREE CONFERENCE COMMITTEES REMOVE THE POTENTIAL FOR ABUSE WHICH MAY RESULT FROM THEIR CURRENT UNLIMITED ABILITY TO REWRITE LEGISLATION?**

The League believes that these committees should be restricted in the kinds of changes they may make in the bill under consideration; any such changes must be clearly germane. In addition, a waiting period should be required between the time a free conference committee makes its report and the time the floor vote on the report is taken.

- **WOULD A WRITTEN EXPLANATION MANDATORILY ACCOMPANYING EACH BILL AT ITS INTRODUCTION HELP INCREASE PUBLIC (AND LEGISLATIVE) ABILITY TO JUDGE THE PROPOSAL'S WORTH?**

The League believes that a statement of purpose or other concise, written explanation should be required for all bills and joint resolutions before they may be introduced.

For the full text of the League position or more information please write:

League of Women Voters of Alaska  
307 Bawden Street  
Ketchikan, Alaska 99901

# ALL LEGISLATORS IN ALASKA SHOULD KNOW ABOUT

the League of Women Voters of Alaska Legislative Process study and the League's position concerning an accessible, efficient and accountable legislature for Alaska.

# SHOULDN'T YOU ?

The ability of the legislature to serve the citizens of Alaska depends, to a large extent, on the structure, process and procedure the legislature uses. In other words, what the legislature does is closely related to how it does it.

In 1978-79, the League of Women Voters of Alaska studied the legislative process in Alaska and reached some specific conclusions about its operation. After polling legislators, lobbyists, administrators, the press and the public, researching methods used in other states and observing the Tenth and Eleventh State Legislatures, the League prepared a 70-page study document which members used to reach a position concerning how the Alaska state legislature should function.

What follows are highlights of the League viewpoint.

## FUNDAMENTALLY . . .

### • *WHAT IS THE PRESENT STRUCTURE OF THE ALASKA LEGISLATURE?*

There is a 20-member Senate (4-year terms; 10 members elected every two years) and a 40-member House (2-year terms), both districted according to population. It meets in annual sessions of unspecified length; special sessions may be called by the Governor or by the legislature itself.

### • *HOW IS THE COMMITTEE SYSTEM ORGANIZED?*

There are the same nine standing committees in each house. Special committees are appointed from time to time. Interim committees are used when the legislature is not in session.

### • *HOW IS LEGISLATION ENACTED?*

A bill must be passed in both houses to become law. Free conference committees, comprised of three legislators from each house, are used to resolve differences when there are both a Senate-passed version and a House-passed version of the same bill.

### • *HOW ARE CHANGES MADE IN THE LEGISLATIVE PROCESS IN ALASKA?*

The legislature uses written rules which set forth the procedures by which bills are introduced, sent to committee and passed. These are called the Uniform Rules. Each legislature has the power to refine and change the Rules as it deems necessary, within constraints imposed by the state constitution. Other aspects of legislative structure and operation can be addressed by legislation or constitutional amendment.

## EFFICIENTLY . . .

### • *WOULD A CHANGE TO BIENNIAL BUDGETING (PASSING A BUDGET FOR A TWO-YEAR PERIOD INSTEAD OF ONE YEAR) PROVIDE A BETTER USE OF LEGISLATIVE TIME AND ALLOW BOTH LEGISLATORS AND ADMINISTRATORS TO EVALUATE PROGRAMS IN TERMS OTHER THAN WHAT THEY COST?*

The League believes that the legislature should study the matter of biennial budgeting and its specific applicability to Alaska. A bill to institute biennial budgeting was before the Eleventh Legislature but did not pass.

### • *WOULD A GREATER USE OF JOINT STANDING COMMITTEE MEETINGS (HOUSE AND SENATE COMMITTEES HOLDING HEARINGS TOGETHER) SAVE TIME AND AVOID DUPLICATION?*

The League believes that House and Senate standing committees should be encouraged to meet jointly by adding such a provision to the Rules.

### • *WOULD IT BE DESIREABLE TO LIMIT THE NUMBER OF BILLS INTRODUCED?*

The League believes that any bills introduced by a committee should require the written approval of a majority of the committee concerned before they may be introduced. This would place a control on a method now used to circumvent the cut-off date for the introduction of personal legislation presently in the Rules.

## ACCESSIBLY . . .

### • *WOULD LIMITING LEGISLATIVE SESSIONS PROMOTE EFFICIENCY WITHOUT AN UNDUE LOSS OF FLEXIBILITY?*

The League believes that if session length is limited by law, a provision should be made for extending a session for a certain number of days by a vote of both houses. Legislation to limit session length has been introduced numerous times; none has ever passed.

### • *WOULD REQUIRING ADVANCE NOTICE OF COMMITTEE HEARINGS IN SUCH A WAY AS TO GUARANTEE ACTUAL NOTICE AFFORD THOSE WHO WISH TO TESTIFY A GREATER OPPORTUNITY TO DO SO?*

The League believes that advance notice of committee hearings (including free conference committee meetings) should be formally required and a standardized manner prescribed in the Rules for posting such notice.

### • *WOULD A STATEWIDE SYSTEM OF PUBLICIZING HEARING SCHEDULES BE HELPFUL TO THE PUBLIC?*

The League believes that a coordinated and well-publicized statewide distribution of hearing schedules should be instituted, emphasizing that all meetings are open to the public. Great improvement in this area was made during the Eleventh Legislature's second session.

### • *WOULD COORDINATING COMMITTEE RECORD-KEEPING IN A MANNER TO INSURE ACCURACY, CONSISTENCY AND EASY AVAILABILITY ENABLE THE PUBLIC TO BE BETTER INFORMED OF COMMITTEE ACTION AND THE REASONS THEREFOR?*

The League believes that record-keeping methods should be standardized and records should be readily available to the public. Legislation to this effect was introduced during the 1980 session but did not pass.

## ACCOUNTABLY . . .

### • *WOULD A CONSISTENT METHOD OF OPERATING INTERIM COMMITTEES ENHANCE THEIR EFFECTIVENESS?*

The League believes that more controls should be placed on the creation and funding of interim committees and that their work should be carefully evaluated.

### • *WOULD REQUIRING COMMITTEES TO REPORT, FAVORABLY OR OTHERWISE, ON ALL BILLS REFERRED TO THEM MAKE IT CLEARER WHAT HAS HAPPENED TO A BILL AND WHY?*

The League believes that committees should be required in the Rules to report, by a time certain, one way or another on all bills referred to them.

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## MEMORANDUM

February 23, 1983

TO: THE SENATE SPECIAL COMMITTEE ON LEGISLATIVE REFORM,  
FELLOW SENATORS, AND OTHERS

FROM: SENATOR VIC FISCHER 

RE: LEGISLATIVE ETHICS PROPOSAL

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Transmitted with this memo is an outline for a legislative ethics bill. I believe it is an important step toward enacting a code of ethical conduct which will assure the public and the legislature that elected officials live up to the highest standards of conduct.

This proposal is the product of several years' work. Two years ago, I introduced a comprehensive ethics bill that was designed to cover all elected and appointed public officials. By the end of last session, it became clear that a more focused approach would be required, with standards and procedures more clearly set out.

A basic change deemed necessary was to establish the legislature as the judge of its members' conduct, just as the state constitution provides with respect to their qualifications. Accordingly, this bill is designed to deal only with the legislative branch, covering both elected official and their staffs.

Separate legislation is being completed to establish an ethics code for the other state employees and officials. I hope to have a draft ready in March.

Action to establish standards of conduct for all public officials is critical, and it's timely. Over recent years, the legislature has had the painful task of dealing with distrust, accusations, and the criminal process. The public is distrustful, and the attorney general has indicated that he intends to meet his obligation to enforce ethical conduct under the common law unless the legislature acts this session to establish alternate guidelines.

Establishment of the joint committee specifically charged with developing a code of ethics for legislators demonstrates a commitment to action this session. I sincerely hope that this draft outline will assist in establishing a clear set of standards and procedures to deal with the complex ethical questions that we confront.

This outline is not a bill. Rather it a working draft that sets out the policies, processes, criteria, definitions, and other elements needed to draft a bill. I hope this format will facilitate initial review. In developing this proposal, we have been in touch with the Congress and a number of state legislatures, and this draft reflects what we have learned from their legislation and their actual experiences. Instead of making decisions about what should and should not be included in an ethics bill for Alaska's legislature, we have included a number of alternative possibilities.

The major provisions of the proposed legislative ethics bill are:

- \* The policy section states that legislators are trustees of the public interest, which is best served by a citizen legislature whose members are involved with all elements and aspects of Alaska life.

\* The legislative ethics system will apply to all present and former legislators, and to those employees of the legislative branch who work as staff for legislators or committees.

\* Three general ethics rules prohibit: (1) the receipt of benefits for improper influence exerted from an official position; (2) outside business or professional opportunities which conflict with the conscientious performance of official duties; and (3) misuse of state property.

\* Legislative conflicts of interest are defined to exist when "a personal interest tends to impair the legislator's or staff person's independence of judgement." This situation is presumed to occur in a set of circumstances where the legislator or staff person has a direct interest, distinct from that of the general public, in an enterprise or interest that would be affected by a vote on proposed legislation.

\* If a legislator or staff person is in a position that is presumed to be or appears to be a conflict of interest, he or she may participate in action affecting that legislation by signing a statement that describes the circumstances of the apparent conflict and asserts that he or she is able to vote and otherwise participate in the legislative action concerning that interest.

\* A standing ethics committee will be established in each house, with five members and staff; formal rules of procedure will be adopted.

\* If a legislator or staff person is in doubt about the propriety of any action, either taken or proposed, they may request an advisory opinion from the ethics committee.

\* No person covered by this statute may:

- Be a party to a contract with the state or a municipal government that is not let by competitive bid;
- Represent, for compensation, any person or business before any element of the state or a local government;
- Lawyer-Legislators, however, may represent clients before state or federal courts, where the state is not a party to the action;
- Use information that by law, regulation, ordinance, or practice is not available to the general public for personal gain;
- Use state material, equipment, or telephones for personal or campaign purposes;
- Supervise a close relative who is on the state payroll;
- Apply for or accept any discretionary state benefits such as loans or land disposals, for which the decision making process is discretionary. (For example, student and home loans and lottery land disposals are allowed; commercial loans (e.g., tourism loans) that require discretionary decisions are not allowed.)

\* The following are specifically allowed:

- Outside employment and business opportunities for legislators are not discouraged, but any relationship with the state or local governments that may be colored by the legislator's position should be disclosed to the committee for an advisory opinion;
- Former members of the legislature may lobby or work for or with state agencies immediately after leaving the legislature, but they may not use confidential information except for the benefit of the state. This does not alter the constitutional ban on legislators accepting positions on which they voted to raise the salary for one year.

\* Transferrable promotional benefits and discounts (e.g., Amigo Fares) are the property of the state.

\* Punitive or retaliatory action against a person who has assisted or initiated an ethics action is prohibited.

\* People covered under this statute must make certain additional disclosures:

--Staff people covered will make the same APOC disclosure as legislators;

--All gifts and fees and honorariums over \$100 must be reported within three days during the session and 30 days in the interim;

--All financial transactions between people covered by this statute with a value over \$1,000 must be reported.

\* Sworn complaints may come from the public, any legislator, or the committee.

\* The committee will issue advisory opinions concerning the ethical propriety of any matter in which a legislator or staff person is involved. These opinions may be requested by any person covered by the bill or the public at the discretion of the committee.

\* A person who follows the advice of an advisory opinion after disclosing all of the facts is presumed not to be in violation of this statute. The committee will publish ethical guidelines and policies that may be relied on unless changed.

\* The committee will investigate complaints. It will have subpoena power and the power to take sworn testimony. People being investigated will be given notice and have the right to counsel. If there is a hearing, persons under investigation

will also have the right to cross examine witnesses and present evidence on their own behalf.

\* If the committee finds evidence of an ethical violation, it will make their findings public. The committee may issue a private reprimand or it may recommend to the whole body that a legislator be censured or expelled. Conviction of a felony is grounds for expulsion. Termination of employment may be recommended for staff.

\* The ethics committee will make weekly public reports during the session , plus interim and annual reports.

\* Confidentiality will be protected throughout this process, with private information made public only if an ethical violation is found. All allowed disclosures and ethics policy decisions will be made public through the Journal.

\* This bill will supersede the common law standards referred to in the Attorney General's memo of December 3, 1982.

I would appreciate your comments on the policies and specific elements of this draft, what sections might be omitted, and, perhaps more difficult, your suggestions concerning what has been left out. Please contact me or Lewis Schnaper of my staff at 465-4954.

....WORK DRAFT...WORK DRAFT...WORK DRAFT...WORK DRAFT....

VF/LS 2/24/82 [leth] DRAFT nine

DRAFT OUTLINE FOR LEGISLATIVE ETHICS BILL

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P O L I C Y:

The Alaska Constitution, in Article II, Section 12, grants each house of the legislature the power to judge the qualifications of its members. Perhaps the most important qualification for membership in the legislature is the maintenance of the highest standards of ethical conduct.

It is essential to the proper conduct and operation of the legislature that legislators be independent and impartial, and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law defines standards of ethical conduct, protects against conflict of interest, and establishes procedures for the conduct of elected officials and legislative employees in situations where conflicts may exist.

It is also essential that the legislature attract those citizens best qualified to serve. Thus, the law against conflict of interest must be designed not to unreasonably impede recruiting and retaining in government accomplished citizens of diverse backgrounds. Legislators and legislative staff should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests--except where conflicts with the public responsibility of those officials cannot be avoided.

It is declared to be the policy of the legislature that no member or employee shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of their duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of Alaska in their legislature, there is enacted a code of ethics setting forth standards of conduct required of legislators and staff in the performance of their official duties. It is the intent of the legislature that this code shall serve not only as a guide for the official conduct of public servants, but also as a basis for the discipline of those who violate the provisions of this chapter.

## A P P L I C A B I L I T Y:

To apply to all members of both houses of the Alaska legislature. Also applies to members-elect, former members, and the permanent and temporary staff of the legislative branch who work directly for legislators or committees. [ALTERNATIVE: limit applicability to legislators only, or legislators and all legislative branch employees.]

## A P P L I C A B I L I T Y   O F   O T H E R   L A W:

This chapter will specifically supersede the common law of conflicts of interest in the areas that it covers. Nothing in this chapter is intended to preclude investigation or action under other statutes.

## E T H I C S   R U L E S:

To provide guidance to those affected by this section, the following rules articulate the standards of conduct expected by the public of legislators and legislative staff:

### GENERAL STANDARDS:

(a) Legislators or members of the legislative staff shall not receive any benefit directly or indirectly, from any source, by virtue of influence improperly exerted from their public position.

(b) Legislators or members of the legislative staff shall not engage in any outside business or professional activity or employment which is inconsistent or in

conflict with the conscientious performance of official duties.

(c) Legislators or members of the legislative staff shall not misuse state property or funds entrusted to them.

SPECIFIC RULES:

NOTE: The absence of a rule prohibiting a specific activity will not bar the committee from making a determination of its ethical acceptability under either the standards above or below, or additional standards as they evolve. No penalties may be imposed unless the affected party had, or should have had, sufficient notice of the ethical standard involved.

CONFLICTS OF INTEREST--POLICY: Broadly, a conflict of interest is a situation where the exercise of one's official position or powers may affect one's personal financial interests.

In discussing conflicts of interests, personal financial interests must be defined to include all direct or indirect financial interests of the legislator or staff person which may influence his or her judgement.

Alaska's part-time legislature derives much of its strength from the involvement of its members and staff in all aspects of life in the state, and it is neither possible or desirable to restrict members or staff from dealing with those issues that they know best.

In this context, it is not desirable to bar legislators and staff from any contact with activities which may appear to be conflicts. Instead, the public interest will be protected by requiring legislators and staff to disclose all of their financial interests, and to make

special disclosures during the legislative session of certain types of financial dealings of particular sensitivity because of their potential for abuse.

In situations where actual conflicts of interest occur, to the point where the legislator or staff person's personal interest may tend to impair their independence of judgement, then the public interest requires that the legislator or staff person either state that he or she is able to fairly and objectively deal with the issue or disqualify themselves from exercising their official prerogative to affect that situation.

CONFLICT OF INTEREST--PROCEDURE: For the purposes of this chapter there is neither a conflict of interest, nor a duty to disclose a conflict if the only benefit received by a legislator or staff, or member of their household is the same as that received generally by all Alaskans or all members of a large group or class of citizens.

If the class of persons who will be affected by the legislative action is small, and the legislator or staff person will directly or indirectly receive a benefit from the official action, then a conflict may exist. The test for an actual conflict of interest is if the personal interest tends to impair [ALTERNATIVE: replace "impair with "influence"] the person's independence of judgement.

When a legislator or staff person acts on a legislative matter as to which they have an economic interest, they will consider whether their judgement will be substantially impaired by the interest. If it is concluded that an actual conflict of interest does exist a legislator will declare that interest on the floor and request to be disqualified and to abstain from voting. [Uniform Rule 34 (b), but consideration should be given to changing this rule to require more than a single no vote

to block a member abstaining from a vote on ethics grounds.] If a conflict is concluded to exist a written statement of the conflict must be delivered to the committee within 24-hours and neither a legislator nor a staff person will take further legislative action on the legislation involved.

It is presumed that personal interest tends to impair a legislator or staff person's independence of judgement in any of the following circumstances:

(1) Having or acquiring a direct interest, distinct from that of the general public, in an enterprise which would be affected by a vote on proposed legislation;

(2) Benefiting financially from a close economic association with a person whom the legislator knows, or from the facts is presumed to know, has a direct interest in an enterprise or interest which would be affected by a vote on proposed legislation, differently from other like enterprises or interests;

(3) Benefitting financially from a close economic association with a person who is lobbying or who has employed a lobbyist to propose legislation or to influence legislator's votes.

"Close economic association" includes and refers to the legislator or staff person's employer (other than the state), employees, and partners in business and professional enterprises; corporations in which the legislator owns capital stock beyond the value of \$1,000; and corporations in which the legislator is an officer, director, or agent; or

(4) Soliciting, accepting, or agreeing to accept any gift, loan, or payment of in an aggregate amount of \$100 or more from a person who would be affected by or has an interest in an enterprise

which would be affected by a vote on proposed legislation.

The disqualification arising under this section is suspended if a legislator with an apparent conflict of interest or an apparent impairment of judgement files with the committee a sworn statement which describes the circumstances of the apparent conflict and the specific legislation to which it relates and asserts that he or she is able to vote and otherwise participate in legislative action relating thereto fairly, objectively, and in the public interest. Whenever a legislator files a statement for the suspension of the disqualification, the committee on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards of this matter

If the legislator or staff person is in doubt as to the propriety of any action taken or proposed to be taken by them, or is in a situation which is presumed to impair independence of judgement and does not accept the presumption, they should request an advisory opinion from the ethics committee.

Fulfilling requirements to make a disclosure to the Alaska Public Offices Commission does not excuse the requirement to disclose the same information concerning potential conflicts to the committee.

For reference, the current criminal statute on conflicts of interests, AS 39.50.090, provides:

No public official may use his official position or office for the primary purpose of obtaining financial gain for himself, or his spouse, child, mother, or father or business with which he is associated or owns stock.

PROHIBITED ACTS:

CONTRACTS: Legislators and staff may not be a party to or have any interest in a contract with, or in the investment of money with or for, the state or any municipal government which is not awarded through the public competitive bid process. Permission to engage in non-bid contracts may be granted at the discretion of the committee following a finding that no influence was improperly exerted to secure the contract and that the performance of the contract does not conflict with the conscientious performance of official duties. All contracts with the state or local governments must be disclosed to the ethics committee. Permanent employees may not be a party to a contract with the state or a local government under any circumstances. [ALTERNATE: bar all contracts with the state or local government, or limit legislators and temporary staff to contracts where a judgement of the quality of performance is not likely to occur.]

REPRESENTATION: With the exception for lawyer-legislators noted below, no legislator or staff may, for compensation, represent any person or entity to or before any state entity or any entity of local government.

LAWYER-LEGISLATORS: Legislators or staff who are members of the Alaska Bar may represent their clients in actions before state or federal courts. [ALTERNATIVE add: and quasi-judicial commissions, e.g., Workers Compensation or Limited Entry Commissions.] but they may not represent any person on business, for compensation, before any state entity or any portion of any local government.

CONFIDENTIAL INFORMATION: Information that by law, regulation, ordinance, or practice is not available to the general public may not be used for personal gain if it was obtained in the course of official duties. [See AS 11.56.860]

STATE PROPERTY AND FUNDS: Legislators or legislative staff may not use state material, equipment, long-distance telephones, or postage for personal or campaign purposes. The state will be promptly reimbursed for any material used and non-business long-distance calls.

STATE LOANS AND LAND DISPOSALS: Legislators and staff may not apply for or accept any discretionary state benefits not available generally to the public, including loans and land disposals, unless the decision making process leading to the approval of these benefits is on the record as being sufficiently clear and "automatic" as to preclude the appearance that improper influence may have been used to secure these benefits. Examples of acceptable activities include land disposals by lottery, student loans or state housing loans where the requirements are on record and minimal discretionary action by the granting agency is required.

NEPOTISM: Employment by the legislature of persons related within the second degree to other employees is not allowed if the relative is under the direct supervision of the legislator or staff member to whom they are related. An exception is made if the relative is not working for state-paid compensation. [c.f., HB 49]

PROMOTIONAL BENEFITS: Transferrable promotional benefits that result from activities undertaken on official business and paid for by the state, e.g.,

airline discount tickets and reduced fare programs, hotel discounts, etc, become the property of the state. These discounts should to be used to reduce state costs, but if state use of these discounts is not possible, they may be sold or otherwise used by the state.

PROBLEMS WITH DIVESTING: In situations where it becomes necessary for a legislator or staff person to divest of a property or contract to meet the requirements of this or any other statute, and circumstances prevent the divestiture, this problem must be disclosed and an advisory opinion requested and followed in good faith.

PROTECTIONS FOR REPORTING A VIOLATION: It will be a violation of legislative ethics for any person subject to this chapter to take any punitive or retaliatory action against a person who has initiated or assisted in the investigation of an alleged ethics violation. Violation of this section is punishable by any of the remedies specified above.

ACTS ALLOWED:

OUTSIDE EMPLOYMENT AND BUSINESS OPPORTUNITIES: Are not discouraged, but any relationship with the state or local governments in the course of these business transactions which may be colored by the legislator's position should either be precluded or placed under the purview of the ethics committee by requesting and following an advisory opinion.

FORMER MEMBERS OF THE LEGISLATURE: It is acceptable for former legislators or staff members to lobby or work for or with state agencies immediately after leaving employment with the legislature, subject to the

constitutional ban against an ex-legislator taking a job where the legislature has raised the salary. Former legislators and staff should not use confidential information obtained in the course of their official legislative activity for the benefit of any party except the State of Alaska.

ADDITIONAL REPORTING REQUIREMENTS:

STAFF REPORTING AND PUBLICATION: Legislative staff subject to this chapter will make the same disclosures required of legislators in AS 39.50.030. The latest APOC disclosure forms of both legislators and staff will be published as a special edition of the Journal during the first week of each session.

GIFTS: no gifts or special privileges (anything of value not available to the general public), with an aggregate value of more than \$100, may be accepted by legislators or staff without disclosure to the committee within three days after receipt during the session and 30 days after receipt in the interim. An exception is made for meals, drinks and entertainment not associated with overnight accommodation. If legislators or staff accept transportation on non-public aircraft or vessels, and the travel is done in the course of official business, it must be reported to the ethics committee for publication in the Journal within three days of the start of travel during the session and 30 days in the interim.

FEES AND HONORARIUMS: Legislators will report to the Ethics Committee, within 3 days of receipt during the session and 30 days after receipt in the interim, any compensation or reimbursement for travel or expenses in excess of \$100 received for attending a meeting,

presenting a paper, or giving a talk or demonstration. The report must include the amount of the compensation or reimbursement, together with a brief statement describing the circumstances under which the payment was received.

FINANCIAL TRANSACTION WITH LEGISLATORS OR STAFF:

Financial transactions over the actual value of \$1,000 between parties subject to this chapter are banned, unless the transaction is disclosed. Campaign contributions disclosed to the Public Offices Commission are exempted from this provision.

PROCEDURES:

COMMITTEE:

The purpose of establishing the ethics committee[s] is to institutionalize a body which will provide consistent guidance on ethical matters through advisory opinions and statements of policy and investigate complaints of violations of this chapter. If a violation is found to have occurred, the committee may issue a private reprimand or recommend any of the other remedies provided below for action by the body as a whole. If disciplinary action is recommended, the matter may be referred to the committee for hearing.

Uniform Rule 20 will be amended to establish a standing ethics committee in each house with five members appointed per Uniform Rule 1(e). [ALTERNATIVE: establish a joint standing ethics committee with seven members: three members of each house and one former member of either house selected by agreement of 2/3 of the

committee members from each house.] Provide for staff and legal support, either by staff counsel, contract, or through the Division or Legal Services, and the appointment of a special investigator if required. The committee will establish formal rules of procedure [an good example of which is the U.S. Senate's rules for its Select Committee on Ethics] that will be put before both bodies for their approval.

A quorum of the committee will be a simple majority. The committee will meet weekly during the session and at least monthly during the interim unless there is no business before it. Special meetings may called by the chairman or at the request of three members.

Meetings of the ethics committee are covered by the provisions of the open meeting law but any meeting at which "subjects that tend to prejudice the reputation and character of any person..." [AS 44.62.310(c)(2)] may be closed.

#### COMPLAINTS:

Must be sworn, and may come from the public, from a member of either house, staff member, or the committee may initiate an investigation on its own volition.

#### ADVISORY OPINIONS:

Upon a written request from any member, the Committee will issue written advice concerning the propriety of any matter to which the legislator or staff person is or may become a party. An advisory opinion concerning the application of this chapter may be issued upon the written request of any other person as deemed appropriate by the Committee. Advisory opinions will be issued within 15 days of receipt of a request while the legislature is

in session; 45 days if not in session. If the requested opinion is not issued within this time period, or a written extension of time not filed by the Committee (by delivery to the person requesting the opinion and publication in the Journal), the person requesting the opinion will consider the facts and circumstances stated as being in violation of this chapter.

Following the adjournment of each Legislature, all of the advisory opinions issued during that Legislature will be made public after deleting, to the fullest extent possible, all references to particular individuals and identifying situations. Advisory opinions may be made public at any time by agreement of the committee and the person requesting the opinion. The privacy of anyone mentioned in the opinion who has not agreed to its publication will be protected. This will facilitate the establishment of guidelines for conduct. [ALTERNATIVE: All advisory opinions are confidential without the permission of all parties to make the opinion public.]

Any member or employee of the Ethics Committee making public the identity of the person requesting an advisory opinion or of persons mentioned in the opinion, or any other information held in confidence by the committee, beyond such public disclosure as is provided by the committee, is guilty of a misdemeanor, is subject to the penalties provided in this chapter, and a civil action for damages may be brought by any person who is damaged by this disclosure.

RELIANCE ON ADVISORY OPINIONS:

It is prima facie evidence of an intent to comply with this Chapter when a person refers a particular matter to the Ethics Committee, discloses all of the

material facts, and abides in objective good faith by the Committee's advisory opinion.

An advisory opinion may be relied upon, unless cancelled or superseded with notice by the committee, by any person involved in the specific transaction or activity considered by the advisory opinion if the request for the advisory opinion included a complete and accurate statement of the specific factual situation.

PRECEDENT AND POLICY:

Except as provided in Reliance on Advisory Opinions, above, no decision of the committee will be held to be binding on or as precedent for the committee in future decisions.

In the interest of providing notice and guidance to persons bound by this chapter, the committee will publish and identify those opinions or statements of policy which it intends to follow, and these may be relied upon by any person unless revoked with notice.

INVESTIGATIONS:

Upon receipt of a complaint, the committee may initiate an investigation after finding that there is sufficient evidence for the committee to conclude that a violation within its jurisdiction has occurred. [ALTERNATIVE: omit or change threshold standard.] The decision whether or not to undertake an investigation will be made by a recorded vote of a majority of the committee. The investigation will be completed in the shortest possible time commensurate with protecting the interests of the public and the rights of all parties to the investigation, [ALTERNATIVE: add a set time limit for investigations] and the scope of the investigation will be

sufficiently broad to protect the public interest. The committee will have power to subpoena witnesses and documents per AS 24.25.010 [ALTERNATIVE: modify this statute to remove the necessity that the committee get the concurrence of the speaker or president before each subpoena is issued], and to take testimony under oath with penalties provided for perjury [per AS 24.25.060.] The Committee must preserve evidence and testimony under the same rules as the state courts. [See: Administrative Rules 35-37.5]

The committee will give written notice to any person who becomes the subject of an investigation of the fact of the investigation and the charges. The notice will be sent no later than three working days after the committee has voted to conduct an investigation, or has identified a person as an additional subject of investigation. All persons who are subjects of a committee investigation have the right to be represented by counsel. The test for the sufficiency of evidence for recommending any sanction under this chapter will be the preponderance of the evidence.

#### FOLLOWING AN INVESTIGATION:

In as short a time as reasonably possible, the committee will produce comprehensive findings of facts and conclusions of law. In cases where the alleged violation is found to have occurred, this document and all evidence will be made public. If it is concluded that the allegation does not constitute a violation of this chapter or any other Alaska statute a report of this conclusion will be made as provided below, but the identity of parties and the facts of the situation will be held in confidence, and the evidence may be sealed at the discretion of the committee unless the accused party

requests that the committee's conclusions and/or the evidence be made public.

#### REMEDIES FOR VIOLATIONS:

If a finding is made by the committee that an ethical violation has occurred, the remedies available will be:

Private Reprimand: The committee may issue a private written reprimand to a legislator or staff member by a majority vote.

Or, the committee may recommend any of the following actions to the body:

Censure: by 2/3 [Alternative: majority] vote of house involved; penalty action may include but is not limited to stripping of committee assignments.

Expulsion: a member may be expelled by a 2/3 vote of the house involved. [Uniform Rule 49(a)(2)] A legislator may not be suspended. Conviction in any state or federal court of a crime that would be a felony under the laws of Alaska is grounds for expulsion. For the purposes of this chapter, conviction occurs upon sentencing by a court equivalent to the Alaska Superior Court.

Termination of Employment: Upon a finding by the committee that an employee of the legislature has committed an ethical violation, or upon conviction of a felony, as defined above, the employment of that employee may be terminated. Any employee recommended for termination under this chapter will be entitled to a hearing before the Rules Committee with the rights specified below.

[ALTERNATIVE: provide a remedy for the expelled member or terminated employee if the conviction is later overturned on appeal. One possibility is back pay for an expelled legislator or back pay and reinstatement for a terminated employee.]

Recovery: Upon a determination of the Ethics Committee that an ethical violation has occurred, the Attorney General may bring civil action to recover the compensation, gift, or profit received by a member or staff person as a result of a violation of this chapter.

Contracts Voidable: In addition to any other remedy, any contract entered into by the state in violation of this Chapter is voidable. In deciding whether to bring an action to void a contract under this section, the Attorney General will consider the interests of innocent parties who may be damaged by the action. Any action to void a contract under this section must be brought within 60 days of the finding of a violation by the committee.

Recommendation for Prosecution: following a finding that an ethical violation has occurred, or if the committee finds evidence of other statutory violations, the committee may recommend that the Attorney General consider prosecution under any applicable criminal statute.

#### H E A R I N G:

The Committee may hold public hearings following referral of a recommended sanction to the committee or, on other topics with the concurrence of a majority of the body.

If a hearing results from the action of the committee, any person accused of a violation of this chapter will have the right to adequate notice, the right to

counsel, and the right to confront and cross-examine witnesses, and the right to present evidence.

All testimony and evidence will be recorded and preserved, the rules of evidence will be those used in APA hearings (AS 44.62.460) and the burden of proof will be met by a preponderance of the evidence.

#### REPORTS TO THE LEGISLATURE:

During session, the Ethics Committee will make a weekly report for inclusion in the Journal containing, at minimum, summaries of all information then available to the public, and summaries of all other committee activity, with privacy protected. Examples of the information presented are: disclosures of conflicts, gifts, contracts, etc; reports (with names deleted) of complaints filed and the progress or conclusions of investigations. Monthly reports will be made in the interim and each Committee will make an annual report to the Legislature and the public by February 1 of each year.

#### DEFINITIONS:

All definitions used in this chapter must be carefully drafted to be as specific and clear as possible. Examples will be given where useful. Please add definitions, examples and categories which you feel need to be included.

Some of the definitions which will need close attention are:

**HOUSEHOLD:** This term should be very tightly defined to include the family of a legislator, their immediate relatives, live-in lovers, etc.

BUSINESS ASSOCIATES: This also needs a careful definition to cover businesses in which the legislator or his "household" has any direct, indirect or contingent interest;

COMPENSATION: Again, a careful definition needed. Should include offers of jobs or benefits in the future, grants of confidential information, opportunities or permits; also, of course, any present payments or benefits, in whatever form.

PLEASE NOTE THAT THIS IS A WORK DRAFT FOR DISCUSSION ONLY.

PLEASE CONTACT VIC FISCHER OR LEWIS SCHNAPER AT 4954 WITH YOUR COMMENTS OR SUGGESTIONS.

Original sponsor: Rules Committee

Offered: 3/31/81  
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 3 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to conference commit-  
7 tees and free conference committees.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 41 of the Uniform Rules of the Alaska State Legisla-  
10 ture is amended to read:

11 RULE 41. CONFERENCE COMMITTEE. (a) If one house refuses to  
12 concur in the amendments of the other it so notifies the amending house  
13 and requests that it recede from its amendments. If the house refuses  
14 to recede, the presiding officer of each house appoints three members  
15 to sit as a Committee on Conference. The committee meets when mutually  
16 agreeable to its members and when agreement on previously adopted  
17 amendments to a bill adopted by either house is reached, the committee  
18 submits an identical report to each house. If the report is adopted by  
19 both houses the bill is enrolled, signed, and transmitted to the gover-  
20 nor. If the members of the Committee on Conference cannot agree on  
21 amendments or if one or both houses refuses to adopt the report, the  
22 Committee on Conference shall submit a written report to each house  
23 listing the specific points of disagreement for which the committee  
24 requests powers of free conference. The presiding officer of each  
25 house may give limited powers of free conference only on the specific  
26 points listed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE  
27 CONFERENCE TO THE COMMITTEE ON CONFERENCE.] If the members of the  
28 Committee on Conference with limited powers of free conference cannot  
29 agree on amendments or one or both houses refuses to adopt its report,

1 it is then in order to appoint a Committee on Free Conference. A mem-  
2 ber who served on a Committee on Conference or on a Committee on Con-  
3 ference with limited powers of free conference may not be appointed to  
4 a subsequent Committee on Conference or Committee on Free Conference  
5 concerning the same measure. The vote on adoption of a conference  
6 committee report is taken by the calling of the roll and the recording  
7 of the yeas [AYES] and nays in the journal. Adoption requires a  
8 majority of the membership of the house.

9 (b) The Committee on Free Conference is appointed in the same  
10 manner as a Committee on Conference and may suggest in its report any  
11 new amendments clearly germane to the question. When a majority of the  
12 membership on the committee from each house agree on amendments [TO BE  
13 PROPOSED], the amendments are attached to the bill and reported back to  
14 each house in an identical report. The report is not subject to amend-  
15 ment in either house. The report is referred to the last committee in  
16 each house to which the bill was referred for consideration for its  
17 information; the committee shall report the bill with its recommenda-  
18 tions for or against passage of the report. If the report is adopted  
19 in both houses the bill is then ordered enrolled by its house of origin.  
20 If the Committee on Free Conference fails to agree or its report is not  
21 adopted, a second Committee on Free Conference may be appointed but no  
22 member of the first committee may be reappointed. A free conference  
23 committee report may not be voted on by the house until at least 24  
24 hours after the report is printed and distributed to each member at  
25 his desk. The vote on adoption of a free conference committee report  
26 is taken by calling of the roll and the recording of the yeas [AYES]  
27 and nays in the journal. Adoption requires a majority of the member-  
28 ship of the house.

Introduced: 2/13/81  
Referred: State Affairs

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO. 3

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to conference commit-  
7 tees and free conference committees.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legisla-  
10 ture is amended to read:

11 Rule 41. (a) If one house refuses to concur in the amendments of  
12 the other it so notifies the amending house and requests that it recede  
13 from its amendments. If the house refuses to recede, the presiding  
14 officer of each house appoints three members to sit as a Committee on  
15 Conference. The committee meets when mutually agreeable to its members  
16 and when agreement on previously adopted amendments to a bill adopted  
17 by either house is reached, the committee submits an identical report  
18 to each house. If the report is adopted by both houses the bill is  
19 enrolled, signed, and transmitted to the governor. [IT IS IN ORDER AT  
20 ANY TIME TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFER-  
21 ENCE.] If the members of the Committee on Conference cannot agree on  
22 amendments or one or both houses refuses to adopt its report, it is  
23 then in order to appoint a Committee on Free Conference. A member who  
24 served on a Committee on Conference may not be appointed to a sub-  
25 sequent Committee on Conference or Committee on Free Conference con-  
26 cerning the same measure. The vote on adoption of a conference com-  
27 mittee report is taken by the calling of the roll and the recording of  
28 the ayes and nays in the journal. Adoption requires a majority of the  
29 membership of the house.

1 (b) The Committee on Free Conference is appointed in the same  
2 manner as a Committee on Conference and may suggest in its report any  
3 new amendments germane to the question. When a majority of the member-  
4 ship on the committee from each house agree on amendments to be pro-  
5 posed, the amendments are attached to the bill and reported back to  
6 each house in an identical report. The report is not subject to amend-  
7 ment in either house. The report is referred to the last committee in  
8 each house to which the bill was referred for consideration. If the  
9 report is adopted in both houses the bill is then ordered enrolled by  
10 its house of origin. If the Committee on Free Conference fails to  
11 agree or its report is not adopted, a second Committee on Free Confer-  
12 ence may be appointed but no member of the first committee may be  
13 reappointed. A free conference committee report may not be voted on  
14 by the house until at least 24 hours after the report is received by  
15 the house. The vote on adoption of a free conference committee report  
16 is taken by calling of the roll and the recording of the ayes and nays  
17 in the journal. Adoption requires a majority of the membership of the  
18 house.

Introduced: 3/2/81  
Referred: Judiciary and  
Finance

BY KELLY, STIMSON, DANKWORTH,  
BRADLEY, RODEY, FISCHER,  
STURGULEWSKI AND FERGUSON

1 IN THE SENATE

2 SENATE JOINT RESOLUTION NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to appropriations.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, sec. 13, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 13. FORM OF BILL. Every bill shall be confined to one  
12 subject unless it is an appropriation bill or one codifying, revising,  
13 or rearranging existing laws. Bills for appropriations shall be con-  
14 fined to appropriations. An appropriation bill shall not include an  
15 item which was not included in a version of that appropriation bill  
16 adopted in third reading by a house and the amount appropriated by an  
17 item shall be equal to the amount of that item as adopted in third  
18 reading by a house or between the amounts adopted in third reading by  
19 each house. The subject of each bill shall be expressed in the title.  
20 The enacting clause shall be: "Be it enacted by the Legislature of the  
21 State of Alaska."

