

HB

312

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
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POUCH Y. STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

May, 1988

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

Mary Van Nimwegen

H. JUD. 3-28-88 1:30p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/15/88

FURTHER REFERRALS:

DATE: March 28, 1988

The Judiciary Committee has considered HB 312

"An Act relating to standards of conduct for members of the legislature and employees of the legislature; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 312 (Jud) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 3/15/88
- zero with analysis

SIGNING DO PASS:

[Signature]

Max Stuenkel

Sen. Ott

SIGNING OTHER RECOMMENDATIONS:

[Signature] (No Rec)

[Signature]

[Signature]

Chairman's signature

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 312 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct for members
7 of the legislature and employees of the legislature;
8 and providing for an effective date."

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

10 * Section 1. AS 24.60.020(a) is amended to read:

11 (a) Except as otherwise provided in this subsection, this chap-
12 ter applies to a member of the legislature and to a person employed by
13 the legislative branch of government. This chapter does not apply to

14 (1) a former member of the legislature or to a person
15 formerly employed by the legislative branch of government unless the
16 provision specifically states that it so applies;

17 (2) a person elected to the legislature who at the time of
18 election is not a member of the legislature;

19 (3) a person employed by the legislative branch of govern-
20 ment whose position [COMPENSATION] is established below [STEP A,]
21 Range 18 of the state salary schedule established in AS 39.27.011(a)
22 [;

23 (4) A PERSON EMPLOYED PRIVATELY BY A LEGISLATOR IF THE
24 PERSON DOES NOT PERFORM LEGISLATIVE DUTIES].

25 * Sec. 2. AS 24.60.050 is repealed and reenacted to read:

26 Sec. 24.60.050. STATE PROGRAMS AND LOANS. (a) It is not a
27 conflict of interest for a person to whom this chapter applies to
28 participate in a state program or to receive a loan from the state if
29 the program or loan

1 (1) is generally available to members of the public;
2 (2) is subject to fixed eligibility standards; and
3 (3) requires minimal discretion in determining qualifica-
4 tion.

5 (b) The committee shall annually review state programs and state
6 loans and publish a list of programs and loans that, in the view of
7 the committee,

- 8 (1) meet the standards of (a) of this section;
9 (2) do not meet the standards of (a) of this section.

10 (c) Each February 1, each person to whom this chapter applies
11 shall deliver to the division of legislative audit a report of each
12 participation by the person in a state program or receipt of a state
13 loan as of January 15 of that year for a program or loan listed in
14 (b)(2) of this section. The division of legislative audit shall
15 prepare an appropriate report for the presiding officer of each house
16 that lists the name of the person and kind of program participation or
17 loan. The lists shall be published in the supplemental journals
18 before February 15.

19 (d) Each person to whom this chapter applies who begins par-
20 ticipation in a state program or who receives a loan listed under
21 (b)(2) of this section after January 15 of each year shall deliver a
22 report of the program or loan to the committee within 30 days after
23 the participation in the state program or receipt of a state loan
24 begins. The report shall be published in the appropriate supplemental
25 journal if received by the committee during the regular session of the
26 legislature. Each report filed with the committee under this subsec-
27 tion is open to the public.

28 (e) Each record of a state agency relating to participation in a
29 state program or receipt of a state loan by a person to whom this

1 chapter applies may be disclosed to the committee and to the division
2 of legislative audit.

3 (f) The committee shall annually identify the programs and loans
4 to be audited by the division of legislative audit during the follow-
5 ing year, including the scope of the audit. The division of legisla-
6 tive audit shall prepare a report to the committee on the audit of the
7 participation in state programs and the receipt of loans from the
8 state by persons to whom this chapter applies. The report to the
9 committee is confidential until it is released by the committee.

10 (g) In this section "state program" means a program in which
11 tangible assets of the state or a right to use tangible assets of the
12 state are transferred from the state to a person to whom this chapter
13 applies.

14 * Sec. 3. AS 24.60.130(d) is amended to read:

15 (d) The members of each subcommittee shall elect a chair who
16 must be a member of the legislature. The chair selected by the senate
17 subcommittee shall chair the full committee beginning the first day of
18 the regular session in odd-numbered years and the chair selected by
19 the house subcommittee shall chair the full committee beginning the
20 first day of the regular session in even-numbered years.

21 * Sec. 4. AS 24.60.130(e) is amended to read:

22 (e) Except as provided in this subsection, a [A] vacancy on the
23 committee shall be filled under (b) of this section. An individual
24 who is appointed to fill a vacancy that occurs during the last 10 days
25 of the first regular session of a legislature or during the interim
26 between regular sessions of that legislature serves without concur-
27 rence or ratification through the 10th day of the second regular
28 session of the legislature. An individual who is appointed to fill a
29 vacancy that occurs during the last 10 days of the second regular

1 session of a legislature or during the interim after the second regu-
2 lar session serves without concurrence or ratification through the
3 convening of the first regular session of the next legislature.

4 * Sec. 5. AS 24.60.130 is amended by adding a new subsection to read:

5 (i) A quorum of a committee established under this section
6 consists of a majority of the members of the committee. A quorum of a
7 subcommittee established under this section consists of a majority of
8 the members of the subcommittee. Notwithstanding the provisions of
9 this subsection, a committee does not have a quorum unless three
10 legislative members are present and a subcommittee does not have a
11 quorum unless two legislative members are present..

12 * Sec. 6. AS 24.60.170(d) is amended to read:

13 (d) A proceeding is commenced by the filing of a complaint with
14 the committee. A complaint may be initiated by any person. A com-
15 plaint shall be in writing and signed under oath by the person making
16 the complaint. A [NO] complaint, other than a complaint initiated by
17 at least two-thirds of the members of the committee, may not be filed
18 