22 \* Sec. 2. The amendment proposed by this resolution shall be placed  
23 before the voters of the state at the next general election in conformity  
24 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
25 laws of the state.

Introduced: 1/14/81  
Referred: State Affairs

1 IN THE SENATE

BY KELLY

2 SENATE CONCURRENT RESOLUTION NO. 1

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Uniform  
6 Rules of the Alaska State Legislature  
7 relating to conference committees  
8 and free conference committees.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-  
11 lature is amended to read:

12 (a) If one house refuses to concur in the amendments of the  
13 other, it so notifies the amending house and requests that it recede  
14 from its amendments. If the house refuses to recede, the presiding  
15 officer of each house appoints three members to sit as a Committee on  
16 Conference. The committee meets when mutually agreeable to its members  
17 and when agreement on previously adopted amendments to a bill adopted  
18 by either house is reached, the committee submits an identical report  
19 to each house. If the report is adopted by both houses the bill is  
20 enrolled, signed, and transmitted to the governor. If the members of  
21 the Committee on Conference cannot agree on amendments or one or both  
22 houses refuses to adopt its report, a second Committee on Conference  
23 shall be appointed but a member of the first committee may not be re-  
24 appointed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CON-  
25 FERENCE TO THE COMMITTEE ON CONFERENCE.] If the members of the second  
26 Committee on Conference cannot agree on amendments or one or both  
27 houses refuses to adopt its report, it is then in order to appoint a  
28 Committee on Free Conference. A member who served on either Committee  
29 on Conference may not be appointed to the Committee on Free Conference.

1 The vote on adoption of a conference committee report is taken by the  
2 calling of the roll and the recording of the ayes and nays in the  
3 journal. Adoption requires a majority of the membership of the house.  
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Introduced. 4/3/81  
Referred: State Affairs, Finance  
and Rules

1 IN THE HOUSE

BY FANNING, RANDOLPH AND BEIRNE

2 HOUSE CONCURRENT RESOLUTION NO. 17

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform  
6 rules eliminating committees on free  
7 conference and eliminating powers of  
8 free conference in committees on  
9 conference.

10 BE IT RESOLVE THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-  
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other  
14 it so notifies the amending house and requests that it recede from its  
15 amendments. If the house refuses to recede, the presiding officer of  
16 each house appoints three members to sit as a Committee on Conference.  
17 The committee meets when mutually agreeable to its members and when  
18 agreement on previously adopted amendments to a bill adopted by either  
19 house is reached, the committee submits an identical report to each  
20 house. If the report is adopted by both houses the bill is enrolled,  
21 signed, and transmitted to the governor. [IT IS IN ORDER AT ANY TIME  
22 TO GRANT POWERS OF FREE CONFERENCE TO THE COMMITTEE ON CONFERENCE.] If  
23 the members of the Committee on Conference cannot agree on amendments  
24 or one or both houses refuses to adopt its report, it is then in order  
25 to appoint a second Committee on [FREE] Conference. The vote on  
26 adoption of a conference committee report is taken by the calling of  
27 the roll and the recording of the ayes and nays in the journal.  
28 Adoption requires a majority of the membership of the house.

29 \* Sec. 2. Rule 41(b) of the Uniform Rules of the Alaska State Legislature

1 is repealed.

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Introduced: 4/3/81  
Referred: State Affairs, Finance  
and Rules

1 IN THE HOUSE

BY FANNING AND RANDOLPH

2 HOUSE CONCURRENT RESOLUTION NO. 18  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform  
6 rules establishing a limitation on  
7 the authority of committees on  
8 conference to consider and report on  
9 bills on appropriations.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-  
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other  
14 it so notifies the amending house and requests that it recede from its  
15 amendments. If the house refuses to recede, the presiding officer of  
16 each house appoints three members to sit as a Committee on Conference.  
17 The committee meets when mutually agreeable to its members and when  
18 agreement on previously adopted amendments to a bill adopted by either  
19 house is reached, the committee submits an identical report to each  
20 house. If the report is adopted by both houses the bill is enrolled,  
21 signed, and transmitted to the governor. Except as provided in (c) of  
22 this rule, it [IT] is in order at any time to grant powers of free  
23 conference to the Committee on Conference. Except as provided in (c)  
24 of this rule, if [IF] the members of the Committee on Conference cannot  
25 agree on amendments or one or both houses refuses to adopt its report,  
26 it is then in order to appoint a Committee on Free Conference. The  
27 vote on adoption of a conference committee report is taken by the  
28 calling of the roll and the recording of the ayes and nays in the  
29 journal. Adoption requires a majority of the membership of the house.

1 \* Sec. 2. Rule 41 of the Uniform Rules of the Alaska State Legislature  
2 is amended by adding a new subsection to read:

3 (c) A house of the legislature may not grant to a conference  
4 committee on an appropriation bill the power

5 (1) to make a new appropriation or allocation; or

6 (2) to report an appropriation or an allocation which  
7 exceeds the appropriation or allocation in either bill referred to the  
8 committee.

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Introduced: 3/24/81  
Referred: State Affairs and  
Finance

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HALFORD, HAYES, MARTIN, METCALFE  
AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 14  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules establishing a limitation on  
7 the authority of committees on  
8 conference to consider and report on  
9 bills on appropriations.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. Rule 41(a) of the Uniform Rules of the Alaska State Legis-  
12 lature is amended to read:

13 (a) If one house refuses to concur in the amendments of the other  
14 it so notifies the amending house and requests that it recede from its  
15 amendments. If the house refuses to recede, the presiding officer of  
16 each house appoints three members to sit as a Committee on Conference.  
17 The committee meets when mutually agreeable to its members and when  
18 agreement on previously adopted amendments to a bill adopted by either  
19 house is reached, the committee submits an identical report to each  
20 house. If the report is adopted by both houses the bill is enrolled,  
21 signed, and transmitted to the governor. Except as provided in (c) of  
22 this rule, it [IT] is in order at any time to grant powers of free  
23 conference to the Committee on Conference. Except as provided in (c)  
24 of this rule, if [IF] the members of the Committee on Conference cannot  
25 agree on amendments or one or both houses refuses to adopt its report,  
26 it is then in order to appoint a Committee on Free Conference. The  
27 vote on adoption of a conference committee report is taken by the  
28 calling of the roll and the recording of the ayes and nays in the  
29 journal. Adoption requires a majority of the membership of the house.

1 \* Sec. 2. Rule 41 of the Uniform Rules of the Alaska State Legislature  
2 is amended by adding a new subsection to read:

3 (c) A house of the legislature may not grant to a conference  
4 committee on an appropriation bill the power

5 (1) to make a new appropriation or allocation; or

6 (2) to report an appropriation or an allocation which  
7 exceeds the appropriation or allocation in either bill referred to the  
8 committee.

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Introduced: 3/24/81  
Referred: State Affairs and  
Finance

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HAYES, MARTIN, METCALFE,  
MONTGOMERY AND O'CONNELL

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 36

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to consideration of appropriation  
8 bills.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, Constitution of the State of Alaska, is amended  
11 by adding a new section to read:

12 SECTION 22. CONFERENCE COMMITTEE CONSIDERATION OF BILLS FOR  
13 APPROPRIATIONS. A house of the legislature shall not grant to a con-  
14 ference committee considering appropriation bills the power to make a  
15 new appropriation or allocation within an appropriation, and shall not  
16 grant to a conference committee considering appropriation bills the  
17 power to report an appropriation or an allocation within an appropria-  
18 tion which exceeds the appropriation or allocation within an appropria-  
19 tion or which is greater than an amount stated in either bill referred  
20 to the committee.

21 \* Sec. 2. The amendment proposed by this resolution shall be placed  
22 before the voters of the state at the next general election in conformity  
23 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
24 tion laws of the state.

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## Rules change sought for free conference

The Associated Press

JUNEAU — Sen. Tim Kelly, R-Anchorage, introduced a proposed constitutional amendment Monday he said would thwart the ability of a few lawmakers to spend hundreds of millions of dollars.

Kelly's proposed amendment (SJR20) would eliminate so-called free conference committees on appropriation bills, including the budget.

Starting Wednesday, the House State Affairs Committee plans three days of hearings on a package of bills aimed at legislative reform. The bills, introduced last month by House Democrats, have been termed a priority by the House leadership.

Under present rules, if the House and Senate pass different versions of a bill, a joint conference committee of three

lawmakers from each chamber is appointed to work out a compromise within the boundaries of language in the two bills. If the committee cannot reach an agreement, it is given the power of free conference, which means the panel is empowered to completely rewrite the legislation.

Under current practice, the presiding officers of both houses generally skip the step of appointing a conference committee, and go directly to a free conference committee.

Kelly's proposal would allow only the appointment of a conference committee, which would mean the panel would be restricted to the high and low figures in the two versions.

If approved by lawmakers, the amendment would be placed before voters in a statewide election.

## Amendment limits spending

By The Associated Press  
Sen. Tim Kelly, R-Anchorage, introduced a proposed constitutional amendment Monday which he said would thwart the ability of a few lawmakers to spend "hundreds of millions of dollars."

Kelly's proposed amendment (SJR20) would eliminate so-called "free conference com-

mittees" on appropriation bills, including the budget.

Meanwhile, the House State Affairs Committee plans three days of hearings, starting Wednesday, on a package of bills aimed at legislative reform. The bills, which were introduced last month by House Democrats, have been termed a priority by the House leadership.

# Kelly proposes curb on budget changes

Times Juneau Bureau

Juneau — Sen. Tim Kelly, R-Anchorage, today introduced legislation to eliminate free conference committees on the budget and other appropriation bills.

"This is one of the greatest sources of abuse in the entire legislative process," said Kelly, chairman of the Senate Rules Committee.

"This proposal would prevent the situation where a few lawmakers determine how hundreds of millions of dollars are spent. I want to take the free money out of free conference."

Kelly's proposed amendment to the Alaska Constitution would prevent conference committees from adding to a bill. The amount of each budget item would be limited to the

high and low figures which appeared in the two versions of a bill.

Under the Legislature's rules, when the House and Senate pass different versions of a bill, a conference committee can be appointed to produce a compromise bill. Such committees are composed of three senators and three House members, appointed by the presiding officer of each body.

If a conference committee cannot agree on a compromise bill, it usually is given powers of free conference. That gives the committee power to completely rewrite the legislation. The final version of the state budget usually is produced by a free conference committee.

"The free conference committee system is antiquated and has shown itself to be subject to abuse," Kelly said.

"My proposal would assure that the spending power is more equally distributed among legislators and has withstood some scrutiny throughout the legislative process."

Kelly said the proposal was introduced as a constitutional amendment rather than a change in the rules because the rules can be suspended by a two-thirds vote of each house.

Kelly already has introduced other legislation to restrict granting of free conference powers. He said he also intends to amend the Legislature's uniform rules accordingly.

If passed by the Legislature, the proposed amendment would be placed on the next statewide general election ballot for voter approval.

## Free conference reforms needed

Asking the legislature to reform its own abuses may seem like asking the FBI to quit eavesdropping or the CIA to quit influencing foreign governments: they may abandon specific practices, but the endeavor will simply pop up again in a different form.

Still, public pressure can create a powerful incentive for reform. Legislators who believe the public is watching are likely to act on their own behalf to restore credibility in legislative procedures.

Thus we're pleased to see efforts in the state House to impose limits on one area holding real potential for abuse: free conference committees of the legislature.

"Free conference committees can do almost anything they want to," Rep. Oral Freeman, D-Ketchikan, said in testimony Wednesday on reforms of the system. The "most flagrant abuses" of political power, he added, occur in free conference — where bills that already have worked their way through the legislative committee system can be completely rewritten.

What emerges from a free conference committee may bear little or no relation to what that committee began with — except in title. Unrelated projects can be thrown in almost at the will of the powerful, with the original legislative intent subject to political winds alone. When time pressure grows and accommodation becomes necessary, hasty compromise in free conference can destroy the checks and balances designed into our bicameral legislature.

Abuse becomes most enticing in budget legislation — where powerful legislators can install projects or programs that have not cleared the committee system but move to fruition on the coattails of other legislation.

The expertise of regular committees can be thwarted at the instigation of powerful figures as free conferences provide a vehicle for legislative horse-trading. Ill-considered decisions can be made all too quickly on pet projects that deserve closer scrutiny. Projects of wide significance can be held hostage to narrow — but powerful — interests. Even in the absence of abuse, free conference committees provide the forum for an unnecessary concentration of power.

Conference committees limited to legislation on the topics at hand can accomplish all the legitimate goals of free conference committees — but without such potential for abuse. We hope both houses of the legislature will agree that such limits are in their own interest as well as the public's.

## Reform measures aimed at free conference abuses

JUNEAU (AP)—Abuses of power by legislative free conference committees came under fire from House leaders Wednesday night in testimony on a package of legislative reform measures.

Lawmakers' "most flagrant abuses" of political clout surface in free conference committees, said veteran Rep. Oral Freeman, D-Ketchikan. "Free conference committees can do almost anything they want to," and most liberties are taken with the budget, he said.

Freeman testified before the House State Affairs Committee in favor of a measure, HCR 3, introduced by House Democrats which would make changes in the free conference committee system—although not as sweeping as recommended by some private citizen groups.

Other proposed reform bills would:

- Establish an ethics commission and a code of ethics for all elected state officials and state employees.
- Reform legislative contracting procedures.
- Expand the amount of information officials must provide on financial disclosure statements they are required to file.
- Require all legislative committee hearings to be tape-recorded, with voice votes on every bill and amendment. The tapes would be kept on file along with extensive written minutes.

Rep. Fred Brown, D-Fairbanks, asked House Speaker Jim Duncan, D-Juneau, whether committee members are "beating our heads against the wall" by working on the legislation, suggesting the measures would not gain approval in the Senate. Wednesday's meeting was the first of a series scheduled on the package of reform bills.

Duncan said he has not discussed the legislation with the Senate, but said he is "optimistic" the package will pass both chambers.

The measure on free conference committees would make one major change from the current system. At present, legislative rules call for three House members and three Senate

members to be appointed to a conference committee to work out differences in legislation adopted by the two chambers. A conference committee must stay within the limits of material in the two bills passed by the House and Senate.

If the initial negotiating team fails, the panel is given powers of "free conference," which means the committee has authority to completely rewrite a bill, adding or deleting material at will.

Freeman said now "there's no compulsion" to compromise on legislation because members simply can "graduate to a free conference committee." Under the proposed legislation, members of a conference committee could not be "graduated" to a free conference committee. Instead, a new panel would have to be appointed.

The intent of the reform still could be thwarted if House and Senate leaders appointed a bogus conference committee, then appointed the intended negotiators to the free conference committee.

The proposed legislation also would require that free conference committee reports be returned to the committee of last referral in each chamber before coming to the floor for a final vote.

Paula Ziegler, a lobbyist for the League of Women Voters, said responsibilities of the committees receiving legislation from free conference committees should be defined. She said committees should be required to hold public hearings on the reworked bills.

Consideration of free conference committee reports would be delayed 24 hours under the measure.

"The problem of free conference committees is everything is done under pressure, especially on the budget," Freeman said.

# Free conference panels under fire

Associated Press

Juneau — Abuses of power by legislative free conference committees came under fire from House leaders Wednesday night in testimony on a package of legislative reform measures.

Lawmakers' "most flagrant abuses" of political clout surface in free conference committees, said veteran Rep. Oral Freeman, D-Ketchikan. "Free conference committees can do almost anything they want to," and most liberties are taken with the budget, he said.

Freeman testified before the House State Affairs Committee in favor of a measure (HCR3) introduced by House Democrats which would make changes in the free conference committee system — although not as sweeping as recommended by some private citizen groups.

Other proposed reform bills would:

— Establish an ethics commission and a code of ethics for all elected state officials and state employees.

— Reform legislative contracting procedures.

— Expand the amount of information officials must provide on financial disclosure statements they are required to file.

— Require all legislative committee hearings to be tape-recorded, with voice votes on every bill and amendment. The tapes would be kept on file along with extensive written minutes.

Rep. Fred Brown, D-Fairbanks, asked House Speaker Jim Duncan, D-Juneau, whether committee members are "beating our heads against the wall" by working on the legislation, suggesting the measures would not gain approval in the Senate. Wednesday's meeting was the first of a series scheduled on the package of reform bills.

Duncan said he has not discussed the legislation with the Senate, but that he is "optimistic" the package

will pass both chambers.

The measure on free conference committees would make one major change from the current system. At present, legislative rules call for three House members and three Senate members to be appointed to a conference committee to work out differences in legislation adopted by the two chambers. A conference committee must stay within the limits of material in the two bills passed by the House and Senate.

If the initial negotiating team (See REFORMS, page A-3)

## Reforms

(Continued from page A-1)

fails, the panel is given powers of "free conference," which means the committee has authority to completely rewrite a bill, adding or deleting material at will.

Freeman said now "there's no compulsion" to compromise on legislation because members simply can "graduate to a free conference committee." Under the proposed legislation, members of a conference committee could not be "graduated" to a free conference committee. Instead, a new panel would have to be appointed.

The intent of the reform still

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...the bill, four, five in the morning. The average legislator doesn't have time to examine and consider what really happened to the bill" before a final floor vote, he said.

State Ombudsman Frank Flavin said a proposed ethics commission (HB153) should be granted authority to discipline the elected officials and state employees it would govern.

He also was critical of the commission because it would be charged

# STATE LEGISLATIVE REPORT

## CONFERENCE COMMITTEES

I submit, Mr. President, in all sincerity, that there is no need whatever for the ordinary, lay Member of Congress to come back to Washington for a special session.

It is clearly evident, Mr. President, that to save the world and the people of this country from disaster, all that is needed is to reconvene, preferably in secret, only those incomparable sages, the conferees of the Appropriations Committee.

From their deliberations the same results would be achieved without the expense and trouble to everyone that is involved in going through the archaic ritual of pretended legislation. It is quite clear that regardless of what the common Members of this body may wish, the conferees make the decisions.

-- Senator William Fulbright, 1948

Although conference committees in state legislatures (or in Congress, for that matter) may not be as powerful as Senator Fulbright's remarks suggest, they clearly play an important role in policymaking in the states. Used to settle differences between the two houses, conference committees are especially important because they deal with the most significant and controversial bills considered by the legislature each session. Their importance is also enhanced because they are most often used near the end of the session when time constraints work against lengthy consideration of the conference committee's report. These same time limitations reduce the options available to the legislature in dealing with the report.

The importance of conference committees is reflected in the considerable attention paid to them in the rules governing state legislatures. These rules usually cover five basic questions: (1) who appoints conference committees; (2) what is the size of conference committees; (3) what criteria for appointment should be used; (4) what procedures should conference committees use; and (5) what procedures should the legislature use in adopting conference committee reports.

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of State Legislatures

1405 Curtis Street  
23rd Floor  
Denver, Colorado 80202



Earl S. Mackey  
Executive Director

Who appoints. Rules for most legislatures specify that the presiding officers make appointments to conference committees. However, in both houses in Kentucky and in the Illinois Senate, appointments to conference committees are made by committees on committees. In the California Senate, the Committee on Rules has this authority. In the Virginia Senate, the chairman of the committee which originally considered the bill appoints the conference committee. In the Iowa Senate, the majority leader, president pro tem and two assistant majority leaders select the three majority party members of the conference, while the minority party members are appointed by the majority leader after consultation with the minority leader. The Maryland House rules specify that conferees may be selected by the speaker or by ballot of the house. Several legislatures' rules, which otherwise cover conference committee procedures, do not refer to appointment authority.

Size of the Conference Committee. A substantial majority of legislative rules which specify the size of conference committees say that each house shall select three members. In fact, the rules for 39 houses (out of 56 chambers whose rules cover this question) authorize three members from each house for conference committees. Exceptions include Connecticut (3 or more with an equal number from each house), New Hampshire House (4), Minnesota (3-5), North Carolina House (determined by motion), Hawaii (at least 3), Indiana Senate (2), Iowa (5), Missouri (5), Oregon (2) and Texas (5). Montana rules say only that there should be an equal number from each house.

Criteria for Appointment. Only a few legislatures provide appointment criteria in the rules. However, there is considerable variation among those which list some criteria. Most criteria focus on party composition, on the support which members gave the bill during floor consideration, or on standing committee membership.

The rules for Iowa (Senate), Hawaii (House), New Hampshire (both houses), Pennsylvania (both houses), Virginia (Senate), and Washington (both houses) list party affiliation as a criterion for selection to conference committees. New Hampshire's and Hawaii's rules say that the majority and minority parties should be represented in proportion to their numbers in the whole body. The Washington and Virginia rules say only that the minority party should be represented, while the Pennsylvania and Iowa legislatures have specified numbers (2-1 in Pennsylvania and 3-2 in Iowa).

Several legislatures provide criteria which relate to the support received by the bill during floor consideration. However, there is little agreement between legislatures on who should be represented. In California, Connecticut and Washington the rules authorize representation on conference committees for members representing both the majority and minority position on the point in question. Rules in both Georgia houses specify that conferees should be legislators who voted with the majority position on the issue. The Wyoming House rules say that the majority of the conferees should favor the House position, while the Massachusetts and South Dakota legislatures say that conference committee members should be representative of the decision within the House on the issue.

Rules for the Louisiana House, Virginia Senate, North Carolina House and Hawaii House provide for representation on the conference committee by members of the standing committee which considered the bill. In addition, the Louisiana and Virginia rules allow the chief sponsor of the bill to be a member of the conference committee.

Conference Committee Procedures. The primary question regarding conference committee procedures found in the rules concerns the vote required in the committee to reach agreement and approve the report. In a dozen states approval requires an affirmative vote by a majority of the members from each house on the conference committee. In Georgia, Maryland, Mississippi and Missouri approval requires only a majority vote of the entire membership of the conference committee. However, Missouri requires that at least two of the five members from each house vote in the majority. Indiana, New Hampshire and Oregon require unanimous votes for conference committee approval.

A few legislatures treat the problem of conference committee deadlocks in their rules. Florida rules state that conference committees may be relieved of responsibility for the bill after seven days. Michigan rules allow no more than two conference committees on the same piece of legislation. In Mississippi, the bill is killed if the conference committee fails to reach agreement. Failure to agree within conference committee in Alaska, Kentucky and Washington may result in constitution of a free conference committee. As described by the Washington legislature's joint rules, free conference committees consider not only matters directly at issue, but may also "consider new proposed items within the scope and object of the title of the bill in conference."

Adoption of the Conference Committee Report by the Legislature. Procedures delineated in the rules regarding adoption of conference reports by the legislature focus on two major points: (1) the vote required to adopt the report and (2) the order of consideration of the report. Adoption of the conference report typically requires either a majority vote in each house or "the vote required to pass the bill or resolution." Connecticut and Oklahoma rules specify that the conference committee report be considered first in the house which created the disagreement. In Minnesota and Michigan, conference reports are first considered in the house in which the bill originated.

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This memorandum is part of a series of State Legislative Reports which is compiling and distributing basic information about state legislative rules. The nature of searches of rules almost guarantees errors - particularly of omission. We hope to hear of any mistakes made in this report and will try to rectify them at a later time.

Staff contact: Carl Tubbesing, Assistant Director of State Services, NCSL Denver Office, (303) 623-6600.

August 1978.

CONFERENCE COMMITTEES

<u>State</u>	<u>Who Appoints</u>	<u>Size of Conference Committee</u>	<u>Criteria for Appointment</u>	<u>Conference Committee Procedures</u>	<u>Adoption of Report</u>
Alabama Senate	President				
Alabama House	Speaker				
Alaska Joint	presiding officers	3 from each house			majority vote
California Senate	Committee on Rules	3	2 members from majority on point in question, 1 from minority	affirmative vote of at least 2 Senators and 2 Assemblymen	2/3 on bills containing appropriation; majority vote on others
California House	Speaker	3	same as Senate	See above	
Colorado Joint		3 from each house		majority of members of each house; conference reports must be made five days prior to adjournment date	
Connecticut Joint	President; Speaker	3 or more; equal number from each house	at least one member not on prevailing side in vote on floor	majority vote of members of each house	reported first to house which created disagreement
Florida Senate	President			committee may be relieved of responsibility after 7 days	
Florida House				see above	
Georgia Senate	President	3	members voting with majority position	majority vote of entire membership of committee	must be adopted by the vote required to pass the bill or resolution
Georgia House	Speaker	3	members voting with majority position	see above	see above

Page Two  
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Hawaii House	Speaker	at least 3	chairman of committee with primary responsibility for the subject matter; proportional representation for majority and minority party; minority members selected after consultation with minority leader	meetings should be public	
Idaho Joint	President; Speaker				
Illinois Senate	Committee on Committees				
Indiana Senate	President Pro Tem	2		unanimous vote	
Indiana House					majority vote
Iowa House	Speaker	5		3 members (majority) from each house	
Iowa Senate	majority leader, president pro tem, 2 assistant majority leaders, minority leaders	5	3 appointed by majority 3 by minority party	see above	
Kentucky Joint	Committee on Committees	3 from each house		committee on free conference appointed after failure to agree	constitutional majority required if a motion to reconsider had been coupled with motion to lay on the table

Page Three  
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Louisiana Senate	presiding officer	3			
Louisiana House	Speaker	3	1 member who authored or handled bill; chairman or vice chairman of committee reporting bill; 1 member appointed by Speaker		
Maine Joint	President; Speaker	3 from each house			
Maryland Senate		3		majority of conferees	
Maryland House	Speaker or by ballot of the House	3		majority of conferees	
Massachusetts Joint		3 from each house	represent the vote of each house	majority of members of each house	
Michigan Joint		3 from each house	first named member from house in which bill originated is chairman	majority of members of each house; If no agreement reached after two conference committees are appointed, no further conference in order	conference report considered initially in house of origin
Minnesota Joint		not less than 3 or more than 5 from each house		must report on progress within 7 days and every 7 days thereafter	acted on first in house of origin
Mississippi Joint	President; Speaker	3 from each house		majority of conferees; bill is killed if conference committee does not reach agreement	same vote required to pass the bill or resolution
Missouri Joint		5 from each house		majority vote of conferees, with at least 2 members from each house in majority	

Page Four  
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Montana Joint	President; Speaker	same number from each house			
Nevada Joint				no more than three conference committees appointed on a given bill; no member shall be appointed to more than one conference committee on the same bill	
New Hampshire Senate	President	3	members of majority and minority parties in same proportion as the parties are in Senate as a whole	unanimous vote required	each house must take action on report
New Hampshire House	Speaker	4		see above	
New Mexico Joint	President pro tem; Speaker	3 from each house		majority of members of each house	
North Carolina Senate			"Rules of the U.S. House of Representatives shall govern the appointment, conduct and reports of the conferees."		
North Carolina House		determined by motion	chairman and members of committee which considered bill		
Oklahoma Joint	President pro tem; Speaker	3 from each house	first named member from house of origin is chairman of conference	majority vote of members of each house	report first made to house which refused to concur in amendments
Oregon House	Speaker	2 from each house		unanimous vote required	
Pennsylvania Senate	President pro tem	3	2 majority and 1 minority party	majority vote of members from Senate	

Page Five  
Conference Committees

State	Who Appoints	Size of Conference Committee	Criteria for Appointment	Conference Committee Procedures	Adoption of Report
Pennsylvania House	Speaker	3	2 majority and 1 minority party		
South Dakota Joint	presiding officers	3 from each house	representative of the decision within the house upon the issue	member may ask to have questions divided for separate vote	
Texas House		5 from each house		majority of members of each house	
Utah Joint	presiding officers	3 from each house	first member from each house is chairman of the conference committee for his house		a bill in conference cannot be lost until either house votes to refuse further conference
Vermont Joint		3 from each house			
Virginia Senate	chairman of committee which originally considered bill		chief sponsor plus members of committee originally considering bill; minority party should		
Washington Joint	presiding officers	3 from each house	represent majority and minority positions and majority and minority political parties	majority of members of each house; conferees may request powers of free conference if they fail to agree; free conference reports must be signed by 5 of 6 members	
West Virginia Joint				majority of members of each house	
Wisconsin Joint	presiding officers				
Wyoming Senate	president				
Wyoming House	Speaker	3	majority should favor house position on matter in dispute		majority vote unless otherwise required - e.g., constitutional amendment



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# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH W/F-STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3795

### MEMORANDUM

DATE: November 10, 1980

TO: Senator Pat Rodey

FROM: Robert L. Grogan, Fiscal Analyst *RLG*  
Legislative Finance Division

SUBJ: Joint Budget Committee - Points in Favor

The joint budget committee structure has been discussed by the Alaska Legislature for several years. The advantages of this structure are:

1. A small cohesive committee of knowledgeable, hardworking members could do a better job for the Legislature on the budget.
2. Better staff direction. If we were to work for a committee on the budget, we could anticipate their needs better than under the existing three/four committee system.
3. Better budget product. Colorado's JBC traditionally produces a well thought out and carefully tied together budget. They do this by virtue of being better organized, better informed, and better suited for fiscal decision making.
4. Compliance with legislative intent is vastly improved under such a system. When the administration knows the Legislature is well organized and determined to follow through on intent compliance, compliance improves.
5. If we honestly look at Alaska's legislative budget operation, this is really the way we do it now. Alaska, as in most states (see attached listing of appropriation conference committee size for all states), uses a six member conference committee structure to actually write the final budget. If we recognized and accepted that fact and establish that conference committee on a year-round basis, we could vastly improve the quality of the budget that we traditionally produce from the Free Conference Committee.

November 10, 1980

I have attached a portion of Chapter 22 (pages 128 and 129) of Senator Joe Shoemaker's (twelve years with the Colorado Joint Budget Committee) recently published book, "Budgeting is the Answer". These pages highlight the chief advantages to the JBC concept as Senator Shoemaker sees them. I have also attached a listing of the states and what type of committee structure each uses.

attachments

RLG:bf

to appropriate and, therefore, it follows that the Legislature has the duty to budget appropriations.

There are four tangible (legislated) reasons and five intangible (based on experience) reasons why the JBC has been successful.

*Tangible:*

1. JBC members know what the *goals and objectives* of the Committee are. They're defined by statute, clear and concise — but looked at each year, year after year, as any goals and objectives should be.

2. The statute gives the JBC the *authority* to do what it does, and the Legislature can take away that authority any time it chooses. But until the statute is changed, there is no doubt that the JBC has the legal authority to recommend appropriations after any number of hearings it chooses to hold. *Nobody* else has this authority — nor should they, unless indecision and then chaos is desired, which always results when dual authority is present.

3. The JBC has been legislated and funded to hire a *staff*, not a big staff, but one of adequate size. The quality of the staff, not the quantity, makes the difference. Decision makers have to have sound ideas proposed by others and people who can ferret out facts and suggest incisive questions. The JBC staff has provided this capability.

4. The JBC is small. The statute sets the size, and, in this case, "Small is Beautiful." The JBC works successfully because no one can hide. Everyone must work and vote. The quickest way to destroy the effectiveness of the JBC would be to increase the number of members. Then no one would be responsible, and, consequently, there would be no reason to succeed. No one would know the difference.

*Intangible:*

1. The JBC asks for priorities from those requesting money. The Committee sets its own priorities. It knows it can't do everything, but what it does, it must do well. Otherwise, there would be no success story.

2. Work is the only four-letter word the Committee knows.

Those who can't work because of other obligations, or who won't work because they don't believe in it, cannot serve effectively on the JBC. It also takes sensible people to make laws work. The JBC has been blessed with sensible people — representative of the diverse interests of Colorado.

3. Thus, the JBC's source of strength is its six members with differing views who *debate* in the open the specifics, the issues and the policies inherent in funding or not funding.

4. Decisions are made by publicly recorded votes. The decisions aren't always the ultimate, but a decision on a request is better than no decision; and the process from hearings to figure setting leaves little to interpretation.

Finally, the JBC has an incentive to do the BEST BUDGETING within the State's resources. And it has the mechanism to accomplish it. The JBC knows that BUDGETING IS THE ANSWER to making government work.

I have found that the following maxim works wonders if you believe budgeting is the answer:

Ask them "Why?"

Make them prove it.

Make somebody do it.

Don't be soft-hearted

on the first (or  
second) hearing.

They'll be back.

Remember, PERFORMANCE

is the name of the game.

Think it. Legislate it.

No more money unless

you get it.

If legislators wish to use the power of the purse strings to make their state governments work for the benefit of all their citizens, they may. And as the individual legislators take the job of budgeting seriously, they will find that the generalities usually associated with identifying them as "conservative" or "liberal" will diminish. Why? Because, they will have learned how to have a heart and they will now know how important it is to count.

## APPROPRIATIONS AND REVENUE CONFERENCE COMMITTEES

State or other jurisdiction	Free conference	Limited conference	Size		All conferees are also on appropriations coms.		Bills seldom or never go to conferences
			House	Senate	Yes	No	
Alabama.....	*	..	3	3	*	..	..
Alaska.....	*	..	3	3	*	..	..
Arizona.....	..	..	..	..	..	..	*
Arkansas.....	..	..	..	..	..	..	*
California.....	*	..	3	3	*	..	..
Colorado.....	*	..	3	3	*	..	..
Connecticut.....	..	..	..	..	..	..	*
Delaware.....	..	..	..	..	..	..	*
Florida.....	..	*	7	7	..	*	..
Georgia.....	*	..	3	3	*	..	..
Hawaii.....	*	..	1	Varies	*	..	..
Idaho.....	..	..	..	..	..	..	*
Illinois.....	*	..	3	3	..	*	..
Indiana.....	*	..	2	2	*	..	..
Iowa.....	*	..	5	5	*	..	..
Kansas.....	..	*	3	3	*	..	..
Kentucky.....	..	..	..	..	..	..	*
Louisiana.....	*	..	3	3	..	*	..
Maine.....	..	..	..	..	..	..	*
Maryland.....	..	*	3	3	*	..	*
Massachusetts.....	..	*	3	3	*(a)	..	..
Michigan.....	..	*	3	3	..	*	..
Minnesota.....	*	..	3	3	*	..	..
Mississippi.....	..	*	3	3	*	..	..
Missouri.....	..	*	5	5	*	..	..
Montana.....	*	*	3	3	..	*	..
Nebraska.....	..	..	..	Unicameral	..	..	..
Nevada.....	..	..	..	..	..	..	*
New Hampshire.....	*	..	5	3	..	*	..
New Jersey.....	..	..	..	..	..	..	*
New Mexico.....	*	..	3	3	*	..	..
New York.....	..	..	..	..	..	..	*
North Carolina.....	..	*	15	11	*	..	..
North Dakota.....	*	..	3	3	*	..	..
Ohio.....	..	*	3	3	..	*	..
Oklahoma.....	*	..	15	15	..	*	..
Oregon.....	*	..	2	2	*	..	..
Pennsylvania.....	*	..	3	3	*	..	*(b)
Rhode Island.....	..	..	..	..	..	..	*
South Carolina.....	*(c)	*	3	3	..	*	..
South Dakota.....	..	..	3	3	..	..	*
Tennessee.....	..	*	11	11	..	*	..
Texas.....	..	*	5	5	*	..	..
Utah.....	..	..	..	..	..	..	*
Vermont.....	*	..	3	3	*	..	..
Virginia.....	..	*	3	3	*	..	..
Washington.....	*	*	3	3	..	*	..
West Virginia.....	*	..	5	3	*	..	..
Wisconsin.....	..	*	3	3	..	*	..
Wyoming.....	..	..	..	..	..	..	*
American Samoa.....	*	..	Varies	Varies	..	*	..
Guam.....	..	..	..	Unicameral	..	..	..
Puerto Rico.....	..	*	5	5	N.A.	N.A.	..
Virgin Islands.....	..	..	..	Unicameral	..	..	..

N.A.—Not available.

(a) Usually, but not always.

(b) Appropriations, seldom; revenue bills, more often.

(c) Both houses must, by 2/3 vote, give free conference powers when differences cannot be resolved.

## House votes to restrict panel's power

The Associated Press

JUNEAU — The House voted Friday to restrict some of the powers of legislative free conference committees, which are House-Senate panels appointed to negotiate compromises between different versions of legislation passed by each chamber.

However, the House refused to adopt an amendment by Rep. Dick Randolph, L-Fairbanks, which would have blocked the six-member bargaining teams from drastically rewriting a bill or exceeding the appropriation amount included in either the House or Senate version of the bill.

Rep. Brian Rogers, D-Fairbanks, said the amendment would not allow enough latitude to deal with budgets which may have been approached differently by the House and Senate.

The changes made by the bill (CSHC3 State Affairs), which passed on a unanimous vote, are not nearly as sweeping as recommended by some private citizens groups.

The abuses of power by free conference committees have drawn sharp criticism on multiple fronts. During hearings on the legislation, veteran Rep. Oral Freeman, D-Ketchikan, said lawmakers' "most flagrant abuses" of political clout surface in free conference committees, which can do "almost anything they want to."

The bill passed by the House would make some changes, but free conference committees still would have wide latitude to rewrite legislation.

One major change made by the bill would be to require that free conference committee re-

ports be printed and given to lawmakers at least 24 hours before a final vote is taken on the floor. During past sessions, lawmakers sometimes have voted on bills written by free conference committees moments after the bills were printed and distributed.

Another change would be made in the makeup of free conference committees.

At present, legislative rules call for three House members and three Senate members to be appointed to an initial conference committee to work out differences in legislation adopted by the two chambers. A conference committee is required to stay within the limits of material in the two bills passed by the House and Senate.

If initial negotiations fail, the panel is given powers of "free conference," which means the panel has authority to completely rewrite a bill, adding or deleting material at will.

Under the bill, members of the original conference committee could not be appointed to the free conference committee. The change is intended to encourage the initial panel to work out differences.

However, the intent of the reform could be thwarted if House and Senate leaders appointed a bogus conference committee, and then appointed the intended negotiators to the free conference panel.

The bill also would require that free conference committee bills be returned to the last committee of referral in each chamber before coming to the floor for a final vote.

I. SPEND:

- 1) Operating Budget:
  - 55% of budget - a) formula-funded: \$973M (33%) → includes \$92M for municipal assistance (\$80M increase)
  - 45% of budget - b) discretionary: \$803M (12%) → also includes \$40.5M for revenue sharing (\$7.5M inc)
- 2) Capital Budget:
  - a) Appropriations: 1772
  - b) G.O. Bonds: \$227M
- 3) Constitutional Spending Limit: ~~0~~
- 4) Supplemental Appropriations: -\$32M (Gov)
- 5) New Legislation:
  - a) Alaska Hospital: \$50M (Gov)
  - b) Corporate Income Tax Reduction:
  - c) Project 80's: \$143M
  - d) Banking Bills:

TOTAL: \$2.5B

II. SAUD:

- 1) Permanent Fund Contribution: \$1.8B
- 2) Rainy Day Account: \$350M

TOTAL: \$2.15B

III. SHARE:

- 1) Permanent Fund Dividends/Royalty Oil Premiums: \$77M
- 2) School Debt Service Defeasance: \$200M
- 3) Municipal Assistance: see above
- 4) Revenue Sharing: see above
- 5) P.A.C.E. ~~0~~

TOTAL: \$27B

TOTAL \$132.5M

IV. INVEST:

- 1) Loan Programs:
  - a) AHFC: \$225M
  - b) AIDA:
  - c) Agriculture: } \$175M
  - d) DSBL:
  - e) Fish Pack Loans: \$100M
  - f) Student Loans:
  - g) Land Disposal Loans:
  - h) Rural Development:
- 2) Renewable Resource Development:
  - a) Delta 1:
  - b) Delta 2:
  - c) Point Mackenzie: } \$90M
  - d) other

- 3) Energy Development:
  - a) small hydroelectric: \$ 300M
  - b) Susitna Dam: \$ 11.3M
  - c) Gas Pipeline: ~~0~~
  - d) Petrochemicals: ~~0~~

- 4) Investments Oversight:
  - a) Budget & Audit's Role: ~~0~~
  - b) Elmer Rasmuson's Proposal: ~~0~~
  - c) DOT/PF's Accountability: ~~0~~

————— TOTAL: \$ 9B

V. MISCELLANEOUS ISSUES:

- 1) Capitol Move:
- 2) Older Alaskans:
  - a) Commission:
  - b) Senior Housing:
  - c) Homemakers:
  - d) Roads Assessments Deferments:
- 3) Oil & Gas Corporate Income Tax Suit:
  - a) Separate Accounting vs Apportionment:
  - b) Increased Severance Taxes:
  - c) Windfall Profits Deductions:
  - d) "Escrow Account":

\$300M (illegal)

- 4) Legislative Reform:
  - a) Limits on Length of Session:
  - b) Limits on Number of Terms:
  - ✓ c) Limits on FCC's: -
  - d) Code of Ethics:
  - ✓ e) Public Notice: -
  - ✓ f) Limits on Interim Committees: -
  - g) Permanent Legislative Staff:
  - h) Senate Research Division:
  - i) Joint Finance Committees:
  - ✓ j) Contracting Guidelines: -
  - ✓ k) Limits on Piggybacking: -

*Spending limit*      -

SECTIONAL OVERVIEW  
of the  
PROPOSED SPENDING LIMIT

Section 1. Amends Article IX (Finance and Taxation) by adding a new section:

Section 16. APPROPRIATION LIMIT.

- appropriations from the General Fund shall not exceed \$2,500,000,000 with adjustments made for population increases and inflation since July 1, 1981
- appropriations above the base figure excluded from the base are:
  - appropriations for Permanent Fund dividends
  - appropriation of revenue bond proceeds
  - appropriation to pay debt service
  - appropriation of funds received from non-state sources for specific purposes
- at least one-third of the base figure will be for capital projects and loan programs
- the base can only be exceeded for appropriations to the Permanent Fund and capital project packages upon voter approval. Voters shall be informed of the operation and maintenance costs of the proposed capital projects
- no other appropriation beyond the limit can be made except in cases of a declared disaster
- unappropriated funds will be invested

Section 2. Adds three new sections to Article XV (Schedule of Transitional Measures):

Section 26. APPROPRIATIONS FOR RELOCATION OF THE CAPITAL. If the relocation of the capital measure on the 1982 ballot is successful, appropriations for the capital move will be exempted from the voter approval requirement.

Section 27. RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS. If the spending limit is adopted in 1982, it will again be placed on the ballot in 1986. If voters reject it in 1986, it is repealed.

Section 28. APPLICATION OF AMENDMENT. If the spending limit is adopted, it is applicable to FY 84 appropriations.

Section 3. These measures will be placed before the voters at the next general election.

# STATE OF ALASKA

## THE LEGISLATURE

1981

Source

FSS-FCCSSJR 4

Legislative  
Resolve No.

1



Proposing amendments to the Constitution of the State of Alaska relating to limiting increases in appropriations.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. Article IX, Constitution of the State of Alaska, is amended by adding a new section to read:

SECTION 16. APPROPRIATION LIMIT. Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed \$2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made

except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

\* Sec. 2. Article XV, Constitution of the State of Alaska, is amended by adding new sections to read:

SECTION 26. APPROPRIATIONS FOR RELOCATION OF THE CAPITAL. If a majority of those voting on the question at the general election in 1982 approve the ballot proposition for the total cost to the State of providing for relocation of the capital, no additional voter approval of appropriations for that purpose within the cost approved by the voters is required under the 1982 amendment limiting increases in appropriations (art. IX, sec. 16).

SECTION 27. RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS. If the 1982 amendment limiting appropriation increases (art. IX, sec. 16) is adopted, the lieutenant governor shall cause the ballot title and proposition for the amendment to be placed on the ballot again at the general election in 1986. If the majority of those voting on the proposition in 1986 rejects the amendment, it shall be repealed.

SECTION 28. APPLICATION OF AMENDMENT. The 1982 amendment limiting appropriation increases (art. IX, sec. 16) applies to appropriations made for fiscal year 1984 and thereafter.

\* Sec. 3. The amendments proposed by this resolution shall be placed before the voters of the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the State of Alaska, and the election laws of the state.

# Senate OKs session limit bill

by Bill White  
Times Juneau Bureau

Juneau — The Senate Tuesday voted for a proposed constitutional amendment to limit the length of legislative sessions to no more than 135 days, but not before tacking on a measure creating a multi-billion dollar fund for building dams.

The action came on a 14-4 vote after little debate, most of it focusing on the effort to "piggyback" two distinct issues on one resolution.

The session limit is a priority of House Speaker Joe Hayes, R-Anchorage. It was expected barely to get the 14 votes needed to pass the Senate, if it passed at all.

The dam-building Alaska Resource Fund, was a priority of Sen. Ed Dankworth, R-Anchorage, co-chairman of the Finance Committee. The House last week overwhelmingly voted to kill that proposal.

If the House agrees to the addition of the resource fund to the session limit proposal, voters will get both measures separately this November.

The session limit section comes on the heels of a record 165-day session last year. It would limit sessions to 120 days with one 15-day extension.

Sen. Frank Ferguson, D-Kotzebue, proposed changing the limit to a flat 120 days. That amendment failed on a 10-8 vote.

Sen. Charlie Parr, D-Fairbanks, failed in his attempt to amend the bill to allow an unlimited number of extensions. That would have let the Legislature decide for itself how long its sessions should be, he said.

But Sen. Tim Kelly, R-Anchorage, said, "Essentially, the unlimited extension is an unlimited session." The amendment failed 11-7.

Sen. Robert Ziegler, D-Ketchikan, said lawmakers couldn't do

the job of running a \$1 billion company well with a time limit. But he voted "yes."

The resource fund proposal is a stripped-down version of the one the House crushed on a 32-4 vote last week. That earlier version also would have tied state spending to tax revenues.

Under the Senate bill, the resource fund would get half of the state's non-tax oil income, including royalties and bonuses from lease sales. The other half would go to the state's permanent fund, a savings account for future generations.

The bill proposal would allow up to two-fifths of the fund to be spent every two years if the voters approve. The rest of the money could be invested in state projects or programs owned by the state. Dankworth said the intent is to save enough money to fund the \$5.1 billion cost of building two dams on

the Susitna River. The dams, supporters say, would provide cheap hydropower to the railbelt area.

Sen. Pat Rodey, D-Anchorage, voted against the proposal, saying he opposed it because it merged the resource fund and session limit questions.

"This is a blatant example of logrolling or piggybacking" to get the two-thirds votes needed by a house to pass a constitutional amendment, he said.

But Kelly said Rodey often piggybacks bills in his Judiciary Committee.

Sen. Bill Ray, D-Juneau, called the measure a "Jekyll and Hyde" proposal. He supports the resource fund but not the session limit.

Rodey and Ray were joined by Sens. Don Bennett, R-Fairbanks, and Jay Kerttula, D-Palmer, in voting against the resolution.

Dankworth's resource fund language was adopted unanimously and without debate.

## The essential two

**IT'S CURIOUS** the way the legislators have a great talent for not dealing with issues their constituents see as critically important, but at the same time spend inordinate amounts of time on other legislation.

In the former category, two items come especially to mind on this 113th day of the 1981 lawmaking session in Juneau: (1) a lid on state spending and (2) a limit on the length of the annual session.

In the latter category are a hundred bills, but three come easily to mind: (1) a donation of \$7 million to the University of Washington medical school, (2) publication of an annual primer of what college credits will transfer from one institution to another, and (3) forcing Alaska hospitals to grant full medical staff privileges to naturopathic physicians.

**IT CAN'T BE SAID** that all else pales before the issues of a spending limit and a mandated date for adjournment. There are other items that are broadly important to the state and must be addressed.

Nonetheless, were there limits on spending and a deadline for accomplishing the leg-

islature's work, the priorities would establish themselves and the trash would fall to the bottom of the barrel, as it should — not rise to the top of the daily calendars, as it does.

The legislature needs to pass a resolution bringing to next year's ballot a proposal to amend the constitution to hold government expenditures to a reasonable formula based on population growth and inflation. And it needs to pass a second resolution to amend the constitution to limit the length of any regular session to a specified number of days — be it 90, 100, 110 or 120.

**WITHOUT THESE TWO** limitations, Alaska will be eaten alive by a two-headed government monster — the administration and the legislature. Their spending appetites are insatiable. The rule now is this: The bigger the budget this year, the bigger it will be next year; the longer the session this year, the longer it almost surely will be next year.

The time has come for the legislature to act on these issues and forget some of the silly business with which it now occupies itself.

Introduced: 2/8/79  
Referred: Finance

1 IN THE HOUSE

BY MEEKINS AND DUNCAN

2 HOUSE BILL NO. 153

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Legislative Budget and Audit  
7 Committee; establishing a joint budget subcommittee;  
8 and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 24.20.161 is amended to read:

11 Sec. 24.20.161. MEMBERSHIP. The Legislative Budget and Audit Com-  
12 mittee is composed of 10 members: (1) the chairmen of the senate and  
13 house finance committees; (2) one majority and one minority member  
14 selected from each of the senate and house finance committees and  
15 appointed by the president of the senate and speaker of the house,  
16 respectively; and (3) two [THREE] members appointed from each house by  
17 the respective presiding officer. [THE CHAIRMAN OF THE FINANCE COMMIT-  
18 TEE MAY CHOOSE NOT TO SERVE ON THE COMMITTEE. IF THIS OCCURS, THE  
19 PRESIDING OFFICER OF THE APPROPRIATE HOUSE SHALL APPOINT A REPLACEMENT  
20 FROM THE FINANCE COMMITTEE. THE MEMBERSHIP FROM EACH HOUSE SHALL IN-  
21 CLUDE AT LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES.]  
22 The committee shall select its own chairman.

23 \* Sec. 2. AS 24.20 is amended by adding a new section to read:

24 Sec. 24.20.195. JOINT BUDGET COMMITTEE. (a) The Joint Budget  
25 Committee is established as a permanent interim subcommittee of the  
26 Legislative Budget and Audit Committee. The subcommittee is composed of  
27 the six members of the finance committee serving on the Legislative  
28 Budget and Audit Committee in accordance with AS 24.20.161(1) and (2).

29 (b) The Joint Budget Committee shall

1 (1) review state revenue projections and make recommendations  
2 concerning revenues to the legislature, as provided in the Executive  
3 Budget Act (AS 37.07); and

4 (2) review requests for state agency annual program appro-  
5 priations and supplemental appropriations, and make recommendations on  
6 these requests to the legislature in the format of an appropriation  
7 bill, accompanied by the documentation for appropriation bills prepared  
8 by the legislative finance division.

9 \* Sec. 3. AS 37.07.070 is amended to read:

10 Sec. 37.07.070. LEGISLATIVE REVIEW. The legislature shall con-  
11 sider the governor's proposed comprehensive operating and capital im-  
12 provements programs and financial plans, evaluate alternatives to the  
13 plans, make program selections among the various alternatives and deter-  
14 mine, subject to available revenues, the level of funding required to  
15 support authorized state services. During each regular session of the  
16 legislature, legislative review of the plans shall be accomplished  
1 according to the following schedule:

18 (1) By the 45th legislative day, the legislature shall have  
19 established by concurrent resolution the total amount of state general  
20 funds that shall be available for appropriation for the budget year and  
21 the tentative allocation of the funds among program categories in both  
22 the operating and capital budgets. The resolution shall be introduced  
23 by the Joint Budget Committee [FINANCE COMMITTEE OF THE HOUSE IN WHICH  
24 THE GENERAL APPROPRIATIONS BILL WAS INTRODUCED].

25 (2) By the 90th legislative day, the house in which the  
26 general appropriations bill was introduced by the governor shall have  
27 calendared for second reading a version of the general appropriations  
28 bill as reported by the Joint Budget Committee. The bill shall be  
29 supported with documentation to explain the proposed appropriations and

1 related statements of intent. In addition, a list of other appropria-  
2 tions or measures with fiscal implications pending before the legisla-  
3 ture shall be included with the documentation for the calendared bill.

4 \* Sec. 4. AS 24.20.201(b) is repealed.

5 \* Sec. 5. This Act takes effect January 1, 1981.  
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# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE



### MEMORANDUM

DATE: November 10, 1980

TO: Senator Pat Rodey

FROM: Robert L. Grogan, Fiscal Analyst *RLG*  
Legislative Finance Division

SUBJ: Joint Budget Committee - Points in Favor

The joint budget committee structure has been discussed by the Alaska Legislature for several years. The advantages of this structure are:

1. A small cohesive committee of knowledgeable, hardworking members could do a better job for the Legislature on the budget.
2. Better staff direction. If we were to work for a committee on the budget, we could anticipate their needs better than under the existing three/four committee system.
3. Better budget product. Colorado's JBC traditionally produces a well thought out and carefully tied together budget. They do this by virtue of being better organized, better informed, and better suited for fiscal decision making.
4. Compliance with legislative intent is vastly improved under such a system. When the administration knows the Legislature is well organized and determined to follow through on intent compliance, compliance improves.
5. If we honestly look at Alaska's legislative budget operation, this is really the way we do it now. Alaska, as in most states (see attached listing of appropriation conference committee size for all states), uses a six member conference committee structure to actually write the final budget. If we recognized and accepted that fact and establish that conference committee on a year-round basis, we could vastly improve the quality of the budget that we traditionally produce from the Free Conference Committee.

I have attached a portion of Chapter 22 (pages 128 and 129) of Senator Joe Shoemaker's (twelve years with the Colorado Joint Budget Committee) recently published book, "Budgeting is the Answer". These pages highlight the chief advantages to the JBC concept as Senator Shoemaker sees them. I have also attached a listing of the states and what type of committee structure each uses.

attachments

RLG:bf

to appropriate and, therefore, it follows that the Legislature has the duty to budget appropriations.

There are four tangible (legislated) reasons and five intangible (based on experience) reasons why the JBC has been successful.

*Tangible:*

1. JBC members know what the *goals and objectives* of the Committee are. They're defined by statute, clear and concise — but looked at each year, year after year, as any goals and objectives should be.

2. The statute gives the JBC the *authority* to do what it does, and the Legislature can take away that authority any time it chooses. But until the statute is changed, there is no doubt that the JBC has the legal authority to recommend appropriations after any number of hearings it chooses to hold. *Nobody* else has this authority — nor should they, unless indecision and then chaos is desired, which always results when dual authority is present.

3. The JBC has been legislated and funded to hire a *staff*, not a big staff, but one of adequate size. The quality of the staff, not the quantity, makes the difference. Decision makers have to have sound ideas proposed by others and people who can ferret out facts and suggest incisive questions. The JBC staff has provided this capability.

4. The JBC is small. The statute sets the size, and, in this case, "Small is Beautiful." The JBC works successfully because no one can hide. Everyone must work and vote. The quickest way to destroy the effectiveness of the JBC would be to increase the number of members. Then no one would be responsible, and, consequently, there would be no reason to succeed. No one would know the difference.

*Intangible:*

1. The JBC asks for priorities from those requesting money. The Committee sets its own priorities. It knows it can't do everything, but what it does, it must do well. Otherwise, there would be no success story.

2. Work is the only four-letter word the Committee knows.

Those who can't work because of other obligations, or who won't work because they don't believe in it, cannot serve effectively on the JBC. It also takes sensible people to make laws work. The JBC has been blessed with sensible people — representative of the diverse interests of Colorado.

3. Thus, the JBC's source of strength is its six members with differing views who *debate* in the open the specifics, the issues and the policies inherent in funding or not funding.

4. Decisions are made by publicly recorded votes. The decisions aren't always the ultimate, but a decision on a request is better than no decision; and the process from hearings to figure setting leaves little to interpretation.

Finally, the JBC has an incentive to do the BEST BUDGETING within the State's resources. And it has the mechanism to accomplish it. The JBC knows that BUDGETING IS THE ANSWER to making government work.

I have found that the following maxim works wonders if you believe budgeting is the answer:

Ask them "Why?"  
 Make them prove it.  
 Make somebody do it.  
 Don't be soft-hearted  
 on the first (or  
 second) hearing.  
 They'll be back.  
 Remember, PERFORMANCE  
 is the name of the game.  
 Think it. Legislate it.  
 No more money unless  
 you get it.

If legislatures wish to use the power of the purse strings to make their state governments work for the benefit of all their citizens, they may. And as the individual legislators take the job of budgeting seriously, they will find that the generalities usually associated with identifying them as "conservative" or "liberal" will diminish. Why? Because, they will have learned how to have a heart and they will now know how important it is to count.

## APPROPRIATIONS AND REVENUE CONFERENCE COMMITTEES

State or other jurisdiction	Free conference	Limited conference	Size		All conferees are also on appropriations cmte.		Bills seldom or never go to conferences
			House	Senate	Yes	No	
Alabama	•	•	3	3	•	•	•
Alaska	•	•	3	3	•	•	•
Arizona	•	•	•	•	•	•	•
Arkansas	•	•	•	•	•	•	•
California	•	•	3	3	•	•	•
Colorado	•	•	3	3	•	•	•
Connecticut	•	•	•	•	•	•	•
Delaware	•	•	•	•	•	•	•
Florida	•	•	7	7	•	•	•
Georgia	•	•	3	3	•	•	•
Hawaii	•	•	Varies	Varies	•	•	•
Idaho	•	•	•	•	•	•	•
Illinois	•	•	5	5	•	•	•
Indiana	•	•	5	5	•	•	•
Iowa	•	•	5	5	•	•	•
Kansas	•	•	3	3	•	•	•
Kentucky	•	•	•	•	•	•	•
Louisiana	•	•	3	3	•	•	•
Maine	•	•	•	•	•	•	•
Maryland	•	•	3	3	•	•	•
Massachusetts	•	•	3	3	•(a)	•	•
Michigan	•	•	3	3	•	•	•
Minnesota	•	•	5	5	•	•	•
Mississippi	•	•	3	3	•	•	•
Missouri	•	•	5	5	•	•	•
Montana	•	•	3	3	•	•	•
Nebraska	•	•	•	Unicameral	•	•	•
Nevada	•	•	•	•	•	•	•
New Hampshire	•	•	5	3	•	•	•
New Jersey	•	•	•	•	•	•	•
New Mexico	•	•	3	3	•	•	•
New York	•	•	•	•	•	•	•
North Carolina	•	•	15	11	•	•	•
North Dakota	•	•	3	3	•	•	•
Ohio	•	•	3	3	•	•	•
Oklahoma	•	•	15	15	•	•	•
Oregon	•	•	2	2	•	•	•(b)
Pennsylvania	•	•	3	3	•	•	•
Rhode Island	•	•	•	•	•	•	•
South Carolina	•(c)	•	3	3	•	•	•
South Dakota	•	•	3	3	•	•	•
Tennessee	•	•	11	11	•	•	•
Texas	•	•	5	5	•	•	•
Utah	•	•	•	•	•	•	•
Vermont	•	•	3	3	•	•	•
Virginia	•	•	3	3	•	•	•
Washington	•	•	3	3	•	•	•
West Virginia	•	•	5	5	•	•	•
Wisconsin	•	•	3	3	•	•	•
Wyoming	•	•	•	•	•	•	•
American Samoa	•	•	Varies	Varies	•	•	•
Guam	•	•	•	Unicameral	•	•	•
Puerto Rico	•	•	5	5	N.A.	N.A.	•
Virgin Islands	•	•	•	Unicameral	•	•	•

N.A.—Not available.

(a) Usually, but not always.

(b) Appropriations, seldom; revenue bills, more often.

(c) Both houses must, by 2/3 vote, give free conference powers when differences cannot be resolved.

PATRICK RODEY  
ANCHORAGE

601 W. 5TH AVE. SUITE 820  
ANCHORAGE, ALASKA 99501

Alaska State Senate  
JUNEAU, ALASKA 99811

DURING SESSION  
POUCH V  
JUNEAU, ALASKA 99811

December 31, 1980

Mrs. Jan Faiks  
Faiks' Llamas  
6060 Yukon Drive  
P.O. Box SRA 62 F  
Anchorage, AK 99507

Dear Mrs. Faiks:

Enclosed is a copy of the proposal of the joint budget committee.

Unfortunately I have not had time to draft details of the Joint Finance Committee however by the time session begins in Juneau I should have this work done.

A single committee would take the place of both the committees in each house.

Sincerely,

Patrick M. Rodey  
Senator

PMR/ds



Official Business

# Alaska State Legislature

LEGISLATIVE REFORM

## Senate

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 26, 1981

### RECOMMENDATIONS OF THE SENATE SPECIAL COMMITTEE ON LEGISLATIVE REFORM

Attached are copies of six proposed changes to the Uniform Rules of the Alaska State Legislature. Each change is intended to effect legislative reform. It is the recommendation of this committee that these changes, as well as the other rule changes supported by the Senate Rules Committee, be approved by both houses in joint session this year, and that they become effective immediately after adjournment.

These particular proposed changes are brought to your attention because, in this committee's opinion, though there are other aspects of the legislative process which may warrant change, the reform outlined in these six rules will prevent most of the perceived abuses of the past.

The issues addressed in the attached rules are: (1) powers of conference committees; (2) powers of free conference committees; (3) committee procedures; (4) establishment of legislative committees during the interim; and (5) piggybacking of bills. The first two issues are covered in the proposed Rule 42. The third issue is covered in the proposed Rule 23. The fourth issue is covered in the proposed Rule 21. The fifth issue is covered in the proposed Rules 24-35-41 and 42.

Members of this committee are Senators Rodey and Kelly, co-chairmen, Fischer, Bennett and Ray.

RULE 21. SPECIAL AND JOINT COMMITTEES. (a) A special committee is a committee of one house and may be established only by the adoption of a simple resolution. The presiding officer of each house appoints the members of a [ALL] special committee[S] and designates the chair of the committee [THEIR CHAIRMEN] unless otherwise ordered by the house. The chairs [CHAIRMEN] of like committees of each house may arrange for the committees to meet jointly to receive testimony and deal with other matters which may be expedited by joint committee action.

(b) A joint committee is a committee of both houses and may be established only by the adoption of a concurrent resolution. One-half of the members of a joint committee shall be appointed from each house by the presiding officer.

(c) The resolution establishing a special or joint committee shall specify the date or conditions of termination of the committee. A special or joint committee may meet during the session or during the interim between sessions or both, as specified in the resolution. A special or joint committee may expend money only in accordance with an appropriation made for the work of the committee.

(d) No committee may be established unless authorized by law or by the Uniform Rules.

RULE 23. COMMITTEE MEETINGS. (a) Written notice of the time, place and subject matter of all meetings of standing, special and joint committees during a week shall be provided by the committee chair to the internal administrative officer of the house by 4:00 p.m. on the preceding Friday. The chair of the committee to which a bill or resolution is first referred shall provide to the internal administrative officer written notice of the time and place of the first public hearing on the bill or resolution at least five days before the hearing if requested in writing by the prime sponsor. The internal administrative officer shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The standing, special or joint committee chair shall provide the internal administrative officer written notice of a change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced and published as a notice in the journal of the house.

(c) A scheduled meeting of a standing, special or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given/as provided for notice of change in the same manner in (b) of this rule.

(d) The provisions of (a) and (b) of this rule do not apply to standing, special or joint committee meetings scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a standing, special or joint committee chair shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

(e) The provisions of (a), (b), (c) and (d) of this rule do not apply to meetings of:

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special or joint committees when they meet during the interim between sessions.

(f) Each standing, special and joint committee shall:

(1) record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the House and the Senate. The minutes shall include:

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public. Committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of

each session or each legislature to the legislative reference  
library for appropriate disposition.

RULE 24 [23] (c) of the Uniform Rules of the Alaska State Legislature is amended to read:

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for a second reading in the place of the original bill. If a committee substitute is offered, a committee report may not be reported back to the house without a copy of the committee substitute. A committee substitute that contains a change in the bill title or an amendment to a bill reported by a committee that requires a change in the bill title (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A committee of the second house may not report out a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill (other than a clerical or technical change) as adopted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the [HIS OR THEIR] name so appearing.

RULE 35 [34]. AMENDMENT. A [NO] motion or proposition on a subject matter may not [SHALL] be admitted under color of amendment if the subject matter is different from that under consideration. A motion or proposition for an amendment that requires a change in the title of a bill (other than a clerical or technical change) requires an affirmative vote of two-thirds of the house. A motion or proposition on a subject that requires a change in the title of the bill as enacted in the house of origin other than a clerical or technical change is not in order in the second house. An [NO] amendment may not be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. An [NO] amendment may not be made to a bill in its third reading but the bill may be returned to second reading by a majority vote of the full membership of the house for the purpose of specific amendment. Except as provided in this rule, a [A] title may be amended or a change of sponsor made in third reading or after passage by a majority vote of the members present, but the title amendment or sponsor change [SAME] must be accomplished before the measure acted upon has been enrolled. When amendments to the body of a bill affect the numbering of sections, or passage or failure of the effective date clause affects the title, the clerk or secretary may accomplish the necessary changes without formal motion, and the [SUCH] changes shall be noted in the journal. Resolutions may be amended in the same manner as a bill.

RULE 41 [40]. AMENDMENTS IN OTHER HOUSE. (a) When a bill passed in one house is amended in the other house, the bill with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change. The title of a bill may not be changed other than by a clerical or technical change except by an affirmative vote of two-thirds of the house of origin.

RULE 42 [41]. CONFERENCE AND FREE CONFERENCE COMMITTEES.

(a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee [ON CONFERENCE]. The committee meets when mutually agreeable to its members. [AND WHEN] If the committee reaches agreement on previously adopted amendments to a bill adopted by either house [IS REACHED], the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each [BOTH] house[S] the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. [IT IS IN ORDER AT ANY TIME TO GRANT POWERS OF FREE CONFERENCE.] If the members of a [THE] Conference Committee [ON CONFERENCE] with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee [ITS] report, it is then in order to appoint a Free Conference Committee [ON FREE CONFERENCE]. A member who served on a Conference Committee or a Conference Committee with limited powers of free

conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

(b) A [THE] Free Conference Committee [ON FREE CONFERENCE] is appointed in the same manner as a Conference Committee [ON CONFERENCE] and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of [ON] the committee from each house agree on amendments [TO BE PROPOSED], the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each [BOTH] house[S] the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee [ON FREE CONFERENCE] fail[S] to agree on amendments or one or both houses refuses to adopt the free conference [ITS] report [IS NOT ADOPTED], a second Free Conference Committee [ON FREE CONFERENCE] may be appointed, but no member of the first committee may be reappointed. A free conference report may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the internal administrative officer of the house for distribution to each member. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas [AYES] and nays in the journal. Adoption requires a majority vote of the full membership of each [THE] house.

(c) A conference committee, a conference committee with  
limited powers of free conference or a Free Conference Committee  
may not include in its report on an appropriation bill an item  
which was not included in a version of that appropriation bill  
adopted in third reading by a house and the amount appropriated  
by an item may not exceed the higher amount appropriated by that  
item in a version of the bill adopted in third reading by a house.

(d) The report of a Committee on Conference with powers of  
free conference or a Committee on Free Conference that requires a  
change in the title of a bill other than clerical or technical  
changes requires an affirmative vote of two-thirds of the house of  
origin.

## Three cheers for reform

IT TOOK a considerable bit of waltzing around on the part of Alaska's legislators before they finally bowed to public pressure and made some significant changes in the way legislative business is conducted.

In action yesterday at Juneau the House went along with reforms previously approved by the Senate. This produced an ecstatic reaction from Jan Bomhoff, one of the leaders of the Free Committee of the Anchorage Woman's Club which has been working diligently on this matter of reform.

"We're dancing dances of joy," Mrs. Bomhoff said.

Two legislative leaders were more reserved, but nonetheless hearty, in their comments.

"What has just been done will make an incredible difference in the way the legislature operates," said Republican Sen. Tim Kelly of Anchorage.

"I'm extremely happy. These are very significant pieces of reform," said Democratic Rep. Russ Meekins Jr. of Anchorage.

**THE NEW RULES** will limit the powers of a House-Senate free conference committee. They will bar the addition of new material to any piece of legislation and prohibit an appropriation bill from being raised beyond what was approved by either house. A second rules change will outlaw amending the title of a bill, a move that will prevent an abuse known as "bill-stripping" and sharply curtail another abuse known as "piggybacking."

The Senate, under Mr. Kelly's relentless pressure, had agreed to the changes some time ago. But the Demo-

cratic majority in the House wouldn't buy these two items of reform and last Saturday voted them down in a joint House-Senate Rules Committee meeting.

Mr. Meekins, however, in a party caucus four days ago, persuaded his colleagues that they were riding a bad horse and convinced them to switch positions. They did so in yesterday's vote, which came on a concurrent resolution that required approval of two-thirds of the House.

The final vote wasn't even close — 36-3. The three Democratic holdouts were Finance Committee Chairman Sam Cotten of Eagle River, Vernon Hurlbert of Sleetmute and Fred Brown of Fairbanks.

Mr. Brown said he opposed the reform measures because they contained "a loophole big enough to drive a truck through." Responded Mr. Meekins, "That's not true at all."

**UNFORTUNATELY**, the reform measures won't become effective until June 30, 1982, and thus will not impair legislative monkey business until the 13th Legislature convenes in January 1983.

In other words, the rest of the 1981 legislative session and the entire 1982 session will be immune from these critically important changes. It's no coincidence that the present representatives will hold office until the end of that period.

That's something of a coward's way of dealing with a terribly important problem. But let's not complain. Some reform — even if it doesn't take effect for another year and a half — is better than no reform at all.

# Rules changes labeled 'showmanship'

By KARIN DAVIES  
Associated Press Writer

Against a backdrop of what one lawmaker said was "political puffery and showmanship" the state Legislature made some changes to the rules governing their business Saturday, but didn't clamp down on areas most noted for abuses.

Some lawmakers and private citizens' groups that had been pushing for major reform said they were disappointed in the first changes made to the Legislature's Uniform Rules in four years.

The rules changes were "basically cosmetic," said Jan Faiks of FREE, formed by the General Federation of Women's Clubs. She was particularly critical because lawmakers rejected a proposal to restrict the powers of free conference committees, House-Senate panels which are given a free hand to negotiate settlements when each chamber approves different versions of the same bill.

The new rules were adopted with a 15-1 Senate vote and a 24-15 House vote. The changes include a requirement that free conference committee reports cannot be voted on until 24 hours after they are distributed to lawmakers. Rep. Brian Rogers, D-Fairbanks, said the delay would substantially reduce abuses by the negotiating teams.

A proposed amendment defeated by House Democrats would have put a tighter rein on free conference committees by holding them to the greatest appropriation approved by a house. That means free conference committee still will be allowed to come up with entirely new appropriations, and Ms. Faiks predicted that "Christmastree budgets" will result.

The Senate approved the amendment 15-1, but the House killed the change on a 19-20 ballot. Reps. Russ Meekins, D-Anchorage,



## ALASKA NEWS

and Terry Gardiner, D-Ketchikan, voted with Republicans and Libertarians for the change.

House Finance Chairman Sam Cotten, D-Eagle River, voted against the amendment and said "they're trying to make the Legislature more inefficient than it already is. The fact is that it isn't five or six people on a free conference committee making decisions. It still takes 21 votes in the House and 11 votes in the Senate to do anything."

Some lawmakers said they were appalled by the grandstanding of some of their colleagues. Members of citizens groups backing legislative reform were in the galleries during the joint session.

"There's no business like show business. The debate on all sides of the issue was for show. And that includes my debate," Rogers said.

Ms. Faiks also was critical because the new rules do not contain any safeguards against bill stripping — gutting the substance of a measure and replacing with totally new matter — and piggyback-

ing, which is tacking one bill on to another.

But House Rules Chairwoman Sally Smith, D-Fairbanks, who spearheaded the House effort to rework the rules, said she is pleased with the package. She said several changes were made to curb abuses in free conference committees, and that her only real disappointment is that Senate President Jalmar Kerttula, D-Palmer, gavelled the joint session to a halt before tighter restrictions were approved to limit bill stripping and piggybacking.

Under the new rules, a free conference committee couldn't be appointed until a conference committee, which has fewer powers, has a shot at negotiating a compromise on the disputed measure.

If the conference committee can't agree, or if the team's report is rejected, then the presiding officers may give limited powers of free conference on specific disagreements. That means they could go beyond the legislation approved by either house to set a compromise.

In part, the rules changes also would:

—Force lawmakers to vote on nominees for a permanent presiding officer by the eighth day of the session. This session it took the House more than three weeks to organize.

—Require each committee to set weekly schedules, and give five-days notice for the first public hearing on a measure. Only 24-hours notice must be given in the last few weeks of the session, and a majority vote by a chamber would waive all notice requirements.

—Require committees to tape record meetings, and keep minutes in a standardized form.

—Would require special and joint committees and their funding to be approved by the full House or Senate, rather than just by the presiding officer.

Original sponsor: Rules Committee

Introduced: 3/23/81  
Referred: Rules

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 155 (State Affairs) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative procedures; and provid-  
7 ing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 24 is amended by adding a new chapter to read:

10 CHAPTER 27. LEGISLATIVE COMMITTEE PROCEDURE.

11 Sec. 24.27.010. COMMITTEE PROCEDURE. (a) Each committee of the  
12 legislature shall prepare minutes of each meeting of the committee on a  
13 standard form prescribed by the legislative council. Committee minutes  
14 that reflect action on legislation are part of the legislative history  
15 of the legislation. Preparation of the minutes of a committee meeting  
16 is the responsibility of the chairman of the committee. The minutes of  
17 a committee meeting shall include

18 (1) a statement of the members present at the committee  
19 meeting, including a list of the members present at the opening of the  
20 meeting, the arrival of a member during a meeting, and the time of the  
21 arrival;

22 (2) a list of the name and, if applicable, the affiliation  
23 of each witness appearing before the committee;

24 (3) a brief statement of the position of the witness on the  
25 subject before the committee;

26 (4) proposed amendments presented by a witness appearing  
27 before the committee; and

28 (5) each amendment to a bill considered by the committee,  
29 the name of the member moving adoption of the amendment, and the roll

1 call vote on adoption of each proposed amendment.

2 (b) The vote on adoption of each amendment considered by the  
3 committee shall be by roll call vote and the "yeas" and "nays" shall be  
4 recorded in the minutes.

5 (c) Each committee shall record its meetings electronically under  
6 a method prescribed by the legislative council. The recording shall be  
7 in a manner which allows for preparation of a verbatim transcript of  
8 the meeting. A log of the recording adequate to locate specific tes-  
9 timony shall be maintained by the committee.

10 (d) Each committee shall file all minutes and all written mate-  
11 rial submitted to the committee in the manner prescribed by the legisla-  
12 tive council. All minutes shall be entered and made available as a data  
13 base on the legislative computer system. All written material submit-  
14 ted to the committee shall indicate the name of the person submitting  
15 the material and the date of its submission. Committee minutes, tapes  
16 and other materials of research value shall be delivered by the commit-  
17 tee (at the end of each legislature) to the legislative reference  
18 library for appropriate disposition.

19 (e) The chairman of a committee shall maintain a chronological  
20 file of minutes which is readily accessible to committee members and  
21 the public. Minutes may be corrected or amended by majority vote of  
22 the committee, regardless of the time which has elapsed since the  
23 action reflected in the minutes.

24 (f) In this section "committee" includes a standing, special  
25 interim committee of the legislature or of a house of the legislature.

26 (g) Each committee, except for the Rules Committee for the purpose  
27 of the daily calendar, shall make public its meeting schedule agenda at  
28 least five days prior to public hearings on legislation, except that  
29 the agenda may be amended on shorter notice by majority vote of the

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committee.

\* Sec. 2. AS 24.20.060 is amended by adding a new paragraph to read:  
(9) to prepare the forms and rules required by AS 24.25.060  
and AS 24.27.010.

\* Sec. 3. The legislative council shall prepare the forms and rules  
required by AS 24.27 enacted in sec. 1 of this Act before the Second Session  
of the Twelfth Legislature convenes.

\* Sec. 4. Section 1 of this Act takes effect January 11, 1982.

\* Sec. 5. Sections 2 and 3 of this Act take effect immediately in ac-  
cordance with AS 01.10.070(c).

Original sponsor: Rules Committee

Offered: 3/23/81  
Referred: Rules

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24 (3) a brief statement of the position of the witness on the  
25 subject before the committee;

26 (4) proposed amendments presented by a witness appearing  
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28 (5) each amendment to a bill considered by the committee,  
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7 in a manner which allows for preparation of a verbatim transcript of  
8 the meeting. A log of the recording adequate to locate specific testi-  
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10 (d) Each committee shall file all minutes and all written material  
11 submitted to the committee in the manner prescribed by the legislative  
12 council. All written material submitted to the committee shall indicate  
13 the name of the person submitting the material and the date of its  
14 submission. Committee minutes, tapes and other materials of research  
15 value shall be delivered by the committee (at the end of each legisla-  
16 ture) to the legislative reference library for appropriate disposition.

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19 the public. Minutes may be corrected or amended by majority vote of  
20 the committee, regardless of the time which has elapsed since the  
21 action reflected in the minutes.

22 (f) In this section "committee" includes a standing, special or  
23 interim committee of the legislature or of a house of the legislature  
24 and all subcommittees of standing, special or interim committees of the  
25 legislature.

26 \* Sec. 2. AS 24.20.060 is amended by adding a new paragraph to read:

27 (9) to prepare the forms and rules required by AS 24.25.060  
28 and AS 24.27.010.

29 \* Sec. 3. The legislative council shall prepare the forms and rules

1 required by AS 24.27 enacted in sec. 1 of this Act before the Second Session  
2 of the Twelfth Legislature convenes.

3 \* Sec. 4. Section 1 of this Act takes effect January 11, 1982.

4 \* Sec. 5. Sections 2 and 3 of this Act take effect immediately in ac-  
5 cordance with AS 01.10.070(c).

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Introduced: 2/13/81  
Referred: State Affairs

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BY THE RULES COMMITTEE

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4 TWELFTH LEGISLATURE - FIRST SESSION

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19 meeting, including a list of the members present at the opening of the  
20 meeting, the arrival of a member during a meeting, and the time of the  
21 arrival;

22 (2) a list of the name and, if applicable, the affiliation of  
23 each witness appearing before the committee;

24 (3) a summary of the testimony of each witness appearing  
25 before the committee, including a summary of the position of the witness  
26 on the subject before the committee;

27 (4) a description of any proposed amendments presented by a  
28 witness appearing before the committee; and

29 (5) each amendment to a bill considered by the committee, the

1 name of the member moving adoption of the amendment, and the roll call  
2 vote on adoption of each proposed amendment.

3 (b) The vote on adoption of each amendment considered by the  
4 committee shall be by roll call vote and the "aye's" and "no's" shall be  
5 recorded in the minutes.

6 (c) Each committee shall record its meetings by a method pre-  
7 scribed by the legislative council. The recording shall be in a manner  
8 which allows for preparation of a verbatim transcript of the meeting. A  
9 log of the recording adequate to locate specific testimony shall be  
10 maintained by the committee and shall be published as a supplement to  
11 the minutes of the meeting.

12 (d) Each committee shall file all minutes and all written material  
13 submitted to the committee in the manner prescribed by the legislative  
14 council. All written material submitted to the committee shall indicate  
15 the name of the person submitting the material and the date of its  
16 submission. Committee minutes, tapes and other materials of research  
17 value shall be delivered by the committee (at the end of each legisla-  
18 ture) to the legislative reference library for appropriate disposition.

19 (e) The chairman of a committee shall maintain a chronological  
20 file of minutes which is readily accessible to committee members and the  
21 public. Minutes may be corrected or amended by majority vote of the  
22 committee, regardless of the time which has elapsed since the action  
23 reflected in the minutes.

24 (f) Testimony at committee meetings shall be taken under oath or  
25 affirmation. The oath may be administered by the chairman of the com-  
26 mittee or by a written statement signed by the witness attesting that  
27 his testimony is under oath.

28 (g) In this section "committee" includes a standing, special or  
29 interim committee of the legislature or of a house of the legislature

1 and all subcommittees of standing, special or interim committees of the  
2 legislature.

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4 (9) to prepare the forms and rules required by AS 24.25.060  
5 and AS 24.27.010.

6 \* Sec. 3. AS 24.25.060 is amended to read:

7 Sec. 24.25.060. OATH AND PENALTY FOR VIOLATION OF OATH. The  
8 president of the senate and speaker of the house of representatives and  
9 the chairman of every committee of either body shall [MAY] administer an  
10 oath to a witness appearing before the respective bodies. A person who  
11 makes a false sworn statement which he does not believe to be true [WIL-  
12 FULLY SWEARS OR AFFIRMS FALSELY] concerning any matter material to the  
13 subject under investigation or inquiry commits the crime [IS GUILTY] of  
14 perjury under AS 11.56.200 [AND UPON CONVICTION IS PUNISHABLE BY IM-  
15 PRISONMENT FOR NOT LESS THAN ONE YEAR NOR MORE THAN FIVE YEARS].

16 \* Sec. 4. The legislative council shall prepare the forms and rules  
17 required by AS 24.27 enacted in sec. 1 of this Act and AS 24.25.060 enacted  
18 in sec. 3 of this Act before the Second Session of the Twelfth Legislature  
19 convenes.

20 \* Sec. 5. Sections 1 and 3 of this Act take effect January 11, 1982.

21 \* Sec. 6. Sections 2 and 4 - 6 of this Act take effect immediately in ac-  
22 cordance with AS 01.10.070(c).

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# House approves first reform bill

By The Associated Press

Following a lengthy debate on a series of proposed amendments, the House approved on Wednesday the first of a series of legislative reform measures.

The bill (CSHB155), approved by a vote of 33-5, would make mandatory certain procedures for legislative committees.

Dissatisfied lawmakers proposed more than a half dozen amendments to the bill. Another reform measure (CSHB154) which would broaden the information public officials must disclose also was slated for action, but so many changes were suggested that lawmakers voted to return the bill to the Rules Committee for further discussion.

Under the approved bill, legislative committees — including standing, special and interim panels — would be required to keep detailed minutes and tape recordings of their meetings.

Attendance of committee members, names and associations of witnesses, a summary of testimony, and votes on all bills and amendments would be recorded. The detailed information would be filed with the legislative library and stored in the legislative computer system.

Also, all committees except the Rules Committee would be required to announce an agenda at least five days before public hearings. A majority vote would allow committees to give less notice. A provision was killed which would have required committees to give five days notice before moving a bill out of committee.

The new procedures would be set by the Legislative Council, and would be effective next January.

Originally, the bill introduced by the Rules Committee would have required witnesses to take an oath swearing to the truth of their testimony. The requirement was deleted following testimony that administering the oath is cumbersome and could intimidate witnesses.

The House rejected an amendment which would have required committees to make a recommendation on bills within 30 days.

Arguing against the deadline, Rep. Fred Brown, D-Fairbanks, said "some bills are like fine wines and cheeses — they have to age."

But Rep. Dick Randolph, L-Fairbanks, countered that some legislation is more like "milk and cottage cheese — the longer they're around the more they stink."

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 16, 1981

SUBJECT: Special, joint and interim committees

TO: Senator Patrick M. Rodey

FROM: Billy G. Berrier  
Director  
Division of Legal Services

You have asked what effect the defeat of Ballot Proposition No. 3 which proposed a constitutional amendment relating to interim and special committees had on the legislative power to appoint interim committees and special committees and the power of interim committees to meet during the session.

It is well established that the defeat of a proposal to amend the constitution or laws does not affect the interpretation of the sections for which the amendment is proposed. The reason for this is that the reason for the defeat is purely speculative. Proposition No. 3 is a good example. The text of the amendment provided:

Section 11. INTERIM COMMITTEES. There shall be a legislative council, and the legislature may establish other interim or special committees, as provided in the joint rules of the legislature. The legislature may establish an interim committee to approve jointly with the governor, as provided by law, state budget revisions, including revisions authorizing the receipt and expenditure of federal and other program receipts as defined by law. The council and other interim or special committees may meet during and between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

and the ballot summary stated:

This proposal would amend the state constitution to permit the legislature to adopt procedures for establishing interim and special committees by legislative rule, which, unlike a bill, may be adopted without three readings or a roll call vote and is not subject to veto by the governor or repeal by referendum. This proposal would allow interim and special committees to meet during legislative sessions and would allow the legislature to vest such a committee with the power to share with the governor the authority to approve or disapprove budget revisions including authorizations for receiving and spending federal or other non-state funds.

It has been stated that by defeating the constitutional amendment the voters repudiated the use of special committees and the long standing practice of interim committees meeting during the legislature. Of course, the voters could have intended that legislative committees be created by law, or that the legislature have no hand in jointly with the governor approving fund transfers, or that the voters were content with what is presently being done and saw no need for change. A cogent argument could be made that the voters are quite reluctant to amend the constitution unless the strong need for an amendment is demonstrated.

As a matter of law it cannot be determined whether one or a combination or none of these is the correct reason for the defeat. It may well be that different voters voted for different reasons. Therefore, the defeat has no effect on the interpretation.

The use of special and joint committees has a long legislative history going back to at least the English Parliament before independence of the United States. Had there been an intent to prohibit the use of this well established parliamentary device, a direct prohibition would have been used rather than silence. The use of these committees was well known to the constitutional convention delegates and was not prohibited. There can be no serious question that special and joint committees may be established by the legislature.

Senator Patrick M. Rodey

Page 3

March 16, 1981

The language in Section 11 of Article II that

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions.

could be used as the basis for an argument by negative inference, that is, since interim committees are specifically allowed to meet during the interim they are forbidden to meet at any other time. There appears no basis for a negative inference here however.

The Council was in existence before statehood and was required to meet twice during the interim and allowed to meet "at any other times and at any place within the Territory of Alaska which they deem necessary." (Sec. 4-7-6, Alaska Compiled Laws, Chapter 69 laws 1953.)

The intent that the Council continue was stated by Delegate McCutcheon to the convention at page 1699 of the Proceedings of the Alaska Constitutional Convention. He said:

MCCUTCHEON: Mr. President, it was the feeling of the Committee that the legislature should utilize the services of their Legislative Council. It was the feeling of the Committee that there should be no if's, and's, or but's about it; it is not permissive, they are directed to utilize the Legislative Council, such as we are utilizing at the present time. The tendencies among the states is to more and more go into the utilities of legislative councils. It is an economic factor in the handling of legislative matters because the facts are developed; the investigations are made; the wording of the bill is actually studied by this Committee. There are members of the legislature on this Committee, they develop the material, it's presented to the legislature as a proper product to be considered, and is considered by the legislature. We felt that it was a matter of economy to utilize this, and we did not, in our Committee, desire that there should be any if's, and's, or but's. We wanted the legislature to use a Legislative Council, period. If this body feels otherwise, then you will have to support Mr. Stewart.

To place the debate in context the question was whether the Legislative Council should be required. The Convention was assured that these activities were permitted even without constitutional sanction by the following exchange shown on page 1700:

"KILCHER: Mr. President, I'd like to get some information from Mr. McCutcheon. If no reference is made in Section 10 to the Legislative Council may the legislature in the future then establish one anyway?

"MCCUTCHEON: Yes, they may.

"KILCHER: In other words, if we should not direct the legislature in this article, may it just as well delete all reference to the Council, is that right?

"MCCUTCHEON: That's what I would conclude, yes, sir."

It is clear the convention intended to mandate a council rather than limit the legislature in its use of the council. Other interim committees stand on the same footing as shown by Section 11 with the exception that the legislature is not required to establish others.

The First Alaska State Legislature obviously took this view since in Chapter 17, SLA 1960, they provided:

Sec. 11. MEETINGS. The legislative council may meet during sessions of the legislature and during intervals between sessions at such times and places within the state as the chairman may determine. The council shall meet immediately after the appointment of its membership at the first regular session of each legislature for purposes of organization. Minutes of each meeting shall be kept. One half of the membership constitutes a quorum to do business. Members may receive, for the minimum time required to get to and from meetings and while attending meetings, the same travel fare and per diem allowance provided by law for members of the legislature when attending sessions.

It is my opinion that the legislature has clear power to create special and joint committees and to allow the council and other interim committees to meet during the session.

Senator Patrick M. Rodey  
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March 16, 1981

The defeat of Ballot Proposition No. 3 does not change that power.

BCB:ljb

# Legislative Leaders Ignore Ban on Special Committees

2/20/81

By JOE La ROCCA

JUNEAU — Both presiding officers of the Alaska Legislature and their supporters have ignored the state constitution and the will of the voters by establishing special and interim committees prohibited by both.

In the House of Representatives, Speaker Jim Duncan, D-Juneau, has re-established two special committees and appointed seven House members to sit on a joint interim committee. They are committees on oil and gas, fish and game subsistence and the Joint Gas Pipeline Committee. His counterpart in the Senate, President Jalmar Kerttula, D-Palmer, likewise has appointed seven Senate members to sit on the pipeline committee.

While the constitution specifically authorizes the legislature to establish interim committees, it must be done by law. Only three interim committees meet that requirement. They are the Legislative Council, the Budget and Audit Committee and the Administrative Regulation Review Committee.

Yet House Speaker Duncan and Senate President Kerttula have already re-constituted the Joint Gas Pipeline Committee which operated illegally for the past two years — spending more than \$1 million in the process — and appointed 14 legislators to it, without statutory authority.

And they are apparently going ahead with plans to re-establish, again without statutory authority, the Joint Constitutional Convention Committee. It has likewise operated illegally during the past two years, and illicitly spend tens of thousands of dollars in the process.

Unless there have been agreements made behind closed doors to do so, I am not aware that the Senate leadership has agreed to establish any special commit-

tees, although there are unconfirmed reports to the contrary.

But in the House, the special committees on oil and gas and fish and game subsistence already mentioned have been formed and their members appointed by Duncan. There is clearly no authority in the constitution for these creations.

Moreover, Alaska's voters overwhelmingly rejected at last November's general election a proposed constitutional amendment which would have authorized the legislature to create special committees.

Heretofore, apologists for special committees have raised the argument that while the constitution does not specifically provide for the establishment of special committees, neither does it specifically prohibit them.

But that argument is no longer available to them, since the voters specifically denied the legislature the constitutional authority to create special committees when they rejected the proposed constitutional amendments last November.

At the same time, the voters clearly repudiated the legislature's long-standing practice of allowing even those interim committees which have been properly established to meet during sessions of the legislature.

The constitution unequivocally states that "The (Legislative) council and other interim committees may meet *between* legislative sessions." It says nothing about meeting *during* sessions.

Yet the council, the Budget and Audit Committee and the Regulation Review Committee, as well as illegally established interim committees — like the Joint Gas Pipeline Committee and the Joint Constitutional Convention Committee — continue to meet during, as well

as ~~between sessions.~~  
That practice has been condoned for years, based on the same spurious argument that while the constitution does not provide for them to meet during the session, neither does it explicitly prohibit it.

But the voters' lopsided rejection of the constitutional amendment proposed by the legislature seeking to give its interim and special committees authority to meet during legislative sessions clearly obviates that argument.

The increasing use of special and interim committees in ways not permitted by the constitution raises ethical as well as constitutional issues. The indiscriminate establishment of these committees, which reached unprecedented proportions during the past two years, often if not always, arises from personal political expedience, rather than a rational public need or purpose.

They are mostly used by candidates campaigning for the position of presiding officer, and his supporters, to win support for his election.

For example, in order to win the key votes of certain hush legislators in his drive to become Speaker of the House, Duncan promised them the chairmanship and seats on the Special Committee on Fish and Game Subsistence.

The same is true of the Special Committee on Oil Gas, and the Joint Gas Pipeline Committee. Without the votes he secured by pledging seats on these committees to certain legislators, Duncan would likely have lost his bid for the House speakership.

This dubious practice took an unusual twist this year in the contest between Duncan and Rep. Sam Cotten, D-Eagle River, for the position of House Speaker.

After Duncan won the 21 votes he needed, and was elected Speaker, it was belatedly discovered last week that, in the confusion, two legislators had been promised one seat on the Joint Regulation Review Committee.

The easiest, if not the only, way out of Duncan's dilemma came straight out of Peter's Book of Principles. Duncan and his supporters introduced legislation late last week which would expand the membership on the Regulation Review Committee from six to 10 members, in order to accommodate all the legislators who were promised, in his all-out bid for the speakership, seats on the committee.

Rep. Duncan is by no means the first or only purveyor of these questionable practices. He is merely doing what presiding officers have done since former Speaker Mike Bradner initiated them in 1975.

The major difference now is that the voters re-affirmed in 1980 the constitutional prohibition against the establishment of special committees, largely because of their extreme and pervasive abuse by the last two legislatures.

They have been mis-used during the interim to send legislators junketing around the country and the world at public expense, and to provide personal year-round staffs whose services have been covertly and openly utilized by some legislators for political campaign purposes.

Not all legislators have abused the special and interim committee system in these or other ways, and some of them will complain that they are nevertheless being painted with the same broad brush.

But whether they have directly participated in these abuses or not, they have condoned them by their passive acceptance of them, and are just as culpable as those who have.

H.B. 154

[~~Johnson~~ - final ethics rules]

Vic - Ethics/Financial Disclosure [keeps constitutional change bills til next yr]  
Pat - philosophically opposed to amending the Constitution

Vic - FCC/appropriation:

- length of session

- employer salary [favors ethics code in the uniform rules]

Ray - no Ethics Commission

initial action - rewrite of Uniform Rules

joint finance - but

RAY

FISTER

BENNET

ROBEY

WELLS

~~discuss~~  
discuss by author of whole

BSA

Sp

meeting end of next week

Introduced: 4/3/81  
Referred: State Affairs and  
Rules

1 IN THE HOUSE

BY RANDOLPH, FANNING AND BEIRNE

2 HOUSE CONCURRENT RESOLUTION NO. 19

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to interim committees.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. Rule 21 of the Uniform Rules of the Alaska State Legislature  
9 is repealed and reenacted to read:

10 RULE 21. INTERIM COMMITTEES. An interim committee may not be  
11 established unless it is a joint interim committee. A joint interim  
12 committee is proposed by the Legislative Council and approved by a  
13 concurrent resolution adopted by a vote of two-thirds of the membership  
14 of each house of the legislature. When a joint interim committee is  
15 established, one-half of the members of the committee shall be appointed  
16 from each house by the presiding officer of that house. At least one  
17 member from each house shall be a member of a minority party of that  
18 house. The members appointed to a joint interim committee shall elect  
19 a chairman. Before an interim committee may spend money, its budget  
20 must be proposed by the Legislative Council and approved by a concurrent  
21 resolution adopted by a vote of two-thirds of the membership of each  
22 house of the legislature. A joint interim committee exists for the  
23 duration of the legislature during which established.

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29

NDI

Introduced: 3/24/81  
Referred: State Affairs and  
Judiciary

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HALFORD, HAYES, MARTIN,  
METCALFE AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 13

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules to establish the composition  
7 of standing committees.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 1(e) of the Uniform Rules of the Alaska State Legis-  
10 lature is amended to read:

11 (e) The presiding officer shall announce not later than the day  
12 following his election the appointment of a Committee on Committees  
13 consisting of himself as chairman and four other members. The commit-  
14 tee is responsible for nominating the chairmen and members of the  
15 standing committees as set forth in Rule 20 to serve for the two-year  
16 duration of the legislature. The membership of each committee shall  
17 total to an uneven number. Each standing committee shall be composed of  
18 members of the majority and the minority in the ratio which reflects the  
19 majority and minority membership in the house [AND THE MINORITY IS  
20 ENTITLED TO AT LEAST ONE SEAT ON EACH STANDING COMMITTEE]. The report  
21 of the Committee on Committees is subject to approval by a majority  
22 vote of the full membership of the house.  
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Introduced: 3/24/81  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HAYES, MARTIN AND MONTGOMERY

2 HOUSE JOINT RESOLUTION NO. 35

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the  
6 Constitution of the State of Alaska  
7 relating to standing committees.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, Constitution of the State of Alaska is amended  
10 by adding a new section to read:

11 SECTION 22. STANDING COMMITTEES. Each house of the legislature  
12 shall establish standing committees. Each standing committee shall be  
13 composed of members of the majority and the minority in the ratio which  
14 reflects the majority and minority membership in that house of the  
15 legislature.

16 \* Sec. 2. The amendment proposed by this resolution shall be placed  
17 before the voters of the state at the next general election in conformity  
18 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
19 laws of the state.

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*No!*

Introduced: 2/5/81  
Referred: Rules and  
Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE

2 SENATE CONCURRENT RESOLUTION NO. 8

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform  
6 rules.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. Rule 1(b) of the Uniform Rules of the Alaska State Legisla-  
9 ture is amended to read:

10 (b) When the house by a majority vote of the full membership of  
11 the house [VOTE] selects a temporary presiding officer, he assumes the  
12 chair and the lieutenant governor withdraws. The chair then calls for  
13 nominations for a permanent presiding officer and the nominee receiving  
14 a majority vote [OF THE VOTES] of the full membership of the house  
15 assumes the chair for the two-year duration of the legislature.

16 \* Sec. 2. Rule 3(a) of the Uniform Rules of the Alaska State Legislature  
17 is amended to read:

18 (a) Each house elects an internal administration officer (a Chief  
19 Clerk in the House and a Secretary in the Senate) to serve for the  
20 two-year duration of the legislature. The officer is nominated by the  
21 Rules Committee and elected by a majority vote of the full membership  
22 [MEMBERS] of the house. The Chief Clerk and Secretary are responsible  
23 for the selection and supervision of the staff of their offices and are  
24 subject to the direction of the presiding officer and Rules Committee  
25 according to law and legislative rule.

26 \* Sec. 3. Rule 9 of the Uniform Rules of the Alaska State Legislature is  
27 amended to read:

28 RULE 9. The journal of each house reports only the essential  
29 items of daily business: roll call votes, major motions, communications

1 from the governor and the other house, brief or summary committee  
2 reports, and amendments. Detailed committee reports, exhibits, and  
3 miscellaneous communications ordered spread upon the journal by the  
4 presiding officer of the house shall be published in a supplement to  
5 the daily journal. The daily journal is to be prepared by the chief  
6 clerk or secretary in conformity with the legislative drafting manual  
7 and distributed to each member of the legislature on the following  
8 legislative day. Matter may be expunged from the journal with the  
9 approval of a majority of the full membership of the house if the  
10 motion to expunge is adopted prior to the end of the legislative day on  
11 which the journal report is approved.

12 \* Sec. 4. Rule 14(a) of the Uniform Rules of the Alaska State Legisla-  
13 ture is amended to read:

14 RULE 14. (a) A majority of the full membership of the [EACH]  
15 house constitutes a quorum to do business (subject to the special  
16 voting requirements of the Constitution, Art. II, Secs. 14, 16 and 18),  
17 but a smaller number may adjourn from day to day and may compel the  
18 attendance of absent members (Constitution, Art. II, Sec. 12).

19 \* Sec. 5. Rule 16 of the Uniform Rules of the Alaska State Legislature  
20 is amended to read:

21 RULE 16. CALL OF THE HOUSE. A call of the house is used to  
22 compel attendance of absent members who have not been previously excused  
23 from a call by a majority vote of the full membership of the house.  
24 The journal shall reflect the names of all members excused from atten-  
25 dance and such members shall be excused from all roll calls during such  
26 absence. A call of the house may be ordered by one member. When no  
27 quorum is present, the presiding officer of the house may compel the  
28 attendance of individual absent members. If a quorum is present when a  
29 call has been ordered, the house may continue to conduct business other

1 than the measure under consideration at the time the call was ordered.  
2 However, any member may also order a call of the house as to any other  
3 measure placed before the house for consideration after the original  
4 call has been ordered. A call is terminated by arrival of the absent  
5 members not previously excused from a call, and when the issue upon  
6 which the call has been placed has been voted upon or otherwise re-  
7 solved, by withdrawal of the call by the member placing the call, or by  
8 a majority vote of the members present to adjourn.

9 \* Sec. 6. Rule 17 of the Uniform Rules of the Alaska State Legislature  
10 is amended to read:

11 RULE 17. DAILY ORDER OF BUSINESS. Unless changed by a [VOTE OF]  
12 two-thirds vote of the full membership of the house the daily order of  
13 business of each house is as follows:

14 (a) Roll call

15 (b) Prayer by chaplain

16 (c) Certification by the chief clerk or secretary to the house as  
17 to the correctness of the journal of the previous day, journal approved  
18 or order changed

19 (d) Introduction of guests

20 (e) Messages from the governor

21 (f) Messages from the other house

22 (g) Communications

23 (h) Reports of standing committees

24 (i) Reports of special committees

25 (j) Introduction of resolutions

26 (k) Introduction, first reading and reference of bills

27 (l) Consideration of daily calendar

28 (1) Second reading of bills of house

29 (2) Second reading of bills of other house

1 (3) Third reading of bills of house

2 (4) Third reading of bills of other house

3 (5) all other matters up for final action in the house

4 (m) Unfinished business

5 (n) Special orders (not set for a particular hour)

6 (o) Announcement of committee meetings

7 (p) Adjournment

8 \* Sec. 7. Rule 18(a) of the Uniform Rules of the Alaska State Legislature  
9 is amended to read:

10 (a) The Rules Committee of each house is responsible for the  
11 preparation of the daily calendar for distribution to each member on  
12 the day preceding the next legislative day. Pending the printing of  
13 the calendar the contents of the calendar may be announced or posted.  
14 Changes to a calendar or approval of a supplementary calendar may be  
15 authorized by a two-thirds vote of the members [MEMBERSHIP] present.  
16 No business shall be transacted nor any measure considered that is not  
17 on the calendar. A bill may not be withdrawn from the Rules Committee  
18 but a majority vote of the full membership of the house may order a  
19 bill in the possession of the Rules Committee placed on the calendar  
20 for the next legislative day.

21 \* Sec. 8. Uniform Rule 20(a) of the Alaska State Legislature is amended  
22 to read:

23 (a) Each house has the following standing committees with the  
24 jurisdiction indicated:

25 Finance (all appropriation, revenue, capital improvement, and  
26 bonding measures, the executive budget, and the programs and activities  
27 of the Department of Revenue)

28 Health, Education and Social Services (the programs and activities  
29 of the Department of Health and Social Services, the Department of

1 Education, and the University of Alaska)

2 Judiciary (the programs and activities of the Alaska Court System  
3 and the Department of Law, and the legal and substantive review of  
4 bills referred to it for that purpose)

5 Labor and Commerce (the programs and activities of the Department  
6 of Labor and other matters relating to labor-management relations,  
7 industrial safety, unemployment compensation, and workers' [WORKMEN'S]  
8 compensation and the programs and activities of the Department of  
9 Commerce and Economic Development)

10 Community and Regional Affairs (the programs and activities of the  
11 Department of Community and Regional Affairs and other matters relating  
12 to political subdivisions)

13 Resources (the programs and activities of the Departments of Fish  
14 and Game, Natural Resources, and Environmental Conservation)

15 Rules (interpretation of the Uniform Rules, calendar, the internal  
16 administration of the house and matters pertaining to the management of  
17 the legislature as a whole)

18 State Affairs (programs and activities of the Office of the Gover-  
19 nor and the Departments of Administration, Military Affairs and Public  
20 Safety, and programs and activities of the Department of Transportation  
21 and Public Facilities relating to public facilities)

22 Transportation (programs and activities of the Department of  
23 Transportation and Public Facilities relating to transportation).

24 \* Sec. 9. Rule 22(c) of the Uniform Rules of the Alaska State Legislature  
25 is amended to read:

26 (c) When a legislative body desires to call an executive session  
27 in accordance with (b) of this rule, the body shall first convene as a  
28 public meeting and the question of holding an executive session shall  
29 be determined by a majority vote of the members present.

1 \* Sec. 10. Rule 23(a) of the Uniform Rules of the Alaska State Legisla-  
2 ture is amended to read:

3 (a) A committee acts on all bills referred to it and reports its  
4 actions and recommendations to the house as soon as practicable. Com-  
5 mittee reports must be in writing and the report must be signed by a  
6 majority of the full membership [MEMBERS] of the committee. The report  
7 will note the recommendation of each member signing the report.

8 \* Sec. 11. Rule 23(b) of the Uniform Rules of the Alaska State Legisla-  
9 ture is amended to read:

10 (b) When a bill is reported back by a committee without at least  
11 one "Do Pass", unless the bill has a subsequent referral or referrals  
12 of record, the presiding officer shall put the question "Shall the bill  
13 be referred to the Rules Committee for placement on the calendar for  
14 second reading notwithstanding the report of the committee(s)?" If the  
15 bill has a subsequent referral or referrals of record, the question  
16 shall not be put until the last committee has reported and unless all  
17 reports are without at least one "Do Pass". The question is debatable  
18 and if a majority of the full membership of the house votes in the  
19 negative, the bill is lost.

20 \* Sec. 12. Rule 26(b) of the Uniform Rules of the Alaska State Legisla-  
21 ture is amended to read:

22 (b) After a bill or resolution has been introduced or a motion  
23 for the adoption of an amendment has been made, and is read by the  
24 clerk or secretary or stated by the presiding officer, it is deemed to  
25 be in possession of the house. It may be withdrawn at any time by the  
26 member introducing or reporting it if consent is given by a majority  
27 vote of the full membership of the house.

28 \* Sec. 13. Rule 28 of the Uniform Rules of the Alaska State Legislature  
29 is amended to read:

1           RULE 28. INDEFINITE POSTPONEMENT. A measure may be indefinitely  
2 postponed by a majority vote of the full membership of the house [ALL  
3 MEMBERS TO WHICH THE HOUSE IS ENTITLED]. The results of the roll call  
4 shall be entered in the journal. When a motion to postpone has been  
5 defeated it shall not be allowed again on the same day or at the same  
6 stage of the bill or proposition. When a bill or proposition has been  
7 postponed indefinitely it may not be acted upon again during the life  
8 of a legislature except on a motion of reconsideration.

9       \* Sec. 14. Rule 29(a) of the Uniform Rules of the Alaska State Legisla-  
10 ture is amended to read:

11           (a) A member who voted on either side of a motion, other than a  
12 motion to amend a bill or a resolution, may give notice of reconsider-  
13 ation to be taken up on the next legislative day, unless a two-thirds  
14 vote of the full membership of the house orders the reconsideration  
15 taken up on the same day the notice of reconsideration is given.

16       \* Sec. 15. Rule 29(e) of the Uniform Rules of the Alaska State Legisla-  
17 ture is amended to read:

18           (e) Calling up reconsideration on the next legislative day auto-  
19 matically places the question to be reconsidered again before the body  
20 in third reading if the question is adoption of a measure for which  
21 three readings are required and opens the question for debate. It is  
22 subject to all procedural motions. When a motion is made that the  
23 reconsideration be taken up on the same day the notice of consideration  
24 is given, the motion that reconsideration be taken up on the same day  
25 be voted upon separately from the question to be reconsidered. Calling  
26 up reconsideration has precedence over every motion except a motion to  
27 adjourn. Calling up reconsideration cancels the previous vote on the  
28 question to be reconsidered as completely as though it had never been  
29 taken. There may be but one reconsideration, even though the action of

1 the house after reconsideration is opposite from the action of the  
2 house before reconsideration.

3 \* Sec. 16. Rule 31(a) of the Uniform Rules of the Alaska State Legisla-  
4 ture is amended to read:

5 (a) The previous question may be ordered by a two-thirds vote of  
6 the members present upon all recognized motions or amendments which are  
7 debatable. It has the effect of cutting off all debate and bringing  
8 the house to a direct vote upon the motion or amendment then pending or  
9 which has been ordered. The question is not debatable and cannot be  
10 amended.

11 \* Sec. 17. Rule 33(a) of the Uniform Rules of the Alaska State Legisla-  
12 ture is amended to read:

13 (a) General. The vote on final passage of all bills and joint  
14 resolutions is taken by the calling <sup>by ~~the~~ *use of a voting machine*</sup> of the roll and the recording of  
15 the yeas [AYES] and nays [NOES] in the journal. A roll call vote on  
16 any measure may be demanded by a one-fifth vote of the full membership  
17 of the house. In case of an equal division on any roll call the motion  
18 is lost. The roll call of members of the house, except for the name of  
19 the presiding officer, who always votes last, shall be rotated daily,  
20 when the voting machine is not used.

21 \* Sec. 18. Rule 34 of the Uniform Rules of the Alaska State Legislature  
22 is amended to read:

23 RULE 34. AMENDMENT. No motion or proposition on a subject shall  
24 be admitted under color of amendment if the subject matter is different  
25 from that under consideration. No amendment may be considered by the  
26 house unless submitted in writing and read aloud by the clerk or secre-  
27 tary. Amendments offered by a committee shall be included in its  
28 written report and attached to the original bill. A bill in second  
29 reading is subject to amendment and is treated section by section. No

*Good*

1 amendment may be made to a bill in its third reading but the bill may  
2 be returned to second reading by a majority vote of the full membership  
3 of the house for the purpose of specific amendment. The specific  
4 amendment is not subject to amendment. Upon completion of action on  
5 the specific amendment the bill automatically advances to third read-  
6 ing. A title may be amended or a change of sponsor made in third read-  
7 ing or after passage by a majority vote of the members present, but  
8 same must be accomplished before the measure acted upon has been en-  
9 grossed [ENROLLED]. When amendments to the body of a bill affect the  
10 numbering of sections, or passage or failure of the effective date  
11 clause affects the title, the clerk or secretary may accomplish the  
12 necessary changes without formal motion, and such changes shall be  
13 noted in the journal. Resolutions may be amended in the same manner as  
14 a bill.

15 \* Sec. 19. Rule 36 of the Uniform Rules of the Alaska State Legislature  
16 is amended to read:

17 RULE 36. INTRODUCTION OF BILLS. (a) Any member, group of mem-  
18 bers, standing or special committee may introduce a bill, subject to  
19 the provisions of these Uniform Rules. A bill must be introduced in  
20 proper form with the original and three [TWO] carbon copies delivered  
21 to the chief clerk or secretary. The bill is then assigned a number  
22 which it retains through subsequent changes and substitutions. The  
23 bill is considered formally introduced when the clerk or secretary  
24 reads the heading and title aloud in open session (first reading).  
25 Bills may be introduced through the Rules Committees by the governor  
26 and the permanent interim committees pursuant to provisions of law.

27 (b) The original copy of a bill or resolution, or any substitute  
28 therefor, remains at all times in the custody of the chief clerk or  
29 secretary. When the original copy has been photographed for duplication

*Memo  
Only done +  
have to advance  
or you read  
again?*

*or those 22  
presented*

*what if we  
don't advance  
with changes*

1 the first [EACH] page of the bill is marked or stamped "original copy".  
2 The first carbon of the original bill is jacketed and marked "committee  
3 copy" and is delivered on receipt to the chairman of the committee of  
4 first reference. The "committee copy" is the official copy used to  
5 accompany committee reports within a house. If the committee copy is  
6 lost or is not otherwise available a certified photocopy of the original  
7 copy may be used. The original of the enrolled copy is used for certi-  
8 fication by each house for transmittal to the governor.

9 \* Sec. 20. Rule 37 of the Uniform Rules of the Alaska State Legislature  
10 is amended to read:

11 RULE 37. A separate history of the bills of each house shall be  
12 maintained [BY THE BILL HISTORIAN ASSIGNED TO PERFORM THE DUTY] for  
13 both houses by the Legislative Affairs Agency. The agency [HISTORIAN];  
14 shall, in cooperation with the chairmen of the Rules Committees and the  
15 chief clerk and senate secretary, maintain a current record on all  
16 bills and resolutions and publish a weekly report on the status of the  
17 bills of each house.

18 \* Sec. 21. Rule 38 of the Uniform Rules of the Alaska State Legislature  
19 is amended to read:

20 RULE 38. ACTION ON BILLS. (a) Number of readings. No bill may  
21 become law unless it has passed three separate readings in each house  
22 on three separate days, except that any bill may be advanced from  
23 second to third reading on the same day by a [CONCURRENCE OF] three-  
24 fourths vote of the full membership of the house considering it.  
25 (Constitution, Art. II, Sec. 14) - *Nancy read*

26 (b) First reading. The first reading consists of a reading aloud  
27 by the clerk or secretary of the following information: the house of  
28 origin, the bill number, the sponsor, and the title of the bill, e.g.,  
29 "In the House, House Bill No. ..., by ..... and ....., A bill for an

1 Act entitled, 'An Act relating to a code of ethics for state em-  
2 ployees.'" The bill is then referred by the presiding officer to a  
3 committee. The house may by a majority vote of the members present  
4 refer the bill to any other standing or special committee.

5 (c) Second reading. When a bill appears on the calendar for  
6 second reading it is read in the same manner as in the first reading  
7 unless a majority vote of the members present orders [ORDER] that it be  
8 read in full. When the second reading of the bill and the accompanying  
9 committee report is completed the bill is then before the house for  
10 amendment. If a proposed amendment is tabled it does not carry with it  
11 or prejudice the bill. When all amendments have been made the presiding  
12 officer directs the clerk or secretary to have the bill engrossed with  
13 all amendments approved by the house and to certify its proper engross-  
14 ment on the following legislative day. When the clerk or secretary  
15 reports the bill back properly engrossed it is then delivered to the  
16 Rules Committee for placement on the calendar for third reading and  
17 final consideration. Three-fourths of the full membership of the house  
18 may order by vote that the bill be considered engrossed upon the com-  
19 pletion of the second reading for the purpose of advancing it from  
20 second to third reading on the same day.

21 (d) Third reading. On its third reading the bill is read by  
22 heading and title only. The question on third reading of a bill is  
23 upon its final passage and no amendments may be considered. No bill  
24 may become law without an affirmative majority of the membership of  
25 each house. The yeas and nays [NOES] on final passage, noting the name  
26 and vote of each member, shall be entered in the journal. The bill is  
27 then engrossed or enrolled, as appropriate, at the direction of the  
28 clerk or secretary.

29 (e) If a bill or portion of a bill contains matter changing a

1 supreme court rule governing practice and procedure in civil or criminal  
2 cases the bill must contain a section expressly citing the rule and  
3 noting what change is being proposed. The section containing the  
4 change in a court rule must be approved by an affirmative vote of  
5 two-thirds of the members elected to each house [MEMBERSHIP TO WHICH  
6 THE HOUSE IS ENTITLED]. If the section effecting a change in the court  
7 rule fails to receive the required two-thirds vote the section is void  
8 and without effect and is deleted from the bill. The fact that a bill  
9 contains a section which changes a court rule shall also be noted in  
10 the title of the bill.

11 (f) A bill may be recommitted any time before passage.

12 \* Sec. 22. Rule 40 of the Uniform Rules of the Alaska State Legislature  
13 is amended to read:

14 RULE 40. AMENDMENTS IN OTHER HOUSE. When a bill passed in one  
15 house is amended in the other house, the bill with certified amendments  
16 is returned to the house of origin requesting concurrence. The vote on  
17 concurrence in amendments is taken by calling of the roll <sup>for use of voting</sup> ~~and the re-~~ *machine*  
18 recording of the yeas and nays in the journal. Concurrence in amend-  
19 ments requires a majority vote of the full membership of the house. If  
20 concurrence is had the clerk or secretary notes the concurrence in the  
21 journal, informs the other house of the concurrence, and proceeds to  
22 have the bill enrolled for certification and transmittal to the gover-  
23 nor.

24 \* Sec. 23. Rule 41 of the Uniform Rules of the Alaska State Legislature  
25 is amended to read:

26 RULE 41. CONFERENCE COMMITTEE. (a) If one house refuses to  
27 concur in the amendments of the other it so notifies the amending house  
28 and requests that it recede from its amendments. The vote on receding  
29 from amendments is taken by calling of the roll <sup>or use of voting</sup> ~~and the recording of~~ *machine*

1 the yeas and nays in the journal. Receding from amendments requires a  
2 majority vote of the full membership of the house. If the house refuses  
3 to recede, the presiding officer of each house appoints three members  
4 to sit as a Committee on Conference. The committee meets when mutually  
5 agreeable to its members and when agreement on previously adopted  
6 amendments to a bill adopted by either house is reached, the committee  
7 submits an identical report to each house. If the report is adopted by  
8 both houses the bill is enrolled, signed, and transmitted to the gover-  
9 nor. It is in order at any time to grant powers of free conference to  
10 the Committee on Conference. If the members of the Committee on Con-  
11 ference cannot agree on amendments or one or both houses refuses to  
12 adopt its report, it is then in order to appoint a Committee on Free  
13 Conference. The vote on adoption of a conference committee report is  
14 taken by the calling of the roll *or use of voting machine?* and the recording of the yeas [AYES]  
15 and nays in the journal. Adoption requires a majority vote of the full  
16 membership of the house.

17 (b) The Committee on Free Conference is appointed in the same  
18 manner as a Committee on Conference and may suggest in its report any  
19 new amendments germane to the question. When a majority of the full  
20 membership of [ON] the committee from each house agree on amendments to  
21 be proposed, the amendments are attached to the bill and reported back  
22 to each house in an identical report. The report is not subject to  
23 amendment in either house. If the report is adopted in both houses the  
24 bill is then ordered enrolled by its house of origin. If the Committee  
25 on Free Conference fails to agree or its report is not adopted, a  
26 second Committee on Free Conference may be appointed but no member of  
27 the first committee may be reappointed. The vote on adoption of a free  
28 conference committee report is taken by calling of the roll *or use of* and the *voting*  
29 recording of the yeas [AYES] and nays in the journal. Adoption re-*machine*

quires a majority vote of the full membership of the house.

\* Sec. 24. Rule 42(a) of the Uniform Rules of the Alaska State Legislature is amended to read:

RULE 42. (a) When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the legislature, who, with the revisor of statutes, checks the bill [STAFF OF THE LEGISLATIVE AFFAIRS AGENCY, HAS THE BILL CHECKED FOR FORM AND LEGAL CONTENT] before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and manifest errors which are clerical, typographical, or errors in spelling or errors by way of additions or omissions. The enrolling secretary is required to report errors by way of addition or omission and deficiencies in legal content to the clerk or secretary when the bill is returned to the house of origin. When an error or deficiency has been [, TYPOGRAPHICAL ERRORS AND CLERICAL ERRORS. WHEN A CLERICAL CORRECTION HAS BEEN MADE AND] reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the governor.

*Pretty  
How  
much  
change  
you  
want  
made  
in  
the  
bill  
let  
peace*

\* Sec. 25. Rule 47(a) of the Uniform Rules of the Alaska State Legislature is amended to read:

(a) If a [THE] majority of the full membership of a [STANDING OR SPECIAL] committee desire that any legislation pending before the committee be considered, they may present the request, in writing, to the presiding officer. The presiding officer shall sign the request and this action shall be noted in the journal. The committee chairman affected shall schedule the specified legislation for consideration within three days after transmittal of the request by the presiding officer to the committee chairman.

1 \* Sec. 26. Rule 47(c) of the Uniform Rules of the Alaska State Legisla-  
2 ture is amended to read:

3 (c) Bills in the Rules Committee of each house shall be placed on  
4 the daily calendar in second reading within three days after receipt of  
5 a request signed by a [THE] majority of the full membership of the  
6 committee and the presiding officer, following the procedure provided  
7 in (a) of this section, that a particular item of legislation be placed  
8 on the calendar.

9 \* Sec. 27. Rule 48 of the Uniform Rules of the Alaska State Legislature  
10 is amended to read:

11 RULE 48. RESOLUTIONS. The only type of instrument other than a  
12 bill or citation authorized under these Uniform Rules is a resolution.  
13 Unless specifically provided for in the rules a resolution requires a  
14 majority vote of the members present for approval. The types and uses  
15 of resolutions are as follows:

16 (a) A simple resolution is a formalized motion passed by one  
17 house only and bearing the heading "House Resolution" or "Senate Resolu-  
18 tion". It may be used to express the will, wish, view, opinion, sym-  
19 pathy, or request of the house adopting it. It does not require commit-  
20 tee referral, three readings, or a roll call vote.

21 (b) A special resolution headed "House Special Resolution" or  
22 "Senate Special Resolution" is used only for the purpose of expelling a  
23 member under provisions of Sec. 12, Art. II, of the State Constitution.  
24 The special resolution requires a referral to the Rules Committee,  
25 three readings, and a [CONCURRENCE OF] two-thirds vote of the full  
26 membership of the house for approval.

27 (c) A concurrent resolution is similar to the simple resolution  
28 but reflects the will, wish, view or decision of both houses speaking  
29 concurrently. It is used particularly to handle the internal business

1 of the legislature, e.g., adjournment of the legislature, suspension  
2 and amendment of the Uniform Rules, requesting action of executive  
3 agencies and interim committees; and fixing the time and place for  
4 joint assemblies. THIS RESOLUTION IS ALSO USED FOR ANNULLING REGULA-  
5 TIONS PROMULGATED UNDER THE ADMINISTRATIVE PROCEDURE ACT.] This reso-  
6 lution does not require committee referral, three readings, or anything  
7 other than a majority vote [APPROVAL] of the full membership [MAJORITY]  
8 of the house for approval unless otherwise required by the rules.

9 (d) A special concurrent resolution is employed to consider <sup>WHEN</sup> ~~WITH~~  
10 THE LEGISLATURE IS CONSIDERING] disapproval of an executive order of  
11 the governor laid before the legislature under provisions of Sec. 23,  
12 Art. III, of the State Constitution. This resolution must be considered  
13 by a joint committee and may be adopted by a majority vote of the full  
14 membership of the legislature in joint session without recourse to  
15 three readings.

16 (e) A joint resolution is the most formal type of resolution and  
17 is adopted by both houses and then signed by the governor as a minis-  
18 terial formality. The joint resolution is treated in all respects as a  
19 bill but it is not subject to veto. It is usually reserved for ad-  
20 dressees outside the state. This resolution is used mainly to express  
21 the view or wish of the legislature to the President, the Congress or  
22 agencies of the United States Government or the governments of other  
23 states. It is required for proposing or ratifying amendments to the  
24 U.S. Constitution, proposing amendments to the State Constitution under  
25 provisions of Sec. 1, Art. XIII, of the State Constitution and for  
26 disapproval of local government boundary changes recommended by the  
27 Local Boundary Commission under provisions of Sec. 12, Art. X, of the  
28 State Constitution.

29 All resolutions passed by one or both houses are sent to the

1 governor as a matter of information and for permanent filing with the  
2 lieutenant governor. The lieutenant governor sends enrolled copies of  
3 joint resolutions to the federal and other state officers, agencies and  
4 jurisdictions. The transmittal of copies of all other resolutions to  
5 designated addressees is the responsibility of the Legislative Affairs  
6 Agency.

7 \* Sec. 28. Rule 50 of the Uniform Rules of the Alaska State Legislature  
8 is amended to read:

9 RULE 50. JOINT SESSIONS. A joint session may be called by agree-  
10 ment of the presiding officers of both houses or by either house by  
11 motion adopted by a majority vote of the full membership of the house.  
12 If a joint session is called by a house the house calling the session  
13 shall propose a time for the session. The other house may agree to  
14 meet in joint session at the time proposed or set another time within  
15 the three-day period following the time proposed. The president of the  
16 senate in the presence of the speaker of the house presides over joint  
17 sessions and the joint sessions are governed by the Uniform Rules.

18 When a roll call vote is required to deal with any subject being con-  
19 sidered in joint session the members of the house of representatives  
20 may use the electric voting machine for the roll call if a majority of  
21 [THE MEMBERS OF] the full membership of the house of representatives  
22 agrees to the use of the electric voting machine in place of the oral  
23 roll call.

24 \* Sec. 29. Rule 52 of the Uniform Rules of the Alaska State Legislature  
25 is amended to read:

26 RULE 52. ADOPTION AND AMENDMENT OF RULES. The Uniform Rules of  
27 each legislature shall be adopted in joint session by a majority vote  
28 of the full membership of each house. Thereafter the Uniform Rules may  
29 be amended only by the adoption of a concurrent resolution by a two-

*Always  
have in  
the past  
since  
voting  
machine  
installed*

1 thirds vote of the full membership of each house. When the rules are  
2 affected by constitutional and statutory changes, the Legislative Coun-  
3 cil will effect the necessary formal revision in the next printing of  
4 the rules and inform the Rules Committee of the changes made.

5 \* Sec. 30. Rule 53 of the Uniform Rules of the Alaska State Legislature  
6 is amended to read:

7           RULE 53. SUSPENSION OF RULES. Unless otherwise provided for in  
8 the case of a particular rule, the Uniform Rules may be suspended by a  
9 concurrent resolution adopted [APPROVED] by a two-thirds vote of the  
10 full membership of each house. If either house violates a uniform rule  
11 a question of order may be raised in the other house. If it is decided  
12 by the other house that the Uniform Rules have been violated, the bill  
13 involved in that violation shall be returned to its house of origin  
14 without further action.

Introduced: 2/13/80  
Referred: Judiciary

1 IN THE SENATE

BY DANKWORTH, BRADLEY, KELLY, ROLEY,  
STIMSON AND STURGULEWSKI

2 SENATE JOINT RESOLUTION NO. 42

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska re-  
7 lating to the terms of legislators.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, sec. 3, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 3. ELECTION AND TERMS. Legislators shall be elected at  
12 general elections. Their terms begin on the fourth Monday of the  
13 January following election unless otherwise provided by law. The term  
14 of representatives shall be two years, and the term of senators, four  
15 years. One-half of the senators shall be elected every two years.  
16 A representative who has been elected for three full successive terms  
17 shall not be again eligible to hold that office until one full term  
18 has intervened. A senator who has been elected for two full successive  
19 terms shall not be again eligible to hold that office until one full  
20 term has intervened.

21 \* Sec. 2. The amendment proposed by this resolution applies to terms that  
22 begin after its effective date.

23 \* Sec. 3. The amendment proposed by this resolution shall be placed  
24 before the voters of the state at the next general election in conformity  
25 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
26 laws of the state.

Introduced: 1/14/81  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY DANKWORTH AND STIMSON

2 SENATE JOINT RESOLUTION NO. 9

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Con-  
6 stitution of the State of Alaska re-  
7 lating to the terms of legislators.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, sec. 3, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 3. ELECTION AND TERMS. Legislators shall be elected at  
12 general elections. Their terms begin on the fourth Monday of the  
13 January following election unless otherwise provided by law. The term  
14 of representatives shall be two years, and the term of senators, four  
15 years. One-half of the senators shall be elected every two years. A  
16 representative may not serve more than four consecutive full two-year  
17 terms which begin after December 31, 1982. A senator may not serve more  
18 than two consecutive full four-year terms which begin after December 31,  
19 1982.

20 \* Sec. 2. The amendment proposed by this resolution shall be placed  
21 before the voters of the state at the next general election in conformity  
22 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
23 tion laws of the state.

Introduced: 3/4/81  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY FERGUSON AND STIMSON

2 SENATE JOINT RESOLUTION NO. 24

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to the terms and election of  
8 legislators.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, sec. 3, Constitution of the State of Alaska, is  
11 repealed and readopted to read:

12 SECTION 3. ELECTION AND TERMS. (a) Legislators shall be elected  
13 at general elections. Their terms begin on the fourth Monday of the  
14 January following election unless otherwise provided by law. Except as  
15 otherwise provided in this section, the term of a legislator is three  
16 years.

17 (b) One-half of the membership of the house of representatives  
18 elected in 1984 shall have a term of two years and one-half of the  
19 membership of the house of representatives elected in 1984 shall have a  
20 term of three years.

21 (c) The one-half of the membership of the senate elected in 1984  
22 shall have a term of three years and the one-half of the membership of  
23 the senate elected in 1986 shall have a term of three years.

24 (d) At the 1984 general election, a representative shall be  
25 chosen for a two-year term from each of the following house election  
26 districts: 1, 2, 4, 5, 9, 10, 11, 12, 13, 14, 16, 18 and 21; two  
27 representatives shall be chosen for a two-year term from house election  
28 districts 7 and 8; and three representatives shall be chosen for a  
29 two-year term from house district 20.

1 (e) At the 1984 general election, a representative shall be  
2 chosen for a three-year term from each of the following house election  
3 districts: 1, 3, 4, 6, 9, 10, 11, 12, 13, 15, 17, 19 and 22; two  
4 representatives shall be chosen for a three-year term from house  
5 election districts 7 and 8; and three representatives shall be chosen  
6 for a three-year term from house election district 20.

7 (f) If new house election districts are created through reapportionment  
8 before the 1984 general election, that election shall conform  
9 as closely as possible to the schedule established under (d) and (e) of  
10 this section.

11 (g) No person who has been elected as a legislator for two full  
12 successive three-year terms shall be again eligible to hold office as a  
13 senator or representative until one full term has intervened.

14 \* Sec. 2. Article V, sec. 5, Constitution of the State of Alaska, is  
15 repealed and readopted to read:

16 SECTION 5. GENERAL ELECTIONS. The legislature shall establish by  
17 law the date for general elections for governor and lieutenant governor  
18 and the members of the legislature.

19 \* Sec. 3. The amendments proposed by this resolution shall be placed  
20 before the voters of the state at the next general election in conformity  
21 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
22 tion laws of the state.



# Alaska State Legislature

## Senate

### State Affairs Committee

Official Business

Vic Fischer, Chairman  
Mike Colletta, Vice-Chairman  
Brad Bradley  
Dick Eason  
Terry Stimson

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4954  
(907) 465-4955

#### M E M O R A N D U M

TO: Senator Rodey, Chair  
Judiciary Committee

FROM: Senator Fischer *Vic*

DATE: March 3, 1981

RE: Earlier beginning of legislative terms

Attached is a copy of a memo to Billy Berrier requesting a bill to begin terms of legislators as early as possible after the election. I intend to bring this issue before the Senate Legislative Reform Committee.

There are many reasons for effecting this change, some stated in my memo and others in the attachment. In addition I had the experience of my legislative work effectively starting the day after election -- there was no respite until I ran away to Hawaii. It's my opinion that early organization of the Legislature and provision for advance work could speed completion of legislative sessions by a month or more.

And with the time it took the House to get organized this session, the logic of early organization would be seen by all reasonable individuals.



# Alaska State Legislature

## Senate

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### State Affairs Committee

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State Capitol  
Juneau, Alaska 99811  
(907) 465-4954  
(907) 465-4955

#### M E M O R A N D U M

TO: Billy Berrier, Director  
LAA Div. of Legal Svcs.

FROM: Sen. Vic Fischer

DATE: March 3, 1981

RE: Bill drafting request

I would appreciate a bill being drafted to change the term of legislators, as authorized by Article II, Sec. 3 of the Alaska State Constitution. The purpose is to permit pre-session organization of the Legislatures, provide for payment to newly elected legislators as soon as possible after the election, allow for early recruitment of staff, limit lame-duck legislative terms.

Attached is an extract from a publication of the National Conference of State Legislatures on "Strengthening the Legislative Process: An Agenda for Improvement". It provides further rationale for such action.

Terms should start at the earliest possible time. Possibly the canvassing and election certification processes could be speeded to advance the date of certification. Allowance might be made for delay in the beginning of terms of legislators whose certification is delayed due to recounts, challenges, contests, whatever. In such instances, the term and salary would be retroactive to whatever date other legislators began their terms.

My thought is that the term of legislators would begin as soon as possible after the November election, but in no case later than noon on the first Monday in December following the election. Again, the earlier, the better.

I would appreciate a draft of this bill as rapidly as possible. Thank.

P. S. I am aware that terms would end two or four years after the beginning of the term, as the case may be with respect to Representatives and Senators.

## RECOMMENDATION I.....

**Pre-Session Organization.** Legislatures should organize as soon as possible after elections to assure an efficient use of time once the session begins.

- (a) This organization should include:
- selection of leadership
  - selection of committee chairmen
  - appointment of committees
- (b) Committees should meet, organize and plan consideration of legislation prior to the start of the session.
- (c) This organization should be formal when possible. States may consider adopting a constitutional amendment to allow an organizational session within a reasonable time after their legislative elections. This session should include elements (a) and (b).

## COMMENTARY

Time is a scarce resource in legislative operations. In a citizen legislature, there never seems to be enough time for all of the necessary legislative business. Many state legislatures are still constitutionally restricted to limited sessions, so careful planning and efficient utilization of session days are essential.

From the initial stages of the legislative cycle, time management has a rippling effect. Implicit in this recommendation is the belief that early organization of the legislature can lead to more efficient use of the early session days for committee work, therefore relieving the logjam of bills at the end of the session.

The purpose is not merely to speed up the legislative process, but to allocate time carefully. Procedures which emphasize only speed and efficiency can shut the public out of the process and give short shrift to citizen participation.

In "Key Points," the first and second recommendations deal with pre-session organization, but specify only the election of leaders before the session begins. The Legislative Management Committee concluded that additional organizational moves are advisable.

About half the legislatures elect leaders about a month or more before the opening of the session;

however, only one in four legislatures formally appoints committees and chairmen before the session. In addition, about half of the legislatures have formal orientations for new members with the rest conducting informal introductions. The election of officers, the appointment of committees and the orientation of new members are all preparatory activities which allow the legislature to ready itself for the start of official business.

The Legislative Management Committee expressed particular concern over the constitutional restrictions which inhibit states from pre-session organization. Pre-session organization is essential in allowing legislation to maintain short sessions and part-time schedules. In 1979, Kentucky joined seven other states in specifying by constitution a formal organizational period prior to the session. Florida, Indiana and North Dakota all use constitutionally provided organizational sessions to elect officers and appoint committees. Florida and Indiana also allow prefiled bills to be referred to committee for consideration; however, Indiana legislative committees rarely meet before the opening of the session. The Florida system allows for almost four months of committee work, beginning in early December after the elections, until the opening of the session during the first week of April.

Many states provide for less formal organizational periods in which party caucuses meet to elect officers and to designate committees. For example, Iowa party caucuses meet two weeks following elections to elect leaders who, in turn, appoint committees and their chairmen. Members are not sworn into office, and committees do not begin their work until the session begins in January. Informal organizational sessions usually stop short of referring bills and engaging in committee work, thereby preventing maximum use of the transition period prior to legislative sessions. While formal organizational periods are preferable, the Legislative Management Committee encourages informal organization where constitutional changes may not easily be achieved.

# Term limit measure goes before Senate

Times Juneau Bureau

Juneau — Sen. Frank Ferguson's legislation to change all legislators' terms to three years and limit them to six years in office was introduced in the Senate Wednesday.

The Kotzebue Democrat's resolution, SJR24, proposes an amendment to the Alaska Constitution, which would have to be approved by voters if it passes the Legislature.

Ferguson has said he expects the proposal to draw a negative reaction initially from lawmakers. But he also said he thinks it will pass.

His legislation would not force any legislators who have accumulated six years' experience by 1982 to retire at that time, as Ferguson had indicated earlier in discussing his idea.

However, it would forbid a person who has been elected as a legislator for two full, successive three-year terms from holding office again until a full three-year term has elapsed.

Ferguson explained that three-year terms are a good middle ground between the four currently served by senators (too long to be away from the district, he says) and the two served by representatives (freshmen are just getting to know the rules and then have to run for re-election).

The changes would go into effect at the 1984 general election.

In the Senate, the 10 seats up for election in 1984 would be changed to three-year terms, and the 10 up in 1986 would be turned into three-year terms at that time.

In the House, where all 40 seats currently are up for grabs every two years, half the seats at the 1984 election would be for three years and the other half would be for two. All elections beginning in 1986 would be for three years.

Half of Anchorage's 16 House seats would have the terms changed to three years beginning in 1984, the other half in 1986.

The resolution says that if new House election districts are created through reapportionment before the

1984 general election, as expected, that election shall conform as closely as possible to the schedule established in the legislation.

Introduced: 3/26/81  
Referred: State Affairs and  
Rules

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HAYES, MARTIN AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 15  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform  
6 rules to limit amendment of bill  
7 title.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 23(c) of the Uniform Rules of the Alaska State Legisla-  
10 ture is amended to read:

11 (c) If a committee has more than one bill on the same subject or  
12 if it finds it necessary to revise a bill substantially, it may report  
13 out a substitute bill and recommend that the substitute be accepted for  
14 second reading in the place of the original bill. When a committee in  
15 the house of origin of a bill reports a committee substitute for a  
16 bill or an amendment to a bill that requires a change in the title of  
17 the bill, the bill may not be advanced to third reading until the  
18 prime sponsor of the bill agrees to the change in the title of the  
19 bill. The concurrence of the prime sponsor shall be noted in the  
20 journal. A committee of the second house may not report out a com-  
21 mittee substitute for bill or an amendment to a bill that requires a  
22 change in the title of the bill as adopted in the house of origin.

23 Substitute bills are duplicated and distributed when they are reported  
24 out by the committee. Committee substitute bills carry a notation of  
25 the source or sponsor of the original bill in the manner prescribed by  
26 the drafting manual unless the sponsor objects to his or their name so  
27 appearing.

28 \* Sec. 2. Rule 34 of the Uniform Rules of the Alaska State Legislature  
29 is amended to read:

1           RULE 34. AMENDMENT. No motion or proposition on a subject shall  
2 be admitted under color of amendment if the subject matter is different  
3 from that under consideration. A motion or proposition for an amend-  
4 ment that requires a change in the title of a bill is in order in the  
5 house of origin only if the prime sponsor of the bill concurs in the  
6 motion or proposition. A motion or proposition on a subject that  
7 requires a change in the title of the bill as enacted in the house of  
8 origin is not in order in the second house. No amendment may be con-  
9 sidered by the house unless submitted in writing and read aloud by the  
10 clerk or secretary. Amendments offered by a committee shall be included  
11 in its written report and attached to the original bill. A bill in  
12 second reading is subject to amendment and is treated section by sec-  
13 tion. No amendment may be made to a bill in its third reading but the  
14 bill may be returned to second reading by a majority of the membership  
15 of the house for the purpose of specific amendment. Except as pro-  
16 vided in this rule, a [A] title may be amended or a change of sponsor  
17 made in third reading or after passage by majority vote, but same must  
18 be accomplished before the measure acted upon has been enrolled. When  
19 amendments to the body of a bill affect the numbering of sections, or  
20 passage or failure of the effective date clause affects the title, the  
21 clerk or secretary may accomplish the necessary changes without formal  
22 motion, and such changes shall be noted in the journal. Resolutions  
23 may be amended in the same manner as a bill.

24 \* Sec. 3. Rule 40 of the Uniform Rules of the Alaska State Legislature  
25 is amended by adding a new subsection to read:

26           (b) An amendment to a bill introduced in the other house is not  
27 in order if the amendment requires a change of the bill title. The  
28 title of a bill may not be changed except in the house of origin with  
29 the concurrence of the prime sponsor or by report of a standing com-

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mittee in the house of origin.

\* Sec. 4. Rule 41 of the Uniform Rules of the Alaska State Legislature is amended by adding a new subsection to read:

(c) A Committee on Free Conference or a Committee on Conference with powers of free conference may not report out a bill which would require a change in the bill title or an amendment which would require a change of bill title except with the concurrence of the prime sponsor of the bill. The concurrence of the prime sponsor shall be noted in the journal.



## Federation's Role in our Enterprise Economy

# Home loan bill <sup>Piggbacking!</sup> passes House

by Dave Carpenter  
Times Juneau Bureau

10/13/81

Juneau — The House today provided welcome news for Anchorage homebuyers, unanimously approving a \$150 million emergency appropriation for state low-interest housing loans.

The 39-0 vote removed the last major obstacle for the bill, with the supplemental funds likely to be en route to the Alaska Housing Finance Corp. later this month for distribution to left-out loan applicants.

An estimated 1,750 home loan-seekers would benefit from the new subsidy money in the 3½ months remaining in fiscal 1981.

Approval came late this morning only after Democrats tacked onto the legislation \$5.4 million for energy audits and grants — an appropriation previously blocked by minority Republicans and Libertarians.

That addition means the bill now goes back to the Senate for approval of the changes.

But, whether or not the Senate agrees to the energy funds, little difficulty is foreseen for the housing funds. The Senate passed the original bill unanimously and a source in Gov. Jay Hammond's office indicated today that Hammond is unlikely to veto the legislation.

Energy aid may also be on the way

for mobile home purchasers. Anchorage representatives expressed strong support for a proposal by Spennard Democrat Thelma Buchholdt that AHFC drop its mobile home loan interest rate three-quarters of a percent to 10 percent, the same as that for conventional homes.

"There are over 700 mobile homes in my district and thousands more around the state," said downtown Anchorage Democrat Don Clocksin, "and I don't think the people who live in mobile homes should be treated as second-class citizens."

With the session running over into the noon hour, Buchholdt agreed to hold over her proposal — a letter of intent to accompany the home loan bill — until Monday.

Today's House action came less than a month after more than two dozen realtors and bankers traveled south to Juneau to inform lawmakers that the housing market is critically tight.

The legislation (CSSB185) would allocate to the Alaska Housing Finance Corp. \$133 million for housing loans, \$12.5 million for mobile home loans and \$4.5 million for a special program aimed primarily at financing housing for teachers in the Bush.

Alaska Housing is the major source of mortgage loans in Alaska. The state-financed corporation buys loans from lending institutions, which receive fees for servicing the loans.

(See LOANS, page A-3)

## Loans . . .

(Continued from page A-1)

The money is intended to last AHFC until the start of the next fiscal year July 1. AHFC Executive Director Harry Goldbar told legislators last month that the corporation will be seeking at least \$225 million later in the session to make as many as 7,000 home loans to Alaskans in fiscal 1982.

The \$5.4 million for the state's home energy program would pay for energy audits on about 11,000 Alaska homes, fund grants for energy improvements to the homes and train additional auditors.

Under a program created by the Legislature last year, the state will pay for all but \$10 of the cost of auditing a home to determine what energy-conserving steps can be taken.

After a home is audited, the owner can get a \$300 grant from the state to take those steps.

The bill also includes \$735,000 for energy audits and energy conservation improvements in rural Alaska.

Last week, the minority used its 18 votes to stop a two-thirds majority needed to make the energy money available immediately.

Republican Leader Joe Hayes of Anchorage, whose caucus feels the energy program is problem-plagued, today moved to strike the audit money from the home loans bill. But the 22 Democrats, joined by Republican Eric Sutcliffe of Unalaska, defeated the motion 23-16.

Absent from today's session was Republican Mike Beirme of Anchorage.

PIGGBACKING!!

These issues should be considered in separate bills!

P.O. Box 42955  
1539 West Ninth Avenue • Anchorage, Alaska 99501 • 872-5015

A committee of the Anchorage Woman's Club

Introduced: 4/3/81  
Referred: State Affairs and  
Rules

1 IN THE HOUSE

BY RANDOLPH AND FANNING

2 HOUSE CONCURRENT RESOLUTION NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to amendment of  
7 bills.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 34 of the Uniform Rules of the Alaska State Legis-  
10 lature is amended to read:

11 RULE 34. AMENDMENT. No motion or proposition on a subject shall  
12 be admitted under color of amendment if the subject matter is different  
13 from that under consideration. The subject of an amendment shall be  
14 germane to the subject of the original bill and within the title of the  
15 original bill. No amendment may be considered by the house unless sub-  
16 mitted in writing and read aloud by the clerk or secretary. Amendments  
17 offered by a committee shall be included in its written report and  
18 attached to the original bill. A bill in second reading is subject to  
19 amendment and is treated section by section. No amendment may be made  
20 to a bill in its third reading but the bill may be returned to second  
21 reading by a majority of the membership of the house for the purpose of  
22 specific amendment. A title may be amended or a change of sponsor made  
23 in third reading or after passage by majority vote, but same must be  
24 accomplished before the measure acted upon has been enrolled. When  
25 amendments to the body of a bill affect the numbering of sections, or  
26 passage or failure of the effective date clause affects the title, the  
27 clerk or secretary may accomplish the necessary changes without formal  
28 motion, and such changes shall be noted in the journal. Resolutions  
29 may be amended in the same manner as a bill.

Introduced: 1/14/81  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY KELLY

2 SENATE JOINT RESOLUTION NO. 6  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Con-  
6 stitution of the State of Alaska  
7 relating to sessions of the legisla-  
8 ture.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, sec. 8, Constitution of the State of Alaska, is  
11 amended to read:

12 SECTION 8. REGULAR SESSIONS. The legislature shall convene in  
13 regular session each year on the fourth Monday in January, but the  
14 month and day may be changed by law. The legislature shall adjourn from  
15 a regular session no later than one hundred twenty consecutive calendar  
16 days from the date it convened in regular session.

17 \* Sec. 2. The amendment proposed by this resolution shall be placed  
18 before the voters of the state at the next general election in conformity  
19 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
20 laws of the state.

Introduced: 2/10/81  
Referred: State Affairs and  
Judiciary

BY HAYES, ABOOD, ANDERSON, BARNES,  
BEIRNE, BETTISWORTH, BYLSMA, CUDDY,  
HALFORD, HAUGEN, MARTIN, METCALFE,  
MONTGOMERY, O'CONNELL, PHILLIPS  
AND SUTCLIFFE

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 12

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Consti-  
6 tution of the State of Alaska re'  
7 ing to legislative sessions.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, sec. 9, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 9. SPECIAL SESSIONS. Special sessions may be called by  
12 the governor or by vote of two-thirds of the legislators. The vote may  
13 be conducted by the legislative council or as prescribed by law. At  
14 special sessions called by the governor, legislation shall be limited to  
15 subjects designated in his proclamation calling the session, to subjects  
16 presented by him, and the reconsideration of bills vetoed by him after  
17 adjournment of the last regular session. [SPECIAL SESSIONS ARE LIMITED  
18 TO THIRTY DAYS.]

19 \* Sec. 2. Article II, sec. 10, Constitution of the State of Alaska is  
20 amended to read:

21 SECTION 10. ADJOURNMENT. The legislature shall adjourn from  
22 regular session no later than one hundred twenty consecutive calendar  
23 days from the date it convenes for the regular session except that a  
24 regular session may be extended in increments of up to ten consecutive  
25 calendar days. Extensions of the regular session require a vote of at  
26 least two-thirds of the membership of each house of the legislature.  
27 The legislature shall adjourn no later than thirty consecutive calendar  
28 days from the date it convenes in special session. Before the time  
29 specified in this section for adjournment, neither [NEITHER] house may

1 adjourn or recess for longer than three days unless the other concurs.  
2 If, before the time specified in this section for adjournment, the two  
3 houses cannot agree on a [THE] time of adjournment and either house cer-  
4 tifies the disagreement to the governor, he may adjourn the legislature  
5 before the time specified in this section for adjournment.

6 \* Sec. 3. The amendments proposed by this resolution shall be placed  
7 before the voters of the state at the next general election in conformity  
8 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
9 laws of the state.  
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Introduced: 3/25/81  
Referred: State Affairs and  
Judiciary

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 333

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing earlier organization of the legis-  
7 lature."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 24.05.080 is amended to read:

10 Sec. 24.05.080. TERMS. The term of each member of the legis-  
11 lature begins on the first [SECOND] Monday in December of the year in  
12 which the member is elected [JANUARY FOLLOWING A PRESIDENTIAL ELECTION  
13 YEAR; HOWEVER, FOLLOWING A GUBERNATORIAL ELECTION YEAR, THE TERM OF  
14 EACH MEMBER BEGINS ON THE THIRD MONDAY IN JANUARY]. The term of repre-  
15 sentatives is two years, and the term of senators is four years.  
16 One-half of the senators shall be elected every two years.

17 \* Sec. 2. AS 24.05 is amended by adding a new section to read:

18 Sec. 24.05.082. ORGANIZATION. Those newly elected members of the  
19 legislature whose election has been certified by the lieutenant governor  
20 shall meet with incumbent members of the senate at the capitol on the  
21 first Monday in December after a general election. At this meeting the  
22 lieutenant governor shall administer the oath of office to the newly  
23 elected members and shall conduct the election of temporary presiding  
24 officers of each house of the legislature. The temporary presiding  
25 officer presides over the house until the election of the permanent  
26 presiding officer.

Introduced: 3/25/81  
Referred: Judiciary

1 IN THE SENATE

BY FISCHER

2 SENATE CONCURRENT RESOLUTION NO. 19  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to an earlier organi-  
7 zation of the legislature.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 1(a) of the Uniform Rules of the Alaska State Legis-  
10 lature is amended to read:

11 (a) At the time established in AS 24.05.082 [FOR CONVENING OF THE  
12 FIRST REGULAR SESSION OF A LEGISLATURE] the lieutenant governor calls  
13 each house to order separately and calls the roll of members whose  
14 election has been certified. He then administers the oath of office to  
15 the new members and, pending the election of temporary presiding  
16 officers, preserves order and decorum in the house.

17 \* Sec. 2. This resolution takes effect on the effective date of a version  
18 of an Act authorizing an earlier organization of the legislature.

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Introduced: 2/4/81  
Referred: Judiciary

1 IN THE HOUSE

BY COTTEN, ROGERS, GARDINER  
AND MILLER

2 HOUSE JOINT RESOLUTION NO. 7

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska re-  
7 lating to the qualifications of  
8 members of the legislature.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, sec. 2, Constitution of the State of Alaska is  
11 amended to read:

12 SECTION 2. MEMBERS' QUALIFICATIONS. A member of the legislature  
13 shall be a qualified voter who has been a resident of Alaska for at  
14 least three years and of the district from which elected for at least  
15 one year, immediately preceding his filing for office. A senator shall  
16 be at least nineteen [TWENTY-FIVE] years of age and a representative at  
17 least eighteen [TWENTY-ONE] years of age.

18 \* Sec. 2. The amendment proposed by this resolution shall be placed  
19 before the voters of the state at the next general election in conformity  
20 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
21 laws of the state.

# Unanimous Declaration of the Thirteen United States of America

*When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of Nature, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that the reasons which impel them to the separation should be published. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, in such a case, may dictate to a People temporary Sufferances, until a more perfect Form of Government be organized. We declare, therefore, that the United States are, of right, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connections with them are hereby dissolved.*

## STATE LEGISLATIVE REPORT

An Information Service of the National Conference of State Legislatures — Earl S. Mackey, Executive Director

Vol. 4, No. 5

DECEMBER 1979

### LIMITING BILL INTRODUCTIONS: THE LEGISLATIVE PAPER CHASE

The paper chase in state legislatures has accelerated. More and more legislation clogs the system, as constituents and interest groups insist "there ought to be a law" for each and every public problem. The steady increase in the number of bills introduced and enacted by state legislatures has led some observers of the lawmaking scene to label legislatures as "bill factories" or "legislative assembly lines."

In response to this concern, many legislatures have experimented with ways to limit the number of bills entering the system, and in a past issue of the State Legislative Report, these efforts were noted. With this issue, the National Conference of State Legislatures has updated that information and has attempted to explore the impact of bill limitations in those state legislatures which have adopted them. The three most common methods have been the use of deadlines to encourage early introduction of bills, proposed bills or short-form bills and specific limits on the number of bills a member may introduce.

#### USE OF DEADLINES

Deadlines are probably the most common means of limiting bill introductions by facilitating and regulating the flow of bills through various steps of the process. In all, 35 state legislatures establish a deadline for the introduction of bills. In addition, Alaska establishes a deadline only during the second regular session of the biennium. Another 22 states also establish cut-off dates for bill drafting requests made of their legal staffs. The most detailed deadline systems (for example Oklahoma) provide for cut-off dates for the drafting requests, bill introductions, committee action in the house of origin, final action in the house of origin and similar steps in the second chamber.

In an effort to address the number of bills entering the process, the Florida House has set one of the most stringent deadline provisions. In the 1979 session, the deadline for introducing bills was set for noon on the first session day. Florida's constitution

allows the Legislature to meet for an organizational session immediately following the legislative elections, then the legislature reconvenes for a 60-day session in early April. The intervening period is devoted to committee work and bills may be introduced by members and committees during that time.

The effect of the House rules change in 1979, along with Speaker Hyatt Brown's emphasis on committee bills, was to reduce the number of House introductions from 1800 in 1978 to 1300 bills and resolutions. Allen Morris, Clerk of the Florida House, in a speech delivered at the Southern Legislative Conference this past summer, indicated that other rules changes have contributed to the reduction including short-form bills, use of subcommittees to hear bills and emphasis on committee-initiated bills.

Interestingly in the 1972, 1974 and 1975 legislative sessions, the Florida legislators debated and rejected various proposals to limit the number of bills a member could introduce. Most of the proposals included some kind of surcharge for each bill over the limit that a member introduced.

### SHORT-FORM BILLS

The principle behind short-form or "skeleton" bills is three-fold. First, skeleton bills are designed to reduce drafting responsibilities demands placed on the bill drafting staff. Second, most skeleton bill processes emphasize the role of the committee in initiating legislation after considering the general merits of a preliminary proposal. Third, short-form bills are often seen as a device allowing members to introduce an idea which may be requested by a constituent or a lobby group, but without committing the legislator to sponsoring a measure with which they are not enthusiastic.

Six states provide for some kind of short-form bill procedure, however only Connecticut uses the mechanism very extensively. Since 1973, members have been restricted to introducing only proposed bills which are typically one or two paragraph statements of intent or purpose. The proposal is then referred to a standing committee which must decide before a certain deadline whether the proposed bill should be "raised" or drafted as a full bill. Committees may also initiate legislation, a power which is particularly important during even-year sessions when members are restricted to introducing proposed bills on only limited topics. The following chart indicates the number of proposed bills and committee bills introduced in recent sessions:

CONNECTICUT GENERAL ASSEMBLY Bill Introductions by Session					
	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Proposed bills	4585	885	4396	400	3825
Committee bills or raised bills	3273	1361	2094	1267	1989

(Figures provided by the Office of Legislative Commissioners.)

The number of bills has gradually decreased under the proposed bill procedure, however the number of legislative proposals and fully-drafted legislation remains high. Some observers feel that the standing committees generally acquiesce to the requests of members to raise bills and do not exercise their authority to limit the number of fully-drafted bills. Another problem in Connecticut appears to be the limited time for committees to review and decide which bills to have drafted. Because of the time crunch, committees tend to authorize drafting of bills which have not been fully considered. Interestingly, two legislative proposals have been filed for the 1980 session to place a specific limit on the number of proposed bills a member may file.

## NUMERICAL LIMITS ON BILL INTRODUCTIONS

Perhaps the most direct approach to limiting bill introductions is by allowing members only a specified number of bills. Only four states have experimented with this mechanism. Concern is often raised as to the constitutionality of restricting a member's rights, but so far no legal challenges have been raised in those states with numerical restrictions. At least two of the states with bill limitations, Indiana and Nebraska, have followed the provisions for several years without a challenge.

In those states with bill limitations, the experience has some common themes. First, some kind of "escape valve" is often necessary to allow for emergencies. Second, such a policy requires some kind of monitoring procedure to insure that members do not exceed their allowance of bills. Third, the "escape clause" often leads to ways to circumvent the intent of the limitation.

Nebraska has the strictest rules regarding bill introductions. Since 1972, the Unicameral has limited the number of bills a member can introduce to ten measures per session. At the end of the 1979 session, the rule was tightened to 17 bills per member during the biennium and a ten-bill limit on standing committees. The committee limitation can be topped by approval of four-fifths of the legislature. Legislation proposed by the governor, interim committees or the Appropriations Committee are not covered by the limit. Members had previously prevailed upon committees to introduce bills once they had reached their individual limitation, and the committee limitation is seen as a mechanism to block this route. Nebraska does not have pre-filing of legislation, and all bills a member sponsors or cosponsors count toward the 17-bill limit.

Interestingly, Nebraska has fewer bills introduced than most of the 49 other state legislatures, but observers argue that the unicameral system requires even more deliberation since the checks provided by a second chamber are not available. Nebraska averages some 600 bills each session. In the 1978 and 1979 sessions, fewer than half of the senators introduced the maximum of ten bills. At least two of the major committees introduced close to 40 bills in the 1979 session and others were well over the ten-bill mark. The new committee limitation clearly will have a direct impact in the upcoming session.

The Indiana General Assembly has taken another route in the limitation of bills. The House and Senate rules vary somewhat, however the intent has been the same. The rules were designed to avoid the logjam or balloon of bills which are inevitably introduced near the filing deadline, and secondly, the rules were adopted to insure that the second regular session of each biennium would be a short session as promised to the electorate when they approved annual meetings of the legislature.

Neither house limits pre-filing of bills, and both chambers allow members to file two bills per day up until the introduction cut-off date in the first session. During the second session of the biennium, state representatives are limited to a total of five introductions each, while senators may introduce one bill per day until the deadline on the fourth legislative day.

As an escape mechanism, the House and Senate rules provide for 25 "vehicle bills" to be introduced by the Rules and Legislative Procedure Committees. In effect, these measures have no substance and may be amended by the leadership to deal with emergencies.

The Indiana rules have kept the rate of bill introductions at a fairly steady level. During the short session, the number of introductions has averaged about 1100 bills and resolutions, while in the long session the number reaches about 2200. Most members appear to be satisfied with the provisions and conform to the rules, however there is no real policing mechanism. The bill drafting staff notifies a member if he or she has reached the limit, but the notification is a courtesy rather than an enforcement policy.

The Colorado General Assembly has taken yet another approach to the bill flood problem. Like Indiana, the Colorado rules encourage prefiling of bills, but place a specific ceiling on the number of measures a member can introduce during the session. The six-bill limitation is specified in the joint rules. Detailed deadlines for various legislative actions are also set. To allow for emergencies, a Committee on Delayed Bills is established in each house. The committee, composed of the presiding officer and two party floor leaders, can approve late introductions, but in practice few late bills have been allowed. Appropriations bills are excluded from the limitation.

The Colorado experience in 1979 is revealing. In previous years, less than ten percent of all bills were prefiled, however under the limitation rule, the number of prefiled bills in 1979 soared to 50 percent of the total. While the total number of bills was not reduced, the rule effected early introduction thus maximizing committee and floor work early in the session. The Colorado legislature has encountered some problems in accurate counting of prefiled measures and those bills introduced during the session.

The Tennessee Senate has adopted rules similar to those in Colorado. Prefiled bills are not limited, but a nine-bill restriction is in effect during the session. The rules were adopted in early 1979 and in the first session the rule was not adhered to strictly. The major weakness in the Tennessee situation is that House rules do not provide for any limitation. Tennessee also uses a Committee on Delayed Bills to deal with emergencies. Legislative staff anticipate that the real test of the rules will come in 1980 and 1981. The rules have also not addressed the logjam of bills which are introduced at the deadlines date. In 1979 some 600 out of a total of almost 1500 bills were introduced on or near the deadline for bill introductions.

#### CONCLUSION

While many states are experimenting with means of throttling the flow of legislation, the increase of introductions appears to be uninhibited. More than one bill drafting director commented that the efficiency of modern legislative drafting technology has encouraged more and more bill introductions. Capacity of the system has accommodated the increase in constituent and lobby group demands. A similar conclusion was reached by Alan Rosenthal and Rod Forth in a 1978 article in Legislative Studies Quarterly. They concluded, "The greater a legislature's capacity -- at least up to a certain point -- the more ideas will emerge, the more bills will be drafted, and the more legislation will be introduced to start on the path to becoming law."

Almost uniformly, the states which have limitations on introductions indicated that legislators welcomed the limit because it provides them with a means to avoid constituent or lobbyist requests. In many legislatures, however, lawmakers see their primary jobs as introducing, debating and passing legislation, and that job translates into more and more bills.

To legislators and staff in many states, limitation of bills cannot be successfully controlled by rules changes alone. Florida House Clerk Morris focused on the need for both procedural mechanisms and leadership strength and concluded that reduction of bill flow in the 1979 session was due to three factors: "First, the nature of the Florida Legislature and its leaders; second, the personality and ability of the Speaker and his key leadership; and finally the development by the leadership of a legislative program and a systematic and careful plan for its enactment." Individual legislator restraint and strong leadership control are probably the most effective tools to curb the legislative flood of legislation.

MECHANISMS FOR LIMITING BILLS

	Deadlines		Proposed or Short-Form Bills	Limitation on Number of Introductions
	Drafting Requests	Bill Introduction		
ALABAMA		x		
ALASKA		(1)		(5)
ARIZONA		x		
ARKANSAS		x		
CALIFORNIA			(4)	
COLORADO	x	x		(6)
CONNECTICUT	x	x	x	
DELAWARE	x			
FLORIDA	x	x	(2)	
GEORGIA		x		
HAWAII		x	x	
IDAHO		x		
ILLINOIS	x			
INDIANA	x			(6)
IOWA	x	x		
KANSAS	x	x		
KENTUCKY		x		
LOUISIANA		x		
MAINE	x	x		
MARYLAND	x	x		
MASSACHUSETTS		x		
MICHIGAN				
MINNESOTA				
MISSISSIPPI	x	x		
MISSOURI	x	x		
MONTANA	x	x		
NEBRASKA		x		(7)
NEVADA	x		x	
NEW HAMPSHIRE	x			
NEW JERSEY				
NEW MEXICO				
NEW YORK	x	x		
NORTH CAROLINA				
NORTH DAKOTA		x		
OHIO	x			
OKLAHOMA	x	x		
OREGON	x			
PENNSYLVANIA				
RHODE ISLAND	x	x	x	
SOUTH CAROLINA		(2)		
SOUTH DAKOTA		x		
TENNESSEE	(3)	x		(6)
TEXAS		x		
UTAH		x		
VERMONT	x	x		
VIRGINIA	x	x		
WASHINGTON	x	x		
WEST VIRGINIA		x		
WISCONSIN		x		
WYOMING	x			

- (1) Deadline in second regular session only.
- (2) Rules apply to House only.
- (3) Rules apply to Senate only.
- (4) Short-form provision is seldom utilized though it is available.

- (5) Limit applies to prefiled bills only.
- (6) Limit applies to bills filed during the session but not to prefiled bills.
- (7) Member and committee bills are both restricted in number.

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Morris, Allen. "New Approaches in Florida to Bill Limitation." A speech delivered to the Southern Legislative Conference, Louisville, Kentucky, July 19, 1979.

Rosenthal, Alan and Forth, Rod. "The Assembly Line: Law Production in the American States," Legislative Studies Quarterly, III, 2, May 1978.

NOTE: For additional information, additions or corrections, contact Alice Anneberg or Cindy Simon of the NCSL Denver office (303) 623-6600.



**National  
Conference  
of State  
Legislatures**

Headquarters  
Office  
(303) 623-6600

1125  
Seventeenth  
Street  
Suite 1500  
Denver,  
Colorado  
80202

President  
Richard S. Hodes  
Speaker Pro Tempore, Florida  
House of Representatives

Executive Director  
Earl S. Mackey

February 4, 1981

ADDENDUM

RE: "Limiting Bill Introductions: The Legislative Paper Chase"  
NCSL State Legislative Report  
December 1979

Since the publication of this report, changes have occurred in several states and should be noted.

- 1) The Nebraska Unicameral no longer restricts a member to an absolute limit on the number of bills he/she can introduce. However, bill introductions by committees will be limited to eight bills per session. Previously, Unicameral members were allowed to introduce only 17 bills in each two-year session.
- 2) Montana lawmakers may introduce only five bills once the session has begun. However, the limit does not apply to prefiled bills prior to the session; interim committee bills; state agency bills; or resolutions.
- 3) In the Washington House there is a ten-bill introduction limit per term for each representative. Although the limit applies to all bills, including prefiled measures, lawmakers may suggest an unlimited number of short-form bill proposals which can be adopted as committee bills.

## MECHANISMS FOR LIMITING BILLS

(Updated February 1981)

	Deadlines		Proposed or Short-Form Bills	Limitation on Number of Introductions
	Drafting Requests	Bill Introduction		
ALABAMA		x		
ALASKA		(1)		(5)
ARIZONA		x		
ARKANSAS		x		
CALIFORNIA			(4)	
COLORADO	x	x		(6)
CONNECTICUT	x	x	x	
DELAWARE	x			
FLORIDA	x	x	(2)	
GEORGIA		x		
HAWAII		x	x	
IDAHO		x		
ILLINOIS	x			
INDIANA	x			(5)
IOWA	x	x	x	
KANSAS	x	x		
KENTUCKY		x		
LOUISIANA		x		
MAINE	x	x		
MARYLAND	x	x		
MASSACHUSETTS		x		
MICHIGAN				
MINNESOTA				
MISSISSIPPI	x	x		
MISSOURI	x	x		
MONTANA	x	x		x
NEBRASKA		x		(7)
NEVADA	x		x	
NEW HAMPSHIRE	x			
NEW JERSEY				
NEW MEXICO				
NEW YORK	x	x		
NORTH CAROLINA		x		
* NORTH DAKOTA		x		
OHIO	x			
OKLAHOMA	x	x		
OREGON	x	x		
PENNSYLVANIA				
RHODE ISLAND	x	x	x	
SOUTH CAROLINA		(2)		
SOUTH DAKOTA	x	x		
TENNESSEE	(3)	x		(6)
TEXAS		x		
UTAH		x		
VERMONT	x	x		
VIRGINIA	x	x		
WASHINGTON	x	x		(2)
WEST VIRGINIA		x		
WISCONSIN				
WYOMING	x			

(1) Deadline in second regular session only.

(2) Rules apply to House only.

(3) Rules apply to Senate only.

(4) Short-form provision is seldom utilized though it is available.

(5) Limit applies to prefiled bills only.

(6) Limit applies to bills filed during the session but not to prefiled bills.

(7) Only committee bills are restricted in number.

\*Senators cannot introduce more than three bills as prime sponsor after 10th legislative day, and cannot introduce any bills after 15th legislative day.

# STATE LEGISLATIVE REPORT

## COMMITTEE CONSIDERATION OF BILLS

In order to expedite the flow of legislation on the floor, a number of legislatures have attempted to strengthen the role which standing committees play in consideration of bills. Options spelled out in legislative rules which are designed to accomplish this include indefinite postponement, substitute bills, adverse reports, tabling, and killing bills in committee. Several legislatures, however, require committees to report all bills referred to them, often after a certain time limit. Although this may increase the number of bills to be considered on the floor, it keeps committees from preventing the entire body from acting on legislation. Many legislatures which do not require committees to report all bills have provisions for discharging bills from committee. This report summarizes (1) the several options available to committees in considering legislation and (2) provisions for discharging bills from committees.

Options for consideration of bills. Of the several options which legislatures use to dispose of bills, there are two which stand in rather marked contrast to each other. The rules of some legislatures specifically allow committees to kill legislation - that is, bills not reported by committees are considered to have failed. The rules of other legislatures on the other hand, require committees to report all bills.

Rules governing approximately 16 legislative bodies have provisions requiring committees to report all bills. The Arizona Senate rule is fairly typical:

"All bills, memorials, resolutions referred to a standing committee shall be reported."

Several of these legislatures impose deadlines for consideration and reporting of bills. The time limits range from 7 days (Montana) to 21 days (North Dakota House and South Dakota House). A few, such as the Michigan Senate, place more ambiguous deadlines on committee action (e.g., "without unnecessary delay" or "as soon as practicable"). The rules of some of these legislatures explicitly allow the legislature to extend the deadline or otherwise abrogate the effect of the rule. The New Hampshire House may extend its 12 legislative day

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The National Conference  
of State Legislatures

1405 Curtis Street  
23rd Floor  
Denver, Colorado 80202



Earl S. Mackey  
Executive Director

January 1979

By implication, the rules of several other legislatures allow committees to kill bills. The Ohio Senate and Tennessee House rules do not allow bills to be reported out of committee unless they have received a recommendation for adoption (either as written or amended). In other words, legislation receiving an adverse recommendation is not reported out of committee. The Ohio rules are illustrative:

"No committee may report back any measure referred to it or any substitute for such measure without recommending its passage or adoption..."

In Connecticut, all bills not acted upon within certain time limits (established in the joint rules for each committee) are considered to have failed in committee. Bills which are held in Tennessee Senate committees for 20 legislative days are tabled automatically.

Provisions for discharging bills. The rules governing at least 52 legislative bodies have provisions for discharging or recalling bills from committees. The two basic methods for discharge are (1) by petition and (2) by vote. The latter, is the most common. A few use a combination of petition and vote and a few use other methods.

Approximately 43 legislative bodies require that some vote be taken prior to discharging a committee from further consideration of a bill. Most of these presumably allow such votes following a motion to withdraw a bill from committee. Some, however, require that a certain number of members sign a discharge petition before the vote can be taken. These include the Kentucky Senate and House and the Pennsylvania House. In nine legislative bodies, a certain number of signatures on petitions is sufficient to recall a bill from committee. These include Arizona (House), Connecticut (joint), Delaware (Senate), Maryland (Senate and House), Mississippi (Senate), Rhode Island (Senate) and Washington (House). A few, including the Maryland Senate and House, provide for both the voting and petition alternatives.

The number of votes and signatures required range from 1/2 to 2/3, with most of these bodies requiring a majority of votes or signatures for discharge. A few require different votes at different times, depending upon certain conditions.

Although voting and petitioning are the most common devices, a few legislatures have settled on other methods for discharging bills from committees. In the Florida House, the sponsor may have the bill removed on a point of order. The Maine joint rules require committees to report bills after receiving notice from the Speaker or Senate President. In the Rhode Island House, bills may be recalled upon request of six of the committee members or the sponsor.

The rules of many of these legislatures do not allow discharge until after a certain time has elapsed. These time requirements range from three days in the Idaho Senate to 20 days in the Maryland Senate and Mississippi House. In some bodies, an extraordinary majority is required to withdraw bills from committees prior to a certain time. For example, Arkansas House requires a 2/3 vote if the committee has had the bill less than 10 days but a majority if the committee has had the bill longer than 10 days. Pennsylvania, discharge within 10 days of referral requires unanimous consent, but after 10 days a majority vote is necessary.

A few legislatures restrict the number of times discharge may be attempted against the same bill. In the New Jersey Assembly, the limit is two. In the Rhode Island Senate, only one petition is allowed per bill in each session.

deadline by an additional 6 days. In the Vermont House, the Rules Committee may grant extensions. The 10-day deadline in the Arkansas House applies only if requested by the bill sponsor.

In at least two legislative bodies, committees are required to report bills but their lack of action is translated into a "do not pass" recommendation. For example, the Illinois Senate rule on this topic says:

"A Bill or resolution referred to a committee and not set for hearing within sixty days of assignment shall be reported from the committee with the recommendation "do not pass," at which time, unless a motion to recommit is made, supported by a majority vote of the members elected, such Bill or resolution shall be considered as finally tabled and stricken."

The Massachusetts joint rules have a similar provision.

Rules governing at least 19 legislative bodies allow committees to kill legislation. The rules of 12 legislative bodies allow committees to indefinitely postpone legislation. The rules of the Colorado House, for example, say:

"Final action shall consist of reporting a measure out of committee, with or without amendments...a recommendation for reference to another committee of reference, or postponing the measure indefinitely."

The Michigan Senate rules provide that

"A committee may indefinitely postpone consideration of any bill or resolution by a 2/3 vote of the entire membership of the committee; such indefinite postponement may be reconsidered by a 2/3 vote of the entire membership of the committee."

The rules of other legislatures allow committees to kill bills in other ways. A few simply list "not reporting" as one of several options available to committees in dealing with legislation. The Pennsylvania House rules, for example, list four alternatives for disposing of bills. The second of these is

"... that the bill, resolution, or other matter not be reported to the House..."

Tabling legislation in committee is a similar provision and is included among committee options in the Oregon and Utah Houses. In Oregon,

"a committee may act on each measure in its possession in one of the following ways: (a) by tabling the measure in committee..."

Every committee in Utah is required to give each bill "due consideration, and may amend and/or substitute and, unless tabled, shall make a recommendation back to the House as favorable or unfavorable."



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# STATE LEGISLATIVE REPORT

## COMMITTEE BILLS

The strength of state legislatures has been enhanced by the growing viability of their standing committees. Standing committees in most legislatures are now able to make intensive and independent judgments about pending legislation. To capitalize on this capability, over half of the state legislative bodies authorize the use of committee bills.

Committee bills are those initiated and introduced by committees of the legislature, rather than by individual members. They are used frequently to combine several bills on related topics, to finalize the work of interim studies, and to increase the chance of passage of bills favored by a committee. In some legislatures, committee bills constitute over half of all bills introduced. In others, they are used rarely and only under special circumstances.

The attached table summarizes provisions found in state legislative rules regarding committee bills. It shows that at least 55 of the possible 99 state legislative chambers authorize committee bills. Thirty-nine apparently do not provide in their rules for such bills.\* A few legislatures may use committee bills but do not provide for them in their formal rules. The rules of several legislatures, including Alabama, Hawaii, and Indiana, allow committees to draft substitutes for bills already introduced by members and referred to them, but do not authorize committees to initiate legislation.

The rules of most legislatures allowing committee bills are fairly straightforward - that is, they indicate that both members and committees may introduce legislation and place few restrictions on this practice.

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1405 Curtis Street  
23rd Floor  
Denver, Colorado 80202



Earl S. Mackey  
Executive Director

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\*Rule books from five houses have not been received by the NCSL library in Denver. Because rule books are indexed and organized differently, these figures may be somewhat inaccurate due to our inability to find the appropriate rule. We welcome any corrections or additional information about this topic.

By implication, the rules of several other legislatures allow committees to kill bills. The Ohio Senate and Tennessee House rules do not allow bills to be reported out of committee unless they have received a recommendation for adoption (either as written or amended). In other words, legislation receiving an adverse recommendation is not reported out of committee. The Ohio rules are illustrative:

"No committee may report back any measure referred to it or any substitute for such measure without recommending its passage or adoption..."

In Connecticut, all bills not acted upon within certain time limits (established in the joint rules for each committee) are considered to have failed in committee. Bills which are held in Tennessee Senate committees for 20 legislative days are tabled automatically.

Provisions for discharging bills. The rules governing at least 52 legislative bodies have provisions for discharging or recalling bills from committees. The two basic methods for discharge are (1) by petition and (2) by vote. The latter, is the most common. A few use a combination of petition and vote and a few use other methods.

Approximately 43 legislative bodies require that some vote be taken prior to discharging a committee from further consideration of a bill. Most of these presumably allow such votes following a motion to withdraw a bill from committee. Some, however, require that a certain number of members sign a discharge petition before the vote can be taken. These include the Kentucky Senate and House and the Pennsylvania House. In nine legislative bodies, a certain number of signatures on petitions is sufficient to recall a bill from committee. These include Arizona (House), Connecticut (joint), Delaware (Senate), Maryland (Senate and House), Mississippi (Senate), Rhode Island (Senate) and Washington (House). A few, including the Maryland Senate and House, provide for both the voting and petition alternatives.

The number of votes and signatures required range from 1/2 to 2/3, with most of these bodies requiring a majority of votes or signatures for discharge. A few require different votes at different times, depending upon certain conditions.

Although voting and petitioning are the most common devices, a few legislatures have settled on other methods for discharging bills from committees. In the Florida House, the sponsor may have the bill removed on a point of order. The Maine joint rules require committees to report bills after receiving notice from the Speaker or Senate President. In the Rhode Island House, bills may be recalled upon request of six of the committee members or the sponsor.

The rules of many of these legislatures do not allow discharge until after a certain time has elapsed. These time requirements range from three days in the Idaho Senate to 20 days in the Maryland Senate and Mississippi House. In some bodies, an extraordinary majority is required to withdraw bills from committees prior to a certain time. For example, Arkansas House rules require a 2/3 vote if the committee has had the bill less than 10 days, but a majority if the committee has had the bill longer than 10 days. In Pennsylvania, discharge within 10 days of referral requires unanimous consent, but after 10 days a majority vote is necessary.

A few legislatures restrict the number of times discharge may be attempted against the same bill. In the New Jersey Assembly, the limit is two. In the Rhode Island Senate, only one petition is allowed per bill in each session.

For example, the rules of the Iowa House provide that

"[e]very House bill shall be introduced by one or more members or by any standing or specially authorized committee of the House or interim study committee..."

The rule in the Arizona Senate is that

"[b]ills, resolutions and memorials may be introduced by a member of a committee..."

However, the rules of some legislatures place certain limitations or restrictions on the use of committee bills. In the Arkansas House, committees may sponsor bills only if approved unanimously by the committee. The South Carolina Senate requires approval by 2/3 of the committee members prior to committee sponsorship of a bill. Several legislatures specify that a majority of the committee approve the bill and presumably this is the requirement in the other states which are not specific on this question.

The rules of some legislative bodies prohibit a committee from introducing legislation outside its jurisdiction. The South Carolina House and both Houses of the California legislature include this prohibition.

Legislatures differ on the question of whether the names of individual members may appear on committee bills. The Illinois House rules prohibit individual sponsors' names from appearing on committee bills. In Connecticut, all bills become committee bills and members' names do not appear on the bill. However, the Tennessee House and both Florida houses make it possible to identify members on committee bills. The Illinois Senate rules require that committee bills must designate a member as a co-sponsor.

Committee bills receive special treatment in some legislatures. The Idaho House, Iowa House and Senate, Montana House and Senate, Nevada Senate, and Oregon House exempt committee bills from bill filing deadlines. The Maryland House rules create a special consent calendar for committee bills.

The proposed bill system used in Connecticut is a special case of committee bills and deserves more detailed description. Legislators in Connecticut may not have bills drafted or introduced individually. Instead, a legislator with an idea for a bill submits a one-page summary to the appropriate committee. If a majority of the committee feels the idea is worthy of further consideration, it requests that a bill, which then becomes a committee bill, be drafted. Committees often combine proposals from several legislators into one bill. When drafted, the committee bill contains the number of the proposed bills which generated the committee bill but does not contain the names of the original sponsors.

Several other legislatures use skeleton bill systems, which are similar to Connecticut's but which are more permissive. Skeleton bills are outlines of bills which present ideas clearly enough to allow committees to consider the merits of the proposal. If considered favorably by the committee, the skeleton bill is then drafted completely. Rules in such states as Nevada and New Hampshire authorize but do not require the use of skeleton bills.

For more information on this topic, contact Carl Tubbesing in the NCSL Denver Office, 303/623-6600.

July 1978.

Provisions for Committee Bills in State Legislatures

State/House	Committee Bills Allowed	Limitations	Other Provisions
Alabama Senate	no		committee substitutes allowed if germane to subject of original bill(s)
Alabama House	no		same as Senate
Alaska Senate	yes		
Alaska House	yes		
Arizona Senate	yes		
Arizona House	yes		
Arkansas Senate	no		
Arkansas House	yes	only by unanimous vote of committee	
California Senate	yes	must be on subject within its jurisdiction	
California House	yes	must be on subject within its jurisdiction; must receive majority approval	
Colorado Senate	no		
Colorado House	no		
Connecticut Senate	yes		all bills are committee bills; members only submit proposed bills
Connecticut House	yes		same as Senate
Delaware Senate	yes		
Delaware House	yes		
Florida Senate	yes		possible to identify members on committee bills as co-introducers
Florida House	yes		same as Senate

State/House	Committee Bills Allowed	Limitations	Other Provisions
Georgia Senate	no		
Georgia House	no		
Hawaii Senate	no		committee substitutes allowed if germane to subject of original bill(s)
Hawaii House	no		same as Senate
Idaho Senate	yes		
Idaho House	yes		mentioned as exception to bill filing deadline
Illinois Senate	yes	must designate member as co-sponsor	
Illinois House	yes	only by majority vote of the committee	may not have individual sponsors
Indiana Senate	no		committee substitutes allowed if germane to subject of original bill(s)
Indiana House	no		
Iowa Senate	yes		committees may introduce bills at any time; mentioned specifically in statute
Iowa House	yes		same as Senate
Kansas Senate	yes		
Kansas House	yes		
Kentucky Senate	no		
Kentucky House	no		

State/House	Committee Bills Allowed	Limitations	Other Provisions
Louisiana Senate	yes		
Louisiana House	yes		committee substitutes also allowed
Maine Senate	yes		
Maine House	yes		
Maryland Senate	no		
Maryland House	yes		separate consent calendar allowed for committee bills
Massachusetts Senate	yes		
Massachusetts House	yes		
Michigan Senate	no		
Michigan House	no		committee substitute bills allowed
Minnesota Senate	yes		
Minnesota House	yes		either referred to another committee or placed on general calendar
Missouri Senate	no		
Missouri House	yes		
Mississippi Senate	yes		at least for reports referred to committee by governor and other state officers
Mississippi House	no		
Montana Senate	yes		mentioned as exception to bill filing deadline
Montana House	yes		same as Senate
Nebraska	yes	only by majority vote of committee	

State/House	Committee Bills Allowed	Limitations	Other Provisions
Nevada Senate	yes	only by majority vote of committee	mentioned as exception to bill filing deadline
Nevada House	yes	same as Senate	same as Senate
New Hampshire Senate	no		
New Hampshire House	no		
New Jersey Senate	no		committee substitute bills allowed
New Jersey House	no		
New Mexico Senate	yes		
New Mexico House	yes		
New York Senate	yes		
New York House	yes		
North Carolina Senate	no		
North Carolina House	no		
North Dakota Senate	yes		
North Dakota House	yes		
Ohio Senate	no		committee substitutes allowed
Ohio House	no		
Oklahoma Senate	no		
Oklahoma House	N.A.		
Oregon Senate	yes	only by majority vote of committee	

State/House	Committee Bills Allowed	Limitations	Other Provisions
Oregon House	yes		mentioned also as exception to filing deadline
Pennsylvania Senate	no		
Pennsylvania House	no		
Rhode Island Senate	no		
Rhode Island House	no		
South Carolina Senate	yes	only with approval of 2/3 of committee	
South Carolina House	yes	may not introduce bill outside its jurisdiction	
South Dakota Senate	yes		
South Dakota House	yes		
Tennessee Senate	no		
Tennessee House	yes		may be introduced by chairman and other committee members
Texas Senate	no		
Texas House	no		
Utah Senate	yes		
Utah House	no		
Vermont Senate	N.A.		
Vermont House	N.A.		
Virginia Senate	no		
Virginia House	yes		

State/House	Committee Bills Allowed	Limitations	Other Provisions
Washington Senate	yes	only by majority vote of committee	
Washington House	yes	same as Senate	
West Virginia Senate	no		
West Virginia House	yes		
Wisconsin Senate	no		
Wisconsin House	no		
Wyoming Senate	N.A.		
Wyoming House	N.A.		



Introduced: 4/3/81  
Referred: State Affairs and  
Rules

1 IN THE HOUSE

BY RANDOLPH AND FANNING

2 HOUSE CONCURRENT RESOLUTION NO. 21

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the uniform  
6 rules relating to the daily calendar.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. Rule 18(a) of the Uniform Rules of the Alaska State Legis-  
9 lature is amended to read:

10 (a) The Rules Committee of each house is responsible for the  
11 preparation of the daily calendar for distribution to each member  
12 at least 24 hours [ON THE DAY] preceding the legislative session to  
13 which the calendar applies [NEXT LEGISLATIVE DAY. PENDING THE PRINTING  
14 OF THE CALENDAR THE CONTENTS OF THE CALENDAR MAY BE ANNOUNCED OR  
15 POSTED.] Changes to a calendar or approval of a supplementary calendar  
16 may be authorized by two-thirds of the membership present. No business  
17 shall be transacted nor any measure considered that is not on the  
18 calendar. A bill may not be withdrawn from the Rules Committee but a  
19 majority of the full membership of the house may order a bill in the  
20 possession of the Rules Committee placed on the calendar for the next  
21 legislative day.

Introduced: 3/24/81  
Referred: State Affairs and  
Judiciary

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HAYES, MARTIN, METCALFE,  
MONTGOMERY AND O'CONNELL

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to amendment of bill titles.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Article II, sec. 13, Constitution of the State of Alaska is  
10 amended to read:

11 SECTION 13. FORM OF BILLS. Every bill shall be confined to one  
12 subject unless it is an appropriation bill or one codifying, revising,  
13 or rearranging existing laws. Bills for appropriations shall be con-  
14 fined to appropriations. The subject of each bill shall be expressed  
15 in the title. The title of a bill as introduced may not be changed  
16 except with the concurrence of the prime sponsor. The enacting clause  
17 shall be: "Be it enacted by the Legislature of the State of Alaska."

18 \* Sec. 2. The amendment proposed by this resolution shall be placed  
19 before the voters of the state at the next general election in conformity  
20 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
21 laws of the state.

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DRAFT - SENATE PROPOSAL ON SALARIES

SALARY SCHEDULE FOR TEMPORARY AND PERMANENT EMPLOYEES

Existing Daily Rate	RANGE	DAILY	MONTHLY	ANNUALLY	COMPARABLE TO STATE SALARY
(110)	A	\$ 116	\$ 3480	41,760	22A
*	B	101	3030	36,360	20A
( 83)	C	88	2640	31,680	18A
( 73)	D	76	2280	27,360	16A
( 63)	E	66	1980	23,760	14A
( 50)	F	55	1650	19,800	11A

Pay increases would be retroactive to the 90th day of the session.

RANGE A - SENATE SECRETARY

RANGE B - SPECIAL ASSISTANT

RANGE C - SGT. AT ARMS  
ADMINISTRATIVE ASSISTANT  
ASST. SENATE SECRETARY

RANGE D - ASSISTANT ENGROSSER  
ASSISTANT SGT. AT ARMS  
SR. LOUNGE ATTENDANT  
RESEARCHER

RANGE E - SECRETARY  
XEROX OPERATOR

RANGE F - PAGE

1) Temporary and permanent employees will get full medical benefits (cost to state is \$123 per month). These benefits would extend thru the iterim for those who work during that period.

2) longevity bonus of \$2 per day for each prior year of legislative experience (70 days or more), up to 10 years. For permanent and temporary.

a) ALL LEGISLATORS WOULD HAVE A PERMANENT YEAR AROUND SECRETARY FROM THE LEADERSHIP BUDGE

b) THE FOLLOWING WOULD HAVE A PERMANENT YEAR AROUND SPECIAL ASSISTANT:

Senate President 2  
Majority Leader 1  
Minority Leader 1  
Each standing committee chairman 1

c) EACH LEGISLATOR WOULD HAVE ESTABLISHED A \$30,000 ACCOUNT WITH LEGISLATIVE AFFAIRS AGENCY FOR INTERIM EXPENDITURES WHICH MAY INCLUDE AN ADDITIONAL TEMPORARY EMPLOYEE.

LEGISLATIVE SESSION EMPLOYEES

SENATE

<u>CLASSIFICATIONS</u>	<u>DAILY RATE</u>	<u>MONTHLY RATE</u>	<u>ANNUALLY</u>
LEGISLATIVE SECRETARY	\$66.00	\$1,980	\$23,000
RESEARCHER	\$76.00	\$2,280	\$27,000
ADMINISTRATIVE ASSISTANT	\$88.00	\$2,640	\$31,000
SPECIAL ASSISTANT	\$101.00	\$3,030	\$36,360

HOUSE OF REPRESENTATIVES

<u>CLASSIFICATIONS</u>	<u>DAILY RATES</u>	<u>MONTHLY RATES</u>	<u>ANNUALLY</u>
LEGISLATIVE SECRETARY I	\$66.50	\$1,995	\$23,940
LEGISLATIVE SECRETARY II	\$71.16	\$2,135	\$25,620
RESEARCHER	\$76.36	\$2,291	\$27,492
LEGISLATIVE ASSISTANT	\$94.46	\$2,837	\$34,044
PROFESSIONAL ASSISTANT	\$116.46	\$3,494	\$41,928



CLASSIFICATION: ADMINISTRATIVE ASSISTANT  
PAY RATE: \$88.00/DAY \$2,640/MONTH  
ASSIGNMENT: ALL MEMBERS

RESPONSIBILITIES: PERFORM TECHNICAL ADMINISTRATIVE AND STAFF WORK, INCLUDING SUPERVISORY DUTIES; KEEP CURRENT ON LEGISLATION IN ORDER TO KEEP LEGISLATOR INFORMED; PREPARE DRAFTS FOR SPEECHES, REPORTS, BACKGROUND MATERIAL AND CONSTITUENT CORRESPONDENCE; PROVIDE LEGISLATOR WITH ASSISTANCE IN THE LEGISLATIVE PROGRAMS AND COMMUNICATIONS; WORK WITH OTHER LEGISLATORS, STAFF MEMBERS, REPRESENTITIVES OF INTEREST GROUPS AND THE PUBLIC; PARTICIPATE IN PERSONNEL FUNCTIONS; DEMONSTRATE ABILITY TO WORK WITH A MINIMUM OF SUPERVISION AND DIRECTION; DEMONSTRATE GOOD JUDGEMENT AND SOUND DECISION MAKING ABILITIES. PERFORM OTHER DUTIES AS ASSIGNED.

CLASSIFICATION: SPECIAL ASSISTANT  
PAY RATE: \$101.00/DAY \$3,030/MONTH  
ASSIGNMENT: STANDING COMMITTEE CHAIRS, LEADERSHIP,

RESPONSIBILITIES: PERFORM A WIDE VARIETY OF LEGISLATIVE SUPPORT TASK, ACTING WITH A MINIMUM OF SUPERVISION AND WITH BROAD DISCRETION; ANTICIPATE PROBLEMS, NEEDS, AND ASSUME INITIATIVE IN RESOLVING SAME; COORDINATE AND NEGOTIATE DEVELOPMENT OF LEGISLATION WITH INTEREST GROUPS; PREPARE POSITION PAPERS AND TESTIMONY; INTERFACE WITH COMMITTEE MEMBERS; ASSESS IMPLICATIONS OF LEGISLATION AND PUBLIC STATEMENTS ON CONSTITUENCY AND LEGISLATIVE PRIORITIES; ABILITY TO SUPERVISE ALL OTHER OFFICE STAFF IF NEEDED. OTHER DUTIES AS ASSIGNED.

# Demos approve staff pay hikes

By The Associated Press

House Democrats met in private Tuesday to approve a new pay schedule for temporary session employees that would hike the pay of some staffers by nearly \$1,000 a month.

The plan hatched by House leaders and approved by the 22-member Democratic caucus would also allow at least 41 House and Senate aides—twice the current number—to be paid \$3,494 or more per month.

Under the plan, secretaries would start at between \$2,000 and \$2,135 per month, depending on experience, while researchers would earn \$2,135 per month, legislative assistants \$2,837 per month, and professional assistants \$3,494. Additional pay would be allowed for longevity.

Still in the discussion stage is a plan to hire year-round permanent staffers for some or all lawmakers, House leaders said.

In general, the plan would allow legislators to pay higher salaries to their staffs and authorize the hiring of some additional aides.

Although the new pay schedule, which would boost all session employee salaries effective immediately, won approval from the House leadership, Senate Rules Committee Chairman Tim Kelly, R-Anchorage, branded it "just a Band-Aid approach" and said Senate leaders plan a critical look at the proposal.

"They're talking about a major expansion of the legislative payroll. I want to know what the public gets. If it's in the public's best interest, the Senate leadership might go along," Kelly said.

Kelly acknowledged there is widespread disparity among legislative salaries, but added: "We can't address the problem with a simple little approach that throws money at everybody." Instead, he said lawmakers should look at all legislative salaries, in-

cluding both fulltime and session-only employees.

But House Rules Chairwoman Sally Smith, D-Fairbanks, defended the plan, which she helped mold, and said it attempts to put legislative salaries on par with administrative salaries.

"It's time for us to realize we're playing with a budget of \$5 billion, not \$500 million, and that we need professional staff. It's time to realize we need a fulltime staff. Why should a committee chairman who is dealing with millions of dollars not have a comparable staff to a commissioner" at the head of a major state department, she asked.

A dispute over salaries paid to legislative aides has been brewing since early in the session when the Legislative Council requested a breakdown of salaries for all legislative employees. The list indicated wide discrepancies in pay for aides with similar responsibilities.

For example, aides to some House and Senate Finance Committee members currently earn the going rate of \$83 per day for an administrative assistant, or about \$2,500 per month, while aides to other Finance Committee members and chairmen earn more than \$3,500 per month. At the top of the scale are a select handful of House aides who are paid \$3,800 to \$4,000 per month.

Not counting numerous discrepancies, the current schedule calls for secretaries to earn \$63 per day, or nearly \$2,000 per month, and administrative assistants \$83 per day or about \$2,500 per month. Most lawmakers have at least two staffers.

When the list of current salaries was disclosed, and it was learned that some legislative leaders were paying aides up to \$4,000 per month, several lawmakers and staffers called for a more equitable payment schedule.

MEMORANDUM

TO: Senator Tim Kelley, Chairman  
Rules Committee

FROM: Senator Frank R. Ferguson,  
Member - Rules Committee

RE: Legislative Employees' Salaries

DATE: April 9, 1981

Dear Senator Kelly:

Since the Senate leadership is going to be discussing staff salaries in the near future, please consider the following suggestions:

For the first two years of employment, all secretaries shall be a Secretary I and will start at \$66.50 per day. After two years, a person working as a Secretary I becomes a Secretary II, at a rate of \$71.16 per day.

Researchers shall be paid at the suggested rate as proposed by the House, (\$76.36) per day.

There shall be only one level of Legislative Assistant. The rate shall be \$3150 per month (Range 20). However, for the first two years, a Legislative Assistant shall only receive 90% (\$2835) of the Range 20 pay. After an assistant works for the Legislature for two years, he or she shall be entitled to the full amount.

All positions shall receive \$2.00 per day extra (longevity pay) for each year worked, up to a maximum of ten years.

Finally, due to the disparity that has existed this year, I believe all wage increases should be retro-active to the beginning of the session.

Very truly yours,



Frank R. Ferguson

cc: All Senators



# Alaska State Legislature

Senator Vic Fischer • Pouch V • Juneau, Alaska 99811 • (907) 465-4954

April 3, 1981

## M E M O R A N D U M

TO: SEN. KERTTULA, PRESIDENT  
SEN. KELLY, RULES CHAIRMAN

FROM: SEN. FISCHER

RE: STAFF SALARIES

As most of us have known for several months, gross disparities exist among salaries paid to staff in the Senate, as well as between Senate and House.

I question whether this situation is proper or desirable. The inequity in salaries paid to individuals with similar responsibilities and qualifications is highly demoralizing to the staff members who are discriminated against. Also, such discriminatory treatment ends up being unfair to individual legislators.

Also, I believe the Legislature must present an example of fairness and equity to the rest of state government and the people of the state. This we are not doing when we countenance disorder in our own house.

The Senate, if not both houses, should proceed without delay to eliminate the discriminatory and inequitable staff structure. Disparities in permanent versus temporary positions and in pay rates should be eliminated before this session is out.

I trust you will see to it that this problem is resolved. Alternatively, a meeting might be held among all senators to discuss this situation. Either way, I hope we can see action soon.

cc: all senators

/lf

## New pay scale plan for aides gains

News-Miner Bureau

JUNEAU—A new salary schedule for legislative employees okayed by House Democrats Tuesday could cost more than \$1,000 a day in raises for most aides.

But the schedule, which has not been approved by House Republicans, Libertarians or the Senate, is not likely to become effective anytime soon.

"I don't think this solves all our problems," said Senate Rules Chairman Tim Kelly, R-Anchorage. "All this is is the recommendations of 22 House Democrats."

The new plan includes five classifications for legislative employees and new salary ranges which would increase pay between \$1.50 and \$33 a day, depending on the job. Job descriptions are included in each classification but qualifications for those jobs were omitted by the Democrats when they approved the plan during a caucus.

The proposed pay scale plan, authored primarily by Rules Chairman Rep. Sally Smith, D-Fairbanks, is in response to complaints by legislators and aides that the current pay system is unfair. Under that system, some aides are paid as much as \$1,200 a month more than others for performing the same duties.

A group of aides had been meeting with House and Senate leaders in an attempt to correct the disparities.

Several of those aides said Tuesday the plan is a step in the right direction.

Some aides have talked of trying to organize their colleagues for collective bargaining but that has apparently been shelved, at least for now.

Despite the proposed changes, huge disparities in pay will still be possible. The plan only applies to employees who fall within the budgets controlled by the House and Senate Rules committees.

Most of the highly paid staffers are paid through budgets controlled by the finance committees or the House and Senate leadership.

For example, 10 administrative assistants paid from funds under the speaker of the House's budget each make more than \$3,700 a month. Not all of them work for Speaker Jim Duncan, D-Juneau.

Regular administrative assistants make less than \$2,500 a month.

The Democrats would like to begin the new system on the 90th day of the session which is Friday, said Smith. But she admitted that was unlikely. If finally adopted, the plan could be retroactive back to that date.

Smith said the plan is the first step toward correcting the disparities and eventually, she would like to see just one budget for all House staff. That is expected to be vigorously opposed.

# House tests indicate Army personnel

The Associated Press

WASHINGTON — Nine out of 10 American soldiers who operate and maintain the Army's nuclear weapons in Western Europe flunked basic tests of their military skills last year. This temporary session is an appalling statistic, but frankly, it comes as no great surprise. For years I have warned staffers by nearly half the deterioration of our armed services.

The plan hatched by House leaders and approved by the 22-member Democratic caucus also would allow at least 41 House and Senate aides — twice the current number — to be paid \$3,494 or more per month.

Under the plan, secretaries would start at between \$2,000 and \$2,135 per month, depending on experience, while researchers would earn \$2,135 per month, legislative assistants \$2,637 per month, and professional assistants \$3,494. Addi-

In general, the plan would allow legislators to pay higher salaries to their staffs and authorize the hiring of some additional aides.

Although the new pay schedule, which would boost all session employee salaries effective immediately, won approval from the House leadership, Senate Rules Committee Chairman Tim Kelly, R-Anchorage, branded it "just a Band-Aid approach" and said Senate leaders plan a critical look at the proposal.

"They're talking about a

• Many technical manuals have been changed to comic-book formats because the technicians can't understand standard instructions. One unit found that a third of supervisory personnel were functionally illiterate. Black soldiers, incidentally, score lower than whites.

widespread disparity among legislative salaries, but added: "We can't address the problem with a simple little approach that throws money at everybody." Instead, he said lawmakers should look at all legislative salaries, including both full-time and session-only employees.

But Rules Chairwoman Sally Smith, D-Fairbanks, defended the plan, which she helped mold, and said it attempts to put legislative salaries on par with administrative salaries.

"It's time for us to realize

# Senate kills pay raises for staffers

By DAVID RAMSEUR  
*News-Miner Bureau*

JUNEAU—Senate leaders apparently have killed for this year any salary adjustments for legislative employees which means that disparities among staff salaries would be corrected no earlier than next year.

The only change likely this legislative session, say several key senators, is adding temporary legislative employees to the state's medical plan.

The informal agreement among senate leaders came after House leaders failed to show up for a meeting on salaries Monday afternoon.

But Senate Rules Committee Chairman Tim Kelly, R-Anchorage, said it was his fault the House members didn't make the meeting because he failed to tell them about it.

The decision, which Kelly says he hopes can be changed, means disparities among legislative employees will continue through the session and probably until the Legislature meets again next January.

But senators say they will continue working on a new salary scale that can be implemented next year.

"I think a real overall look at temporary salaries may or may not be justified but it shouldn't be looked at until next year's budget," said Senate President Jay Kerttula.

Employees and some lawmakers have complained that salary scales are unfair. Some aides are paid more than \$1,000 a month more than others for the same work.

"We were under the impression until

**& Beauty**

**EGGS** Parade Large A

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**DRESSING**

Introduced: 2/4/81  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY MARTIN

2 HOUSE BILL NO. 107

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring public officers and employees who  
7 engage in lobbying to comply with the Regulation of  
8 Lobbying Act (AS 24.45); and providing for an effective  
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 24.45.161(a)(2) is repealed.

12 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-  
13 070(c).

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Introduced: 2/17/81  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY RANDOLPH, FANNING AND  
ANDERSON

2 HOUSE BILL NO. 168

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to payment of legislative per diem;  
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 24.15.010 is amended by adding new subsections to read:

10 (e) Per diem may not be paid for a day in regular session after  
11 the 120th day of that regular session.

12 (f) Per diem may not be paid after the seventh legislative day of  
13 a regular session to a member of a house for which a permanent pre-  
14 siding officer has not been chosen. However, payment of legislative  
15 per diem shall resume beginning the legislative day on which a permanent  
16 presiding officer is chosen.

17 \* Sec. 2. This Act takes effect January 1, 1982.  
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Introduced: 2/4/81  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY MARTIN

2 HOUSE JOINT RESOLUTION NO. 8  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the Constitution  
6 of the State of Alaska providing for the  
7 submission of constitutional amendments  
8 by initiative.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article XI, sec. 1, Constitution of the State of Alaska, is  
11 amended to read:

12 SECTION 1. INITIATIVE AND REFERENDUM. The people may propose and  
13 enact laws and amendments to this constitution by the initiative, and  
14 approve or reject acts of the legislature by the referendum.

15 \* Sec. 2. Article XIII, sec. 1, Constitution of the State of Alaska, is  
16 amended to read:

17 SECTION 1. AMENDMENTS. Amendments to this constitution may be  
18 proposed by initiative or by a two-thirds vote of each house of the  
19 legislature. If the amendment is proposed by initiative the provisions  
20 of sections 1 - 3 and 5 and 6 of Article XI apply. The lieutenant  
21 governor shall prepare a ballot title and proposition summarizing each  
22 proposed amendment, and shall place them on the ballot for the next  
23 general election. If a majority of the votes cast on the proposition  
24 favor the amendment, it shall be adopted. Unless otherwise provided in  
25 the amendment, it becomes effective thirty days after the certification  
26 of the election returns by the lieutenant governor.

27 \* Sec. 3. The amendments proposed by this resolution shall be placed  
28 before the voters of the state at the next general election in conformity  
29 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election

1 laws of the state.

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Introduced: 3/24/81  
Referred: State Affairs  
and Judiciary

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIPNE, BETTISWORTH  
HAYES, MARTIN, METCALFE  
AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 33

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Consti-  
6 tution of the State of Alaska relat-  
7 ing to election of presiding officers  
8 of the legislature.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, Constitution of the State of Alaska, is amended  
11 by adding a new section to read:

12 SECTION 22. ELECTION OF PRESIDING OFFICERS. Each house of the  
13 legislature shall elect a presiding officer. If the presiding officer  
14 of a house of the legislature has not been elected by the fourth legis-  
15 lative day of a first regular session, the members of that house shall  
16 elect a presiding officer by secret ballot by a plurality of the votes  
17 cast.

18 \* Sec. 2. The amendment proposed by this resolution shall be placed  
19 before the voters of the state at the next general election in conformity  
20 with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-  
21 tion laws of the state.

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Introduced: 2/4/81  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY MARTIN

2 HOUSE BILL NO. 109

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for submission of constitutional  
7 amendments by initiative; and providing for an effec-  
8 tive date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 15.45.010 is amended to read:

11 Sec. 15.45.010. PROVISION AND SCOPE FOR USE OF THE INITIATIVE.  
12 The law-making powers assigned to the legislature, including amendments  
13 to the state constitution, may be exercised by the people through the  
14 initiative. However, no initiative may be proposed to dedicate reve-  
15 nues, to make or repeal appropriations, to create courts, to define the  
16 jurisdiction of courts or prescribe their rules, or to enact local or  
17 special legislation.

18 \* Sec. 2. AS 15.45 is amended by adding a new section to read:

19 Sec. 15.45.950. DEFINITIONS. In this chapter, "proposed law"  
20 includes an amendment to the state constitution.

21 \* Sec. 3. AS 15.50.010 is amended to read:

22 Sec. 15.50.010. PREPARATION OF PROPOSITION FOR CONSTITUTIONAL  
23 AMENDMENT. The lieutenant governor shall prepare a proposed ballot  
24 title and proposition for each amendment to the state constitution  
25 proposed by the legislature, by initiative or by a constitutional  
26 convention. Each amendment shall be confined to one subject. Within  
27 30 days of the date of adjournment of a legislative session, of the cer-  
28 tification of the initiative petition, or of the date of adjournment of  
29 a constitutional convention, the lieutenant governor shall provide one

1 copy of the proposed ballot title and proposition for each amendment to  
2 each member of the legislature and shall make copies available to the  
3 public.

4 \* Sec. 4. AS 15.50.030 is amended to read:

5 Sec. 15.50.030. PLACING PROPOSITION ON BALLOT. The lieutenant  
6 governor shall direct the director to place the ballot title and propo-  
7 sition on the ballot for the next statewide general election held after  
8 the amendment proposed by initiative or by the legislature or held 120  
9 days after the amendment proposed by a constitutional convention. If  
10 there is insufficient time to permit the proposition to be placed on  
11 the regular ballot by the director, the lieutenant governor shall  
12 direct the director to prepare a separate ballot for the proposition.

13 \* Sec. 5. AS 15.50.040 is amended to read:

14 Sec. 15.50.040. DISPLAY OF RESOLUTION. The director shall provide  
15 each election board with 10 copies of the resolution proposing the  
16 constitutional amendment by initiative, by the legislature, or by the  
17 convention, and the election board shall display three copies of the  
18 resolution in a conspicuous place in the room where the election is  
19 held.


20 \* Sec. 6. This Act takes effect on the effective date of an amendment to  
21 the Constitution of the State of Alaska which allows amendments to the  
22 constitution by initiative.  
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Introduced: 3/24/81  
Referred: State Affairs and  
Judiciary

BY CUDDY, ABOOD, ANDERSON,  
BARNES, BEIRNE, BETTISWORTH,  
HALFORD, HAYES, MARTIN, METCALFE  
AND MONTGOMERY

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 12  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TWELFTH LEGISLATURE - FIRST SESSION

5  Proposing an amendment to the  
6 uniform rules relating to the elec-  
7 tion of the presiding officers of  
8 the legislature.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 1(b) of the Uniform Rules of the Alaska State Legisla-  
11 ture is amended to read:

12 (b) When the house by a majority of the full membership vote  
13 selects a temporary presiding officer he assumes the chair and the  
14 lieutenant governor withdraws. The chair then calls for nominations  
15 for a permanent presiding officer and the nominee receiving a majority  
16 of the votes of the full membership assumes the chair for the two-year  
17 duration of the legislature. If a presiding officer is not elected by  
18 the fourth legislative day, the members shall meet and elect a presid-  
19 ing officer by secret ballot by a plurality of the votes cast.

Introduced: 3/24/81  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY CUDDY

2 HOUSE JOINT RESOLUTION NO. 37

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Con-  
6 stitution of the State of Alaska  
7 relating to the tenure of legis-  
8 lators.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Article II, sec. 3, Constitution of the State of Alaska, is  
11 amended to read:

12 SECTION 3. ELECTION AND TERMS. Legislators shall be elected at  
13 general elections. Their terms begin on the fourth Monday of the  
14 January following election unless otherwise provided by law. No person  
15 who has been elected to the house of representatives for two full  
16 successive terms shall be eligible to hold that office until one full  
17 term has intervened. The term of representatives shall be two years,  
18 and the term of senators, four years. One-half of the senators shall  
19 be elected every two years.

20 \* Sec. 2. The amendment proposed by this resolution shall be placed  
21 before the voters of the state at the next general election in conformity  
22 with art. XIII, sec. 1, Constitution of the State of Alaska, and the election  
23 laws of the state.

Introduced: 4/3/81  
Referred: State Affairs and  
Rules

1 IN THE HOUSE

BY RANDOLPH AND FANNING

2 HOUSE CONCURRENT RESOLUTION NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Proposing amendments to the uniform  
6 rules relating to committee referral  
7 and action procedure.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. Rule 23(a) of the Uniform Rules of the Alaska State Legisla-  
10 ture is amended to read:

11 (a) A committee acts on all bills referred to it and reports its  
12 actions and recommendations to the house within 30 legislative days of  
13 referral [AS SOON AS PRACTICABLE]. Committee reports must be in writing  
14 [AND THE REPORT MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE  
15 COMMITTEE]. The report will note the recommendation of each member  
16 signing the report.

17 \* Sec. 2. Rule 23 of the Uniform Rules of the Alaska State Legislature  
18 is amended by adding a new subsection to read:

19 (e) When a member of a committee notifies the committee chairman  
20 that the member intends to recommend "Do Pass" on a bill, the bill  
21 shall be reported back to the house and shall be immediately advanced  
22 to the next committee of referral. When the bill is referred to the  
23 Rules Committee, that committee shall place the bill on the calendar in  
24 second reading within 30 legislative days.

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# DRAFT - Common Sense for ALASKA

STATE	CONFERENCE COMMITTEES	FREE CONFERENCE COMMITTEES	BILL CONTENT RULE	"GERMINE" DEFINITION	PUBLIC NOTICE OF COMMITTEE MEETINGS	JOINT COMMITTEE MEETINGS	RECOMMEN-DATIONS USED TO PASS BILL OUT OF CMTE	INTERIM COMMITTEES AUTHORIZATION	LIMITATION ON SESSION LENGTH	CODE OF ETHICS & DIS-CIPLINE	CONTRACTING PROCEDURES	LOBBYING LAWS	PULES REVIEW & ENFORCEMENT	LIMIT ON NUMBER BILLS INTRODUCED	TIME LIMIT FOR CMTE PROCESS	RULE WAIVER PROCEDURES	LEGISLATIVE OVERSIGHT
ALABAMA.....	YES 1(1)	NO	NO	NO	YES 5(1)	NO	NO	YES 8(1)	YES	YES 10(1)	NO	YES 12(1)	NO	YES 14(1)	NO	YES 16(1)	NO
ALASKA.....	YES 1(2)	YES 2(2)	NO	NO	NO 5(2)	NO	YES 7(2)	NO	NO	NO	NO	NO 12(2)	NO	NO 14(2)	NO	YES 16(a)	NO
ARIZONA.....	YES 1(3)	YES 2(3)	NO	NO	YES 5(3)	NO	YES 7(3)	YES 8(3)	NO	YES 10(3)	NO	YES 12(3)	YES 13(3)	NO 14(3)	YES 15(3)	YES 16(b)	NO
ARKANSAS.....	NO	NO	YES 3(a)	NO	YES 5(4)	YES 6(4)	YES 7(4)	NO	60 l	NO	NO	NO	NO	NO 14(4)	NO	YES 16(b)	NO
CALIFORNIA....	YES 1(5)	NO	YES 3(5)	NO	YES 5(5)	YES 6(5)	NO	YES 8(5)	NO	YES 10(5)	YES 11(5)	NO	NO	NO	NO 15(5)	YES 16 (5)	NO
COLORADO.....	YES	YES 2(6)	NO	NO	YES 5(6)	YES 6(6)	YES 7(6)	YES									
CONNECTICUT...																	
DELAWARE.....	NO	NO	YES 3(8)	NO	YES 5(8)	NO	NO	NO	JUNE 30	NO	NO	NO	NO	NO 14(8)	YES 15(8)	YES 16(b)	NO
FLORIDA.....	YES 1(9)	NO	YES 3(9)	NO	YES 5(9)	NO	YES 7(9)	NO	60 l	YES	NO	YES 12(9)	NO	NO	YES 15(9)	YES 16(a)	NO
GEORGIA.....																	
HAWAII.....																	
IDAHO.....	YES	NO	YES 3(13)	NO	NO	YES	YES 7(12)	NO	YES 9(12)	NO	NO	NO	NO	NO 14(12)	YES 15(12)	YES 16(b)	NO
ILLINOIS.....	YES 1(13)	NO	YES 3(13)	NO	NO	NO	YES 7(13)	NO	NO	NO	NO	YES 12(13)	NO	NO	NO	YES 16(b)	NO
INDIANA.....	YES 1(14)	NO	YES 3(14)	YES 4(14)	YES 5(14)	NO	YES 7(14)	YES 8(14)	YES	NO	NO	NO	YES 13(14)	YES 14(14)	NO	YES 16(14)	NO
IOWA.....	YES	YES	NO	YES 4(15)	YES 5(15)	NO	YES 7(15)	NO	NO	YES 10(15)	NO	YES 12(15)	YES 13(15)	NO 14(15)	NO	YES 16(15)	NO
KANSAS.....	YES 1(16)	NO	NO	NO	NO	YES 6(16)	NO	YES 8(16)	YES	NO	NO	NO	NO	YES 14(16)	NO	YES 16(16)	NO
KENTUCKY.....																	
LOUISIANA.....	YES 1(18)	NO	YES 3(a)	NO	YES 5(18)	YES 6(18)	YES 7(18)	YES 8(18)	60 j	YES 10(18)	NO	NO	YES 13(18)	NO	NO	YES 16(18)	NO
MAINE.....	YES 1(19)	NO	YES 3(19)	NO	YES 5(19)	YES 6(19)	YES 7(19)	NO	100 l	YES 10(19)	NO	NO	YES 13(19)	NO	YES 15(19)	YES 15(b)	NO
MARYLAND.....																	
MASSACHUSETTS.																	
MICHIGAN.....	YES 1(22)	NO	NO	YES 4(22)	YES 5(22)	NO	NO	YES 8(22)	NO	YES 10(22)	NO	NO	NO	NO	NO	YES 16(a)	NO
MINNESOTA.....	YES 1(23)	NO	NO	YES 4(23)	YES 5(23)	NO	YES 7(23)	NO	YES 9(23)	YES 10(23)	NO	NO	NO	NO	YES 15(23)	YES 16(a)	NO
MISSISSIPPI...	YES 1(24)	NO	NO	NO	YES 5(24)	YES 6(24)	YES 7(24)	NO	YES	NO	NO	NO	NO	YES 14(24)	YES 15(24)	YES 16(24)	NO
MISSOURI.....	YES 1(25)	NO	YES 3(25)	NO	YES 5(25)	YES 6(25)	NO	YES 8(25)	JUNE 30	NO 10(25)	NO	NO	NO	YES 14(25)	NO 15(25)	NO	NO
MONTANA.....	YES 1(26)	YES 2(26)	YES	NO	NO	YES 6(26)	NO 7(26)	YES 8(26)	YES	YES 10(26)	NO	YES	NO	YES 14(26)	YES 15(26)	YES 16(26)	NO
NEBRASKA.....	NO 1(27)	NO	YES	NO 4(27)	YES 5(27)	NO	YES 7(27)	YES 8(27)	YES 9(27)	NO	YES 11(27)	YES 12(27)	NO	YES 14(27)	YES 15(27)	YES 16(27)	NO
NEVADA.....	YES	YES 2(28)	YES 3(28)	NO	YES 5(28)	NO	YES 7(28)	NO	60 k	YES 10(28)	NO	NO	YES 13(28)	NO 14(28)	NO	YES 16(b)	YES 17(28)
NEW HAMPSHIRE	YES 1(29)	NO	NO	NO	YES 5(29)	YES 6(29)	NO	NO	NO	NO	NO	NO	NO	NO	YES 15(29)	NO	NO
NEW JERSEY....	YES	YES	NO	NO	YES 5(30)	NO	YES 7(30)	NO	NO	YES 10(30)	NO	NO	NO	YES 14(30)	YES 15(30)	NO	YES 17(30)
NEW MEXICO....																	
NEW YORK.....	YES 1(32)	NO	YES 3(32)	NO	YES 5(32)	YES 6(32)	YES 7(32)	NO	NO	YES 10(32)	NO	NO	NO	YES 14(32)	NO	YES 16(32)	YES 17(32)
NORTH CAROLINA	YES	NO	NO	NO	YES 5(33)	YES	YES 7(33)	YES 8(33)	NO	NO	NO	NO	NO	NO	NO	YES 16(33)	NO
NORTH DAKOTA..	YES 1(34)	NO	YES 3(a)	NO	YES 5(34)	YES 6(34)	YES 7(34)	NO	80	YES 10(34)	NO 11(34)	NO	YES 13(34)	YES 14(34)	YES 15(34)	YES 16(a)	NO
OHIO.....	NO 1(35)	NO	YES 3(35)	YES 4(35)	YES 5(35)	NO	YES 7(35)	YES 8(35)	NO	NO	NO	NO	NO	NO 14(35)	NO	YES 16(a)	NO
OKLAHOMA.....																	
OREGON.....	YES 3(37)	NO	NO	YES 4(37)	YES 5(37)	NO	YES 7(37)	NO	NO 9(37)	NO	NO	YES 12(37)	NO	YES 14(37)	YES 15(37)	YES 16(37)	NO
PENNSYLVANIA..	YES 1(38)	(7) 2(38)	YES 3(b)	NO 4(38)	YES 5(38)	NO	NO	YES 8(38)	NO	YES 10(36)	YES 11(38)	YES 12(38)	YES 13(38)	NO	NO	YES 16(38)	NO
RHODE ISLAND..	NO	NO	YES 3(39)	YES 4(39)	YES 5(39)	YES 6(39)	YES 7(39)	NO	YES	NO	NO	NO	NO	YES 14(39)	YES 15(39)	YES 16(39)	NO
SOUTH CAROLINA	YES	YES 2(40)	YES 3(40)	YES 4(40)	YES 5(40)	NO	YES 7(40)	NO	YES	YES 10(40)	NO	YES 12(40)	NO	NO	NO	YES 16(40)	NO
SOUTH DAKOTA..	YES 1(41)	NO	YES 3(41)	YES 4(41)	YES 5(41)	YES 6(41)	YES 7(41)	YES 8(41)	YES	NO	NO	NO	NO	NO	YES 15(41)	YES 16(41)	NO
TENNESSEE.....	YES	NO	NO	NO	YES 5(42)	YES	YES 7(42)	NO	YES	NO	YES 11(42)	NO	NO	YES 14(42)	YES 15(42)	YES 16(a)	NO
TEXAS.....	NO	NO	NO	NO	YES 5(43)	NO	NO	NO	140	YES 10(43)	NO	NO	NO	NO 14(43)	YES 15(43)	NO	NO
UTAH.....	NO	NO	YES	NO	YES 5(44)	YES	NO	YES 8(44)	YES 9(44)	YES 10(44)	NO	NO	NO	NO 14(44)	YES 15(44)	YES 16(b)	NO
VERMONT.....	YES 1(45)	NO	NO	YES 4(45)	NO 5(45)	YES 6(45)	YES 7(45)	NO	NO	NO	NO	NO	NO	NO 14(45)	YES 15(45)	YES 16(45)	NO
VIRGINIA.....	YES 1(46)	NO	NO	YES 4(46)	YES 5(46)	YES 6(46)	YES 7(46)	YES 8(46)	YES	NO	NO	NO	NO	NO	NO	YES 16(46)	YES 17(46)
WASHINGTON....	YES 1(47)	YES 2(47)	YES 3(b)	NO	YES 5(47)	YES 6(47)	YES 7(47)	YES 8(47)	105	NO	YES 11(47)	YES 12(47)	NO 13(47)	NO	NO 15(47)	YES 16(b)	NO
WEST VIRGINIA	YES 1(48)	NO	YES 3(a)	NO	YES 5(48)	YES 6(48)	YES 7(48)	NO	60 l	NO	NO 11(48)	NO	NO	NO	NO	YES 16(b)	NO
WISCONSIN.....	YES	NO	NO	YES 4(49)	YES 5(49)	YES 6(49)	YES 7(49)	NO	NO 9(49)	NO	YES 11(49)	NO	NO	NO	NO	YES 16(b)	NO
WYOMING.....	YES	YES	YES 3(50)	NO	NO 5(50)	YES	YES 7(50)	NO	60 aaa	NO	NO	NO	YES 13(50)	NO 14(50)	NO	YES 16(a)	NO

1 - CONFERENCE COMMITTEES

- (2) Rule 41 - Presiding officer of each house appoints three members.  
 (3) Limited to points of disagreement only.  
 (5) J.R.28 - 3 members from each house, with one who voted in minority. Can appoint 3 committees, with all new members.  
 (9) Must embrace same subject matter as in differing bills  
 (13) Equal number from each house, majority must agree on report  
 (16) H.R.16, S.R.13.2 - 3 members from Senate, 2 from House, with member who handled bill appointed to committee  
 (19) J.R.16 - appointed by President and Speaker, 3 members from each house. Committee has ten days to reach an agreement. Neither house has to accept.  
 (22) J.R.6 - Bill falls after 2 conference committees refuse to agree. J.R.7 - confined to matters of difference only.  
 (25) J.R.23 - composed of 5 members from each house.  
 (19) H.R.41 - non-germane amendment not allowed - defined as any subject matter not contained in either House or Senate bill. S.R.43 - 24 hours required before action can be taken. J.R.8 - bill falls if no agreement.  
 (34) J.R.6 - composed of five members from each house.  
 (36) H.R.40, S.R.211 - Both rules state the conference committees are confined to considering only the differences between versions.  
 (47) S.R.2 - President appoints members from Senate.  
 (48) J.R.3 - 5 members on committee. Only report subject matter of the amendment.

2 - FREE CONFERENCE COMMITTEES

- (2) Rule 41 - free conference committee may suggest amendments germane to the question. A second committee can be appointed.  
 (3) May compromise or insert something entirely new.  
 (28) Limited to two committees of conference - they have powers to rewrite the bill.  
 (38) S.R.231 - allows free conference committee in event both houses grant power, but . . .  
 H.R.49 - prohibits free conference committees  
 (47) Any report from these committees must be on members' desks 24 hours prior to voting.

3 - BILL CONTENT RULE

- (a) No bill shall contain more than 1 subject which shall be clearly expressed in its title.  
 (b) Requires that no bill shall embrace more than one subject.  
 (5) J.R.7 - title of bill shall convey accurate idea of contents. J.R.8.5 - accompanying digest showing changes in existing law by proposed bill.  
 (8) S.R.8, H.R.22 - title must state purpose of bill  
 (9) Proper title and identify subject matter.  
 (13) Content of bill must "directly relate" to the bill and first page contain synopsis.  
 (19) J.R.31 - all bills must be accompanied by a statement of fact and intent.  
 J.R. 19, 20 - bills dealing with appropriations must have fiscal impact statement.  
 (25) J.R.56 - only one subject per bill, except appropriations bills  
 J.R.53 - cannot change purpose of bill by amendment.  
 (26) Only one subject per bill allowed  
 (30) follows Wyoming's Manual of Legislative Procedures

4 - "GERMANE" DEFINITION

- (22) Constitution Section 24 - one object expressed in title, cannot change original purpose determined by total content and not by title only.  
 (38) H.R.27 - "germane" is decided by majority vote of house.

5 - PUBLIC NOTICE OF COMMITTEE MEETINGS

- (2) Public notice is encouraged but not required - no agenda required.  
 (3) Senate - agenda five days in advance with unanimous committee consent to change agenda required, House - agenda printed the Thursday prior to committee meeting. Changed by a 2/3 vote of committee. Notice waived when general appropriations bill clears committee.  
 (4) Two days notice

PUBLIC NOTICE OF COMMITTEE MEETINGS (CONTINUED):

- (5) S.R.24.9 - 1 day notice on conference committee meetings, except budget bill  
 J.R.38 - certain other committees require up to 8 days notice, with waiver by Joint Committee.  
 (6) S.R.20 - Standing committees release an agenda 1 day before meeting.  
 (9) Two day notice during first 45 days of session.  
 (10) S.R.13.22 - 24 hours advance notice  
 H.R.6.11 - No bill shall be reported by a committee unless an open, public hearing has been held.  
 (16) S.R.42 - "No act affecting citizens or corporations...will be passed without first notifying them."  
 (22) S.R.2.9 - 24 hour notice on conference committees, one hour notice on second conference committee. "Public bodies" (regular meetings) require 10 days notice.  
 (25) Three day notice before committee hearings.  
 (29) S.R.22 - two day notice for committee hearing, H.R.41 - two day notice.  
 (20) Public hearings - 5 day notice of committee meetings, 24 hour notice suspended in emergencies by 2/3 committee vote.  
 (30) Five days advance notice.  
 (33) Five day notice for public hearings. May be waived by committee's unanimous vote. Seven day notice for committee meeting with media notified of emergency meetings.  
 (34) Notice must be given to press, but no time stated.  
 (37) Pennsylvania Law 486, No. 115 - requires public notice be given in advance. H.R.50 - five day notice of committee hearings.  
 (43) Five day notice on all bills unless previously heard in committee of other house. 24 hours notice of committee hearings, 5 day notice of interim committee meetings.  
 (42) S.R.42 - five day notice for all public hearings, but committee can waive and note reason in records of its meeting.  
 (48) West Virginia Code 116-9A - "Public Notice Meeting Rule"  
 (50) None, due to short session length.

6 - JOINT COMMITTEE MEETINGS

- (4) Authorized by chairman or one-half of members of both committees. Joint budget committee provided for.  
 (5) J.R.32 - established by resolution of both houses  
 (18) Approval by President or Speaker or majority of both houses.  
 (19) Widely used. Maximum of 19 joint committees permitted. Composed of 3 Senators, 10 Representatives with Senator as Chairman.  
 (25) Yes, authorized by majority vote.  
 (29) J.R.14 - when requested by Speaker or President.  
 (34) J.R.13 - permits committees to meet jointly  
 (47) S.R.2 - President appoints members to joint committee  
 (48) J.R.18 - authorizes joint committees

7 - RECOMMENDATIONS USED TO PASS BILLS OUT OF COMMITTEE

- (2) In practice: Do Pass; Do Pass as Amended; Do Not Pass; No Recommendation.  
 (3) Unanimous Report; Unanimous Majority Report; Unanimous Minority Report; Not Considered Report.  
 (4) Do Pass; Do Pass as Amended; Do Not Pass (lent out on majority vote, with minority report attached.)  
 (5) Pass; Do Not Pass; Pass as Amended.  
 (13) Pass; Do Not Pass; Pass as Amended.  
 (19) Unanimously Ought to Pass; Unanimously Ought Not to Pass; Pass as Amended; Ought Not to Pass.  
 (28) Do Pass; Do Not Pass.  
 (30) Pass; Do Not Pass, Other (Bill must be reported with signed concurrence of majority.)  
 (33) Pass; No Pass; (A "No Pass" must have a minority report attached.)  
 (34) Pass; Do Not Pass; Pass With Amendments; Postpone Indefinitely; Pass With Recommendation.  
 (41) Do Pass; Do Pass as Amended; Without Recommendation; Do Not Pass; Bill Preferred to Another Committee; Do Pass a Substitute Bill; Postpone Indefinitely.  
 (48) Do Pass; Do Not Pass; Pass With Amendments  
 (50) Do Pass; Do Not Pass; Without Recommendation

#### RULES AND ENFORCEMENT (CONTINUED):

- (19) H.R. 18 - any member found guilty of breach of rules shall not be allowed to vote or speak until he has made satisfaction.
- (20) S.R. 54 - each Senate Standing Committee is encouraged to plan and conduct a review of programs within the committee's jurisdiction.
- (24) Constitution, Sec. 4A - Each House has power to expel member it has determined is guilty by a 2/3 vote.
- (38) S.R. XXVII - grants Ethics Committee jurisdiction regarding violation of Code of Ethics and violations of any rule regarding use of monies.
- (47) H.R. 51, S.R. 24 - the chairman of each house determines "disorderly conduct" with provisions for appeal.
- (50) S.R. 54 - each house scheduled legislative action reports and presents it along with legislative intent to the Committee on Administrative Rules.

#### 14 - TIME ON NUMBER OF BILLS INTRODUCED

- (2) But, only 10 bills per member may be prefilled. No bill introduced after 35th day of 2nd session.
- (3) Bills can be introduced first 36 days of first session, 29 days of second session, 10 days of special session.
- (8) H.R. 35 - No new bills introduced after date in May fixed by majority leader.
- (25) July to December 1, members can submit three prefilled bills on a rotating basis.
- (28) But, no bills may be introduced after 30th day unless with approval by 2/3 vote.
- (30) Only 15 bills per committee, except as President agrees.
- (34) S.R. 19 - No member can be prime sponsor of more than three bills after 10th day.
- (43) Most bills are prefilled. No new bill introduced after 60th day.
- (50) But, no new bills may be introduced after 18th day, except with 2/3 consent.

#### 15 - TIME LIMIT FOR COMMITTEES TO PROCESS BILLS

- (3) After ten days, a 2/3 majority can remove bill from committee.
- (5) J.R. 62 - A bill may be brought out of committee by approval of Rules Committee and 2/3 vote of members.
- (8) H.R. 12(e) - Thirty days time limit in House. S.R. 16 - Majority vote of members may require bill to be reported from committee.
- (9) Bill must be reported from committee after seven days.
- (10) J.R. 14 - After receiving notice from presiding officer, committee has three legislative days to report bill to floor. J.R. 21 - All bills referred to committee shall be reported from committee by 1 p.m. on last Friday in April or date fixed by Legislative Council.
- (25) Constitution §22 - Determined by Rules Committee.
- (29) H.R. 32 - Budget bill out by May 8. H.R. 43 - hearings held within twelve days after referral to committee - they may have a six day extension after which time the bill is taken from the committee.
- (30) Prime sponsor can demand vote on bill in committee: 24 hours notice in House; 60 days in Senate.
- (34) S.R. 44 - No bill, other than an appropriations measure may be held in committee for more than 21 days.
- (43) Ten days limit for committee to report bill.
- (47) S.R. 42 - A majority of Senate members can call a bill back from committee.

#### 16 - RULE WAIVER PROCEDURES

- (a) Suspended by a 2/3 vote of all elected members.
- (b) Suspended by a 2/3 vote of all members present.
- (5) Assembly Rule 77
- (10) Suspended by 2/3 of members elected in Senate; suspended by 2/3 members present in House.
- (33) Suspended by 2/3 vote with one day notice.
- (38) H.R. 77 - Rules may be suspended after consideration by Rules Committee and filed on desk of each member. Then, a simple 2/3 majority vote.

#### 17 - LEGISLATIVE OVERSIGHT

- (9) Must provide continuous review with oversight hearings open to public.
- (28) S.R. 54 - Each committee is encouraged to plan and conduct a review of programs under its jurisdiction.
- (30) Legislative Oversight is a standing committee.

#### 8 - INTERIM COMMITTEES AUTHORIZATION

- (3) Speaker may call meetings when not in session and authorize payments.
- (5) J.R. 36 - "Investigating Committees" may be appointed by resolution of either house. May act during or between session.
- (18) S.R. 13, 2 - approval of President on matters assigned to committee by Senate.  
H.R. 6, 28 - approval by House resolution or majority of members on committee.
- (22) S.R. 2, 1 - created by rule of Senate, operate during and between session.
- (25) H.R. 33, S.R. 31 - specifies which committees can meet between sessions.
- (33) House - authorized by approval of Speaker and resolution of House members.
- (38) Authorized in Senate only - S.R. XVI, their authority expires entirely on November 30 of even numbered years.
- (47) S.R. 2 - the President has authority to appoint special committees with approval of Senate.  
H.R. 61, 3 - interim committee members appear to be selected by the respective caucuses on the basis of statutory and geographical representation.

#### 9 - LIMITATION ON SESSION LENGTH

(Will be prepared in final draft of all 50 states)

#### 10 - CODE OF ETHICS AND DISCIPLINE

- (3) Ethics Committee hears complaints and makes report - no mention of disciplinary procedure.
- (5) J.R. 45 - A Joint Ethics Committee to consider alleged conflicts of interest.
- (18) ART. III, Sec. 7(A)
- (15) ART. IV, SEC. 4 - Legislative Code of Ethics may be enforced by disciplinary action or by expulsion by 2/3 vote.
- (22) Pulet, Sec. 3
- (25) H.R. 91 - code of ethics not specific, but fines and censure by vote.
- (28) Five members appointed to hear complaints on alleged breaches of ethics. No disciplinary procedure was outlined.
- (30) Joint Committee on Ethical Standards can employ counsel and has removal and discipline procedures.
- (34) Constitution Sec. 4B - Each house has power to expel member it has determined is guilty by a 2/3 concurring vote.
- (38) H.R. 47, S.R. XXVII - establishes ethics committee which oversees legislative code as well as lobbyists.
- (43) House Legislative Ethics Committee has full subpoena and investigatory powers. General Bribery Statute, Conflict of Interest Statute and Statement of Economic Interest. General Assembly may render advisory opinions.

#### 11 - CONTRACTING PROCEDURES

- (5) Assembly Rule 20 - "Committee on Rules shall adopt rules and regulations governing the awarding of any contract" by an investigating committee. Most expenses of any committee must be approved in advance by Rules Committee.
- (34) But, does require official note be attached to bill
- (38) H.R. 14, S.R. XXV
- (47) H.R. 79 - apparently all Legislative Contracting must be approved by Appropriations Committee.  
S.R. 8 - all expenses incurred by Senate during session shall be signed for by the Secretary and approved by a majority of the Committee on Facilities and Operations.
- (48) Fiscal note required of all bills affecting monies.

#### 12 - LOBBYING LAWS

- (2) Not addressed in rules, but Alaska Public Offices Commission law states that government employees, school district personnel, university and municipal employees are exempt.
- (3) No House employee may lobby.
- (9) All persons including state employees must register and submit semi-annual expense reports.
- (33) All lobbyists must register - no specifics as to what determines a lobbyist.
- (38) H.R. 47 - charges the Ethics Committee with enforcing the Statutory Lobbying Laws.
- (47) S.R. 64 - incorporated State of Washington lobbying Statute.

#### 13 - RULES REVIEW AND ENFORCEMENT

- (3) May punish violation of Rules by 2/3 vote of house to expel member.
- (18) ART. III, SEC. 7(A)

#1 CONFERENCE COMMITTEES:

- (35) A bill passed in one house and defeated or postponed in the other may be introduced in next session with same language -- 2/3 vote required to consider bill for final passage -- no committee referral
- (23) S.R.56 - Sponsors, those in favor of bill and standing committee members given priority (whenever practical).
- (27) There are none since Nebraska has a unicameral system.
- (45) If first conference committee doesn't agree, second conference committee is formed. Bill is dead if they cannot compromise.
- (26) Open to the public.
- (16) Maximum of two conference committees appointed - can only consider "germane" matters. Members must have copy of conference committee report prior to voting.
- (46) Chairman of Committee of Referral selects conferees, sponsor of bill is first choice, two conference committee allowed -- no powers of free conference, very specific.
- (14) Report must be approved by minority and majority attorneys before vote, 4 hour rule, unanimous consent of all conference committee members required.
- (1) Presiding officer appoints 3 members in each house to committee. If no agreement same committee tries again. Actual practice -- bill is dead after first attempt.
- (24) One conference committee is appointed and must agree or bill is dead -- conference committee has wide discretion to rewrite bill. Conference committee report may be amended by concurrent resolution.
- (37) Amendment within scope of issues between two houses. Another committee can be appointed if lack of agreement.
- (32) Members must include sponsor(s) of bill, committee chairmen or designee, no limit to how many conference committees.
- (41) wide powers

#2 FREE CONFERENCE COMMITTEES

(40) 2/3 vote of each house required before free conference committee

(6) J.R. 4(d) - needs majority consent of each house.

(26) 24 hour rule - decision is made in committee of the whole after resting 24 hours on members' desks.

(40) Upon approval of 2/3 ~~vote~~ of entire membership of each house. Any new matter can be stricken by a majority vote of either house.

#3 BILL CONTENT RULE

(35)

Only the sponsor can move to amend the title.

(13)

S.R. 13 - every bill shall ~~be~~ endorsed with an appropriate title.

(14)

One subject per bill per title -- Constitution Sec. 19

(39)

One member can request a question to be divided and put separately.

(40)

Very specific format and ~~subject~~ subject matter guidelines.

(32)

Must include statement of intent. Summary of provision, fiscal impact on State, fiscal impact on local governments.

(41)

One member may request voting separately on any changes to bill, general appropriations bill shall embrace ordinary expenses of Legislative, Judicial and Executive. All other appropriations must be by ~~individual~~ individual bills.

#4 "GERMANE" DEFINITION:

- (40) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment unless it refers to the intent of the motion or proposition under consideration. Speaker of House of Representatives will determine germane in a dispute. Precedents are guiding factor for speaker.
- (15) Definition of irrelevant amendments being those whose object is different than those under consideration.
- (49) No amendments which relate to different subject, different purpose, requires title change, or totally alters nature of original bill. Extensive definition. S.R.50(1-11)
- (35) No piggybacking of any subject matter pending before the house.
- (23) S.R. 37 - will-defined. ~~Final~~ decision is determined by vote.
- (27) No germane definition. However, Rule 6-2(g) gives Speaker power to ~~to~~ Reference Committee for question.
- (45) One Senator can demand a division of a question if question in debate contains more than one point.
- (37) No motion or proposition on a ~~subject~~ different from that under consideration shall be admitted under color of amendment.
- (41) One subject per bill expressed in title. Title cannot be amended until bill has passed.
- ~~(15) - No irrelevant amendments - - - these whose subject is different than what is under consideration.~~
- (46) No motion or proposition on ~~subject~~ different from that under consideration shall be admitted.
- (14) Sponsor must consent to changes in bill not germane.
- (39) No motion or subject different from ~~that~~ under consideration.

#5 PUBLIC NOTICE OF COMMITTEE MEETINGS

- (40) 24 hour notice when feasible, 5 days for hearings
- (42) Specified in official committee schedule - Speaker authorizes changes only after public announcement of chairmen prior to meeting
- (49) Minimum of 7 days notice with agenda
- (35) No specific number given although prior notice is required.
- (44) S.R. 6.04 - meetings at regular time and place except upon "issuance of reasonable notice" of change.
- (45) Notice in calendar, oral notice from floor
- (23) S.R.58 - 3 day notice whenever practical, standing committees have regular scheduled meeting dates. All are open to public. H.R.63 - regular schedule with one day notice of change.
- (6) Colorado Revised Statutes 24-6-402(2) requires timely notice be given of all committee meetings. This statute is part of Colorado's Sunshine Law.
- (27) Rule 3-5 requires no bill see final committee action without a public hearing and at least 7 days notice of said hearing. (Only 5 days required in first 20 days.) Appears to be no provision for emergencies.
- (46) Fixed time and place is published, all meetings public, vote required for executive session.
- (14) 3 days includes agenda, all meetings open; exception to Rules Committee.
- (39) 2 days with agenda, only waived with 2/3 vote of whole body, does not apply after 40th day of 60 day session.
- (24) Notice given by loud speaker or posting on bulletin board.
- (1) In Constitution, notice required.
- (15) Announced on floor of Senate, posted on bulletin board, 24 hours notice required in House with agenda. 5 days notice required for hearings.
- (37) 24 hours Speaker can declare emergency.
- (32) Minimum of 2 legislative days, emergency 24 hours public notice -- ranking minority committee members must approve.
- (41) Minimum of 1 legislative day public with agenda, 2/3 vote of committee can waive rule.

#6 JOINT COMMITTEE MEETINGS

- (49) J.R. Chapter 3 - very specific guidelines
- (6) Required by Statute for Budget Committee and Legislative Council (C.R.S. 2-3-201, 2-3-301)
- (45) For purpose of public hearings
- (26) All appropriations may be considered by joint committee.
- (16) One joint committee handles special claims against the state.
- (32) By resolution adopted by both houses.
- (41) By concurrent resolution J.R.6(2)
- (24) 4 specific joint committees. Meetings encouraged where desirable.
- (46) Any committee may confer jointly for hearings, studies or meetings.
- (39) Established by majority leaders, must have proportional minority representation.

ENCOURAGE

#7 RECOMMENDATIONS USED TO PASS BILL OUT OF COMMITTEES:

- (15) Committee recommends as a whole that a bill be passed, amended and passed, indefinitely postponed, without recommendation
- (42) Majority of committee must agree: passage as written; passage as amended; passage as written with referral to another committee; for passage for referral with amendments
- (49) Committee reports: passage; passage as amended; indefinite postponement; no recommendation.
- (35) Majority vote of committee required to pass bills: to pass; not to pass; to refer; to postpone.
- (12) S.R. 14D - Passed out of committee by one of the following: Without recommendation; do pass; be amended; do not pass.
- (45) Majority vote of committee required.
- (26) Majority and minority report can be submitted.
- (23) S.R.60 - upon request, roll call vote can accompany report
- (6) H.R.29(f) passed out of committee with one of the following: favorably recommend; bill be laid on the table; favorably recommend as amended; indefinitely postponed; referred to another committee.
- (27) Rule 3-11 - committees acting by a majority recommend bill be placed on general file or indefinitely postponed and Rule 3-13 requires extensive disclosure and vote of each committee member report attached.
- (46) Majority report required, do pass, do not pass, recommend to another committee.
- (14) Sponsor of bill becomes non-voting members of Committee of Referral. Minority majority report possible. All members must have recorded vote.
- (39) 48 hours rule for all bills to rest on members desks.
- (24) Do pass, do not pass.
- (15) Majority of committee reports do pass, do pass as amended, postponed, no recommendation
- (40) Committee report given, majority decides.
- (37) Majority/minority report, committee can report no recommendation.
- (32) Favorably without amendments to another committee; for house consideration; adversely; for concurrence; held for further action or study; for repassing a house bill which has been recalled and amended.
- (41) Do pass; do not pass; without recommendation; do pass as amended.

#8 INTERIM COMMITTEES AUTHORIZATION:

- (35) Speaker or President of Senate or majority vote of both houses.
- (27) Rule 3-22 authorizes full
- (26) Joint resolution required
- (16) Handled by joint committee
- (44) H.R. & S.R. 6.06 - Special committees may be appointed by resolution
- (41) J.R.6(2) By concurrent resolution.
- (1) Appointed by chair to study 1 specific question unless money is involved -- then resolution required.
- (15) Majority vote required.
- (46) Special Committees authorized by bill or resolution. 15 members standing committee makes all appointments to special Study Committees. Citizens are encouraged to participate on Study Committee for per diem.
- (14) Must be approved by Rules Committee.

#9 LIMITATION ON SESSION LENGTH:

- (49) Meets biennium
- (12) 60 days pay limit
- (44) 60 days
- (23) 120 days per 2 year period. Must adjourn in May of each year.
- (27) Odd years - 90 days  
Even years - 60 days
- (37) Meets every other year.

#10 CODE OF ETHICS AND DISCIPLINE

- (23) S.R.75 - 2 members from majority, 2 from minority--advising capacity only.  
Can subpoena, hear under oath, three votes for preliminary inquiry, recommend disciplinary action to Senate.
- (6) Colorado has extensive statutes on this:
  - C.R.S. 2-2-204 through 206
  - C.R.S. 1-45-101
  - C.R.S 24-6-401
  - C.R.S 24-6-30
- (26) Legislative Administration handles disputes on complaints on staff.
- (44) J.R.20.01 - Each house has an ethics committee which is charged with enforcing ethical conduct. Infractions are referred to the full house for action.
- (32) Standing Ethics Committee
- (15) Addressed under separate cover.
- (40) Legislative Ethics Committee, State Ethics Act under separate cover.
- (1) Specific on conflict of interest.

#11 CONTRACTING PROCEDURES:

- (42) No special committees, studies or investigations allowed in area of responsibility of standing committee
- (49) Majority of standing committee must agree to study, legislative service agencies coordinate
- (6) Colorado REvised Statutes 2-2-320 - requires that contracts be approved by speaker of house on majority leader of Senate or chairman of legislatively created joint committee.
- (27) Rule 5-10; Rule 1-22

#12 LOBBYING LAWS

- (40) Chapt. 17 of Title 2 Code of Laws, 1976
- (6) Colorado Revised Statutes 24-6-301 - requires extensive disclosure and registration of lobbyists. All records open to public.
- (27) Rule 1-17 and in Nebraska statutes.
- (37) In statutes.
- (15) Addressed under separate cover.
- (1) Very detailed specifics on violation, registration. All persons must register including government personnel.

#13 RULES REVIEW & ENFORCEMENT:

- (15) Violations referred to House Ethics Committee by Speaker
- (6) Colorado Revised Statutes 2-2-404, 405 & 406 - provides for judicial enforcement of legislative rules. However, enforcement may only be initiated by a majority determination of the membership.
- (14) Strict penalties for voting irregularities, 2/3 vote may expel any member.
- (15) Any alleged violation of rules are referred to House Ethics Committee

#14 LIMIT ON NUMBER OF BILLS INTRODUCED:

- (15) Specific time limits for individuals to introduce
- (42) No pre-file limit, after 3rd day each member limited to 9 bills
- (35) On or after March 15, a majority vote determines if bill introduction shall cease.
- (27) Rule 5-5(d)
- (12) However, S.R. 11 - No bills introduced after 25th day except by standing committees.
- (44) However, no bills may be considered after 57th day of session.
- (45) Time limit is specified. After specified date a bill can be introduced through Tules Committee.
- (26) Time limits on bill introduction. After deadline, 3/4 of standing committee must consent to introduction of bill.
- (16) Specific time limits depending upon introduced by individual or committee.
- (37) Time limits with exceptions
- (32) Time limits and 10 bills per member unless by unanimous consent.
- (24) No new bills during last 3 days.
- (15) Time limitations.
- (1) Specific time limits.
- (14) 1st session -- 2 bills per day per legislator. 2nd session -- 1 bill per day. Strict time limits for committees to introduce.
- (39) Strict time limits for individuals and committees to introduce. After deadline 2/3 vote of whole body required.

#15 TIME LIMIT FOR COMMITTEE TO PROCESS BILL:

- (42) May be called from committee after 7 days by majority.
- (45) 15 days - all bills reach floor for action
- (26) Written report required within 7 days. Committee can request additional time from house concerned.
- (12) J.R. 14E
- (44) S.R. 6.14 - Must be considered within 8 days unless extension granted by Senate.
- (23) H.R.1.15 - majority can bring bill out of committee.  
H.R.1.16 - Author can ask after 20 days, committee then has 10 days to act.
- (6) J.R.23 - Bills must be reported out of committee in the house of origin in 45 days.
- (27) Rule 3-10 - Legislature can require a committee report after 20 days of inaction by committee.
- (39) Committee can have bill a maximum of 16 days before a variety of procedures can be used to bring bill to floor, including a request by sponsor.
- (24) House 20 days, Senate 10 days . . . upon motion and majority vote a bill can be removed to committee as a whole. No appropriation bill can be passed in last 5 days.
- (37) Maximum of 75 days total for one or more committees before bill must be reported to floor.
- (41) Specific time limits J.R.11-3.

#16 RULE WAIVER PROCEDURES:

- (40) H.R.4.15 - Only by written resolution which has been referred to Rules Committee and agreed to by 2/3 of members present after committee makes its report
- S.R. 45 - Must have unanimous consent or 1 day previous notice and 2/3 vote
- (15) Concurrent resolution adopted by constitutional majority of both houses
- (27) Suspension of Rules by 3/5 Majority vote.
- (45) 3/4 vote
- (26) Senate is 2/3 vote  
House unanimous consent needed to suspend rules.
- (16) Simple majority if 1 day notice is given; 2/3 if no notice.
- (37) 2/3 vote
- (32) majority vote
- (41) 2/3 vote
- (24) 3/5 vote upon 3 days notice.
- (1) One day's notice in writing, goes to Committee on Rules, any rule may be suspended by unanimous consent, otherwise a majority vote decides.
- (15) Concurrent resolution adopted by constitutional majority of both houses.
- (40) Written resolution which has been referred to Rules Committee and agreed to by 2/3 vote of house.
- (46) 2/3 vote of members elected.
- (14) Committee on Rules reports -- majority vote needed.
- (39) 2/3 vote

#17 LEGISLATIVE OVERSIGHT:

- (6) J.R.25 - encourages legislative oversight. Colorado Revised Statutes 2-3-201 and 2-3-301 establishes legislative oversight as duty of Legislative Council and Budget Committee.
- (40) Standing committee function.
- (32) Special Oversight, Analysis and Investigation Committee.

STATE OF ALASKA

ALASKA PUBLIC OFFICES COMMISSION

October 26, 1981

*Ethics.*  
JAY S. HAMMOND, GOVERNOR

REPLY TO:

- 610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176
- JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4864

The Honorable Patrick Rodey  
601 West 5th Avenue, Suite 820  
Anchorage, Alaska 99501

Dear Senator Rodey:

Thank you for the interest you expressed in the annual meeting of the Council on Governmental Ethics Laws to be held December 7 - 9, 1981, in Charleston, South Carolina. I was unable to send you any of the enclosed information sooner because we received it ourselves only last week.

In light of your interest in ethics legislation, I also have enclosed a letter from the South Carolina State Ethics Commission which offers a comparative analysis of ethics laws. I ordered a copy for the APOC sometime ago, but since it has not arrived, I can't say whether it lives up to its promise as a reference document or not. At one time the work on SB 175 attempted to incorporate portions of the Ethics Model from the National Municipal League, although my understanding is that some of the individuals who worked on the draft of 175 had questions about the League's model for which they didn't find satisfactory answers.

After the first of the year, I will let you know about any reference materials which become available as a result of the Charleston meeting.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

*Theda S. Pittman*

THEDA S. PITTMAN  
Executive Director

TSP/mab

enclosures

# COUNCIL ON GOVERNMENTAL ETHICS LAWS

Steering Committee:

Please reply to:

Melvin G. Cooper  
Alabama Ethics  
Commission

Jean-Marc Hamel  
Chief Electoral  
Officer of Canada

Shari Holmes  
Alaska Public Offices  
Commission

Betty J. Reynolds  
Oregon Government  
Ethics Commission

Robert W. Shellenberg  
Florida Commission  
on Ethics

Robert Stern (Chairperson)  
California Fair Political  
Practices Commission

Dannie Trautwein  
Nebraska Accountability  
and Disclosure Commission

J. Jackson Walter  
U.S. Office of Government  
Ethics

OCT 20 1981

OCT 26 1981

APOC-ANCH  
PM HC

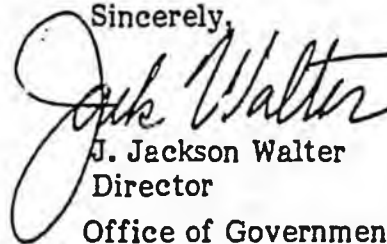
Dear Council Member:

Mel Cooper from Alabama and Bob Schellenberg from Florida, who have arranged the program for the Charleston Conference of the Council on Governmental Ethics Laws, asked me to assist them in securing better attendance at our Conference. We have a program that should be of particular interest to members of your Commission and want to ask you to extend a special invitation to each of them to participate. In addition to that, you might want to give each of them a copy of the Conference information that you received from Bob Stern and to emphasize that other Commission members will be there and that there will be ample opportunity for discussing mutual problems and concerns.

I have enclosed a revised version of the Conference schedule; the one that Bob Stern sent you didn't do complete justice to the outstanding job done by Mel and Bob in arranging our Conference. Please note the additions to the list of speakers: Governor Richard Riley of South Carolina, Major Joseph Riley of Charleston, former Ambassador and Governor Reubin Askew of Florida, Commissioner Frank Reiche of the Federal Election Commission, and David Cohen, former President of Common Cause. This truly is an "all-star" line up.

From here on, it is up to you. Mel and Bob have arranged a superb program but its real success will be only as good as the "selling job" you do to your Commission members. I personally believe it is important to the Council that this year's Conference be a great success, that our program will be first-rate, and that you and the members of your Commission will find your participation to be most worthwhile.

Sincerely,



J. Jackson Walter  
Director

Office of Government Ethics

Enclosure

Council on Governmental Ethics Laws  
Preliminary Conference Program (10/20/81)

December 6-9, 1981  
Mills House Hotel  
Charleston, South Carolina

**"IS POLITICAL REFORM DEAD?"**

Sunday, December 6, 1981

6:00 - 7:00 p.m.      **Reception**

Monday, December 7, 1981

9:00 - 9:30 a.m.      **Opening Remarks and Greetings**  
Governor Richard W. Riley, South Carolina  
Mayor Joseph Riley, Charleston  
Robert Stern, Chairperson, Council on Governmental  
Ethics Laws

9:30 a.m. - 12 noon      **"Political Reform Laws: Milestones or Millstones? A Debate"**  
David Cohen, former President, Common Cause  
Frank Reiche, Member, Federal Election Commission  
- - - -  
- - - -

12:15 - 1:45 p.m.      **Luncheon**  
Honorable Howell Heflin, Vice Chairman,  
Select Committee on Ethics, U.S. Senate

2:00 - 3:00 p.m.      **Seminar Discussions**  
(discussion leaders to include Melvin G. Cooper, Alabama  
Ethics Commission; Robert W. Schellenberg, Florida  
Commission on Ethics; J. Jackson Walter, United States  
Office of Government Ethics)

3:15 - 4:15 p.m.      **Seminar Reports and General Discussion**

Tuesday, December 8, 1981

	<u>Ethics, Conflict of Interests</u>	<u>Campaign Finance</u>
9:00 - 10:15 a.m.	<b>"CASE STUDIES IN ETHICS"</b> Dr. John Dempsey College of Charleston	<b>"UPDATE ON LITIGATION AND LEGISLATION"</b> Tom Houston Jim Davis California FPPC
10:30 - 11:45 a.m.	<b>"UPDATE ON LITIGATION AND LEGISLATION"</b> Rosa Hamlett Assistant Attorney General Alabama	<b>"CAMPAIGN FINANCE IN SELECTED COUNTRIES"</b> Dr. K. Z. Palteil Carleton University, Ottawa

COMMISSIONERS  
W. JACK GREER, 4TH DISTRICT  
Chairman  
JOHN M. TRASK, JR., 1ST DISTRICT  
DR. LEOLA ADAMS, 2ND DISTRICT



COMMISSIONERS  
DR. D.H. DANIEL, 3RD DISTRICT  
FRANCES M. DANIEL, 5TH DISTRICT  
ALLEN RAY, 6TH DISTRICT

## State of South Carolina

GARY R. BAKER  
EXECUTIVE DIRECTOR

## State Ethics Commission

(803) 758-7408  
Rembert Dennis Bldg., Ste. 545  
1000 Assembly Street  
Columbia, S.C. 29201

September 1, 1981

Ms. Shari Holmes  
Alaska Public Offices Commission  
610 C Street, Ste. 211  
Anchorage, AK 99501

SEP 3 1981

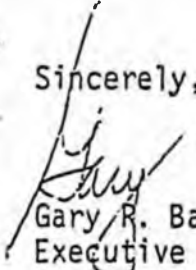
REC'D - ANDERSON  
SEP 1 1981

Dear Shari:

I have just received your latest newsletter. I was hoping to include another item in it but you were faster at publishing that I was in contacting you.

We have recently completed publications of State of South Carolina State Ethics Act: A Comparative Analysis. The publication was put together by the staff of the South Carolina Ethics Commission as a research aid for the staff and commission. This publication compares other states' statutes with each section of the South Carolina Ethics Act. Each code section of the South Carolina Act is listed separately, followed by similar or same code sections from other states. In addition, the Model State Statutes of the National Municipal League are also included. Copies can be made available to other agencies at cost, plus postage, approximately \$10.00.

Sincerely,

  
Gary R. Baker  
Executive Director

GRB:1h1

12:00 Noon - 1:30 p.m. Luncheon

Honorable Reubin O'D. Askew  
Former United States Trade Representative  
and Governor of Florida

1:45 - 2:45 p.m.

"CODES OF ETHICS IN  
STATE GOVERNMENT"  
Dr. Stephen Hays  
University of South Carolina

"PUBLIC FINANCING IN  
SELECTED STATES"  
Ed Farrell, Counsel  
New Jersey Election  
Law Enforcement Commission

3:00 - 3:30 p.m.

Question and Answer Session

3:30 - 4:30 p.m.

Council Business Session

Wednesday, December 9, 1981

9:00 - 11:00 a.m.

"THE IMPACT OF POLITICAL ACTION COMMITTEES  
ON THE GOVERNMENTAL PROCESS"

Howard Vaughn  
Vice President, Liberty National Life Insurance Company  
and PAC Secretary  
Edward Roeder  
Washington, journalist and author of PACS AMERICANA  
(S.C. Legislator)

11:00 - 12:00 Noon

Question and Answer Session

Anch Times 11/27/82

# Senate committee puts off ethics bill for new revision

by Bill White  
Times Juneau Bureau

Juneau — A Senate committee, torn over whether to write an ethics code for public officials broadly or narrowly, postponed action on a proposed bill until next week.

The code would set out a strict standard of conduct for appointed or elected state and local officials. Sen. Vic Fischer, D-Anchorage, chairman of the Senate State Affairs Committee, said the bill is aimed specifically at "the invisible people" who fill the halls of the bureaucracy.

The committee debated a newly revised, 20-page version of the bill for 75 minutes Tuesday, then sent it back to lawyers for further revision.

Sen. Terry Stimson, D-Anchorage, questioned whether the bill goes far enough. The bill contains no provisions for reprimanding public officials who commit crimes, he said.

"We can't establish parameters and then say anything outside of those parameters is not within our purview," he said. He also criticized the bill for not giving the Senate — which will get cases when the public official can be impeached — guidelines on how to handle the cases.

"If we have got some loopholes, I'd like to plug them before we move along," Stimson said.

Sen. Mike Colletta, R-Anchorage, agreed on the need for ethics standards and an outline of how cases of unethical conduct should be handled. But, any proposal should give the ethics commission that enforces the code flexibility in deciding what behavior is good and bad, he said.

"If you try to get it all in, you're never going to get it done," he said. A sounder approach to an ethics

code lay in his two-page proposal for a legislative code that he pushed in 1980, he said.

Ethics legislation is not a new idea. But this year the proposal has been given a shot in the arm by stinging public demands for the ouster of Sen. George Hohman, the Bethel Democrat convicted last month on two bribery charges.

The aura of the Hohman issue hung behind much of the debate over the ethics bill Tuesday, but Fischer, chief sponsor of the bill — Hohman's name ironically was the second sponsor originally — pointed out that the panel has been working on the bill for a year.

Sen. Arliss Sturgulewski, R-Anchorage, also called for more flexibility in defining what is ethical conduct.

She said the provision barring former public officials from lobbying on matters they influenced when working for the government could cause problems. "I would see (some people) having trouble getting out of bed in the morning. It's far, far too broad," she said.

Further, the bill should address how a legislator can vote when he has a conflict of interest, she said. Would her role as a bank director prevent her from voting on a bill to let Outside banks buy Alaskan banks, she asked.

The bill's provisions include bans against public officials:

- Accepting gifts intended to influence them.
- Using for personal gain or disclosing information closed to the public.
- Using state time, equipment or facilities for private purposes.

- Taking official action affecting a business of which he is part owner.
- Obtaining a state contract unless it is let by competitive bidding.

# Ethics legislation not top priority item

by Dave Carpenter  
Times Juneau Bureau

Juneau — Interrupting the struggle over Alaska's oil megabucks for the past couple of legislative sessions has been a sporadic call to establish formal ethical standards for public officials.

This year, despite the brouhaha over the recent bribery conviction of Sen. George Hohman, D-Bethel, the cry by lawmakers to create an ethics code or commission is surprisingly muted. In fact, an ethics bill appears nowhere among the priorities of House and Senate leaders.

"When I get up in the morning, I know the difference between right and wrong," Senate Finance Committee Co-chairman Ed Dankworth said in an interview in his Capitol office this week. "I don't need anybody to write it down for me."

Former State Ombudsman Frank Flavin, among others, feels differently.

"If everybody knew what was right and wrong, we wouldn't need a

that flip-flopped the House leader-

*Anch Times 7/5/82*  
code," said Flavin, an Anchorage attorney here on a business trip. "Unfortunately, it doesn't work that way."

The only ethics statutes currently on the books in Alaska are the conflict of interest law, which Flavin calls "limited," and criminal law.

During five years as the official watchdog of state government, Flavin encountered many instances of public officials abusing their positions, he says — cases of people blocking business competitors in their roles as state board members, setting themselves up for jobs for after their government stints, using public equipment for private purposes, and the like.

Public support began mounting for an ethics code for legislators, if not non-elected officials, about two years ago in the wake of a controversy involving alleged influence-peddling by former Anchorage Sen. Bill Sumner (the issue was never resolved).

(See ETHICS, page A-3)

specifically addressed during his or her employment.

— Employees could not be disciplined for "blowing the whistle" on state officials.

A current Alaska statute protects "whistleblowers" who communicate public records or information. The new proposal, based on a Michigan statute, would be much broader.

Both bills face the imposing task of hurdling substantial legislative apathy — or at least a lack of enthusiasm at present.

"We're interested in further legislative reform . . . but we haven't identified ethics legislation specifically as a priority," said House Speaker Joe Hayes.

The Anchorage Republican said he adamantly opposes incorporating an ethics commission into the often-criticized public offices commission — a point that could snag the bill even if it clears the Senate.

"It (ethics) should be a constant thing that we're evaluating," added House Rules Chairman Jack Fuller, D-Nome. "But with the desperate need of getting out in 104 days (a House leadership target), I don't think we can spend the time on it."

Even those who backed the legislation last year are quiet about the subject early in the 1982 session. House Democrats put a lot of work and public words into the effort before falling from power, but the now-minority caucus has not broached the subject.

"The problem is we've been working hand to mouth," said Minority Leader Fred Brown, D-Fairbanks.

On the Senate side, Rules Chairman Tim Kelly, R-Anchorage, expresses support for an ethics code but was unaware of the status of the Senate legislation. And the two top Senate powers — Dankworth and President Jay Kerttula, D-Palmer — said they have no burning desire to pass it. Both stressed that the Hohman case involves criminal law.

"Frankly, ethical conduct and proper respect for the law and morality is the responsibility of every member individually," said Kerttula. "Ethics is very difficult to police . . ."

"There are some things that it would take a representative of the good Lord himself to determine."

A burst of legislative support for ethics legislation could push it through before the 12th Legislature is history. But Flavin expressed doubt that anything will pass unless a key lawmaker makes it a priority.

"It takes a lot of work to put something as detailed as that through," he said, "and I don't know if anybody is that committed to it."



# Ombudsman

Frank Flavin

State of Alaska

Reply to:

- 840 K Street, Room 203  
Anchorage, Alaska 99501  
(907) 276-4011
- Pouch WO  
Juneau, Alaska 99811  
(907) 465-4970
- P.O. Box 74358  
Fairbanks, Alaska 99707  
(907) 452-4001

February 12, 1981

Senator Patrick M. Rodey  
Pouch V  
Juneau, AK. 99811

Dear Senator Rodey

The Office of the Ombudsman has prepared the first two of several special reports for members of the Legislature. The first report, titled 'Protection of the Public Interest in the Expenditure of Voter Approved Bond funds', explains the problems found during the investigation of two citizen complaints lodged with this office. In both complaints, voter approved bond funds were not spent as described in the bond authorization acts and as stated in the bond propositions on the ballot. This present practice leaves the final decision as to the reasonableness of voter approved bond expenditures with departmental level administrators. The report suggests measures to return this decision to the voter.

The second report is titled 'Standards of Ethical Conduct for Public Officials and employees and the need for an Independent Ethics Commission'. It highlights our experience with complaints dealing with ethical conduct, and details the need for legislation in this area.

Sincerely,

Frank Flavin  
Ombudsman

FF:ss

LLIB 8100410

OFFICE OF THE OMBUDSMAN  
STATE OF ALASKA

SPECIAL REPORT 81-2

STANDARDS OF ETHICAL CONDUCT  
FOR PUBLIC OFFICIALS AND EMPLOYEES  
AND THE NEED FOR AN INDEPENDENT  
ETHICS COMMISSION

FEBRUARY 11, 1981

FRANK FLAVIN  
OMBUDSMAN

**Legislative Reference Library**  
**Legislative Affairs Agency**  
Pouch Y State Capital  
Juneau, Alaska

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



July 31, 1985

## MEMORANDUM

To: All Senators  
From: Senator Vic Fischer  
Re: Executive branch ethics code

The second recommendation of the grand jury report proposed the enactment of a code of ethics for the executive branch of state government.

In response to a question on Wednesday afternoon, the Governor said that a proposed ethics code was stalled in the Senate State Affairs Committee in 1984.

Attached is information on what transpired and why the Attorney General's office did not resubmit a revised executive ethics bill.

July 12, 1985

M E M O R A N D U M

To: Senator Vic Fischer  
From: Ginger Baim  
Re: Legislative History/ SB 501 - Executive branch ethics

February 1983 DOL<sup>1</sup> begins drafting bill to cover legislative, judicial, and executive branch

April 2, 1983 1st draft bill circulated to department heads (DOL had been instructed to separate executive & legislative branches - judicial branch asked to be excluded - draft bill only dealt with executive branch)

April 20, 1983 2nd draft bill circulated after incorporating comments

March 3, 1983 3rd draft bill circulated - incorporates APOC comments

March 20, 1983 4th draft bill circulated

Mid-June, 1983 final draft circulated

June 17, 1983 final draft approved by Gov's office for introduction in 1984 session

January, 1984 circulated again throughout departments

February 8, 1984 submitted to Governor's office

February 13, 1984 transmitted to the legislature by Gov. Introduced in the Senate, referred to the State Affairs Committee.

(NOTE: THE ABOVE INFORMATION WAS PROVIDED TO THE COMMITTEE VIA A MARCH 1, 1984 MEMO FROM DIANE COLVIN, DEPARTMENT OF LAW).

March 1, 1984 1st SA hearing

April 17, 1984 2nd hearing (While each department/agency supported the intent of the bill, AHFC, APOC, DOA, and APEA were all opposed to specific parts of it and the Judicial branch was excluded by the DOL.

April 24, 1984 3rd SA hearing - the committee raised numerous questions and suggestions about the bill. They suggested that the DOL re-draft it in response to problems raised during committee hearings. DOL was to work with SA staff over the interim to prepare a new draft bill.

Mid-summer, 1984 S.Tryck called Diane Colvin several times asking about the progress in working on a new version of SB 501. DOL said they would contact ST when they were ready.

November 21, 1984 VF letter to Diane Colvin expressing frustration in the lack of action on the new draft and making it plain that SA staff could not and would not proceed with preparing legislation - it was the responsibility of the DOL. VF also expressed disappointment that the SA Committee was unable to have interim hearings on the bill because of DOL's lack of action.

December 7, 1984 Diane Colvin responds saying the DOL couldn't proceed with the bill without the AFCC and that APOC had been too busy to work on it. Colvin said that the DOL and APOC would prepare legislation for introduction in 1985. Colvin also expressed dismay at what she considered undue criticism of the DOL's performance and cooperation.

December 27, 1984 VF writes to Colvin saying he didn't intend to cast doubt on her work but was stating a fact: the SA committee would not prepare legislation for 1985 - it was up to the DOL to do it.

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



November 21, 1984

Diane Colvin  
Assistant Attorney General  
Pouch K  
Juneau, Alaska 99811

Dear Ms. Colvin:

I am writing to inform you that the State Affairs Committee will not be preparing Executive Branch standards of conduct legislation for introduction in January. It is our position that the Administration develop and introduce that and any related ethics legislation.


Last session, the administration and the committee agreed that SB 501 was not adequate and that we would work together over the interim to come up with a bill able to pass the legislature. My office contacted you over the summer, and was told that you would call once you were ready to begin this joint effort. We have not heard from you, and I think it is much too late in the interim for us to begin work on this complex subject.

I think it is unfortunate that we did not have the opportunity to hold hearings this interim on revised legislation. However, I feel confident that you will come up with appropriate legislation addressing the problems identified during committee meetings last year.

In particular, I look forward to reviewing what agency, other than APOC, is put in charge of administering the law, and how "public official" is defined for purposes of reporting.

I very much appreciated your efforts last session, and I'm sure your work next year will be just as good.

Best regards,

  
Senator Vic Fischer

cc: Norm Gorsuch, Attorney General

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

December 7, 1984

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

Honorable Vic Fischer  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Fischer:

Thank you for your letter of November 21 informing us that the State Affairs Committee will not be preparing executive branch conflict of interests legislation for introduction in the Fourteenth Legislature. We appreciate your interest in this subject and the efforts made by your committee in its consideration of the legislation introduced last session.

Your letter appears to indicate that we failed to cooperate with your office in a joint effort to develop new ethics proposals during the interim. I hope that this is not your belief. As I recall, I agreed with your staff to keep you informed of any activity on our part in the development of revised legislation. Due to the involvement of the Alaska Public Offices Commission in a variety of election controversies, of which you are well aware, we were unable to work with APOC staff on ethics legislation this summer and fall. It is our belief that APOC's participation in preparation of ethics legislation is important, and we thus delayed work on the legislation because APOC staff was unable to commit time to the project. We are just now beginning to make a concerted effort to work on ethics legislation.

We expect to develop some new proposals on ethics for introduction in the upcoming session. I hope your interest in


Honorable Vic Fischer,  
Alaska State Legislature

December 7, 1984  
Page 2

this area will continue. We look forward to working with you during the session.

Sincerely,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By: 

Diane T. Colvin  
Assistant Attorney General

DTC:cct

cc: Theda S. Pittman  
Director  
Public Offices Commission  
Department of Administration

# ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



December 27, 1984

Diane Colvin  
Assistant Attorney General  
State of Alaska  
Pouch K  
Juneau, Alaska

Dear Ms. Colvin,

Thanks for your response to my November twenty-first letter. I would like to lay your concern to rest. It is certainly not my opinion that you or your office failed to cooperate in working on the conflict of interest legislation. On the contrary, I have always found you very helpful and you work quite satisfactory.

The purpose of my November correspondence was merely to inform you of a fact: the Senate State Affairs Committee will have no conflict of interest legislation prepared for introduction this January. I do not think it necessary to go into details on the subject at this time. However, in no way should you perceive this as a reflection of your work.

I hope this clears up any confusion.

Best regards,

*Vic Fischer* (VB)

Senator Vic Fischer

ADW July 13, 1985

# Legislators expected to pass ethics code

By JOHN LINDBACK  
Daily News reporter

JUNEAU — The recent grand jury report about Gov. Bill Sheffield is bound to force the legislature to pass an ethics code for governors and other officials of the executive branch, some senators said this week.

"I guess we'll have to, in light of recent events," said veteran Sen. Bob Ziegler, D-Ketchikan, a lawyer and a cynic about the effectiveness of ethics legislation in regulating the behavior of public officials.

"The trouble is that you can drive trucks — Mack trucks — through the holes in most ethics legislation if you're inclined that way," Ziegler said Friday.

The Sheffield administration in 1984 introduced a proposed ethics code for the executive branch. But the proposal died in the Senate State Affairs Committee and it was not reintroduced during this year's session.

Assistant Attorney General Diane Colvin said the bill

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## Legislators may look at ethics

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wasn't reintroduced because the administration was not able to do a badly needed rewrite between the 1984 and 1985 sessions. The Alaska Public Offices Commission, the state agency that would have been enforcing the new law, needed to be consulted on the changes, but the agency was embroiled in a time-consuming controversy about campaign fundraising, Colvin said.

"We never got the time to put the work into it that would have made it comfortable enough to have it reintroduced," Colvin said.

Sen. Tim Kelly, R-Anchorage and a member of the State Affairs Committee in 1984, agreed that an ethics bill will undoubtedly reappear as a result of the grand jury's report.

Kelly said the governor's bill didn't pass in 1984 because the legislature was concentrating on approving an ethics code for itself. Also, he said, writing the bill was difficult.

"We found it hard to resolve some of the issues involving a person's right to own property, start a business and also be a public servant," Kelly said.

The Juneau grand jury, in the same report that asked the legislature to consider impeachment proceedings against Sheffield, issued a recommendation for an executive branch ethics code.

"In order to deter the conduct described in this report from occurring in the future, and to insure that all state officials are adequately in-

formed of their ethical obligation to protect the public interest, the grand jury recommends that legislation be drafted and introduced, or that a regulatory code of ethics be promulgated, setting forth standards to govern the conduct of executive branch officials. This code of ethics must provide for appropriate disciplinary sanctions," the grand jury said.

In its report, the grand jury said that Sheffield and his former chief of staff, John Shively, deliberately steered a \$9.1 million state lease for office space in Fairbanks to one of Sheffield's political supporters. The motive cited in the report was political favoritism rather than personal financial gain for either Shively or Sheffield.

Ironically, political favoritism was not addressed in the ethics code considered for the executive branch in 1984, so if it had passed it would not have applied to the Fairbanks lease case. Political favoritism in carrying out public duties is also not part of an ethics code the legislature approved for itself that same year.

Neither legislators interviewed this week nor Colvin said they knew of any efforts in the past to regulate political favoritism.

Sen. Arliss Sturgulewski, R-Anchorage, said political favoritism can perhaps be outlawed best by revisions to the state contracting and procurement laws.

But, she said, the legislature will most certainly pass an ethics code in response to the grand jury's recommendation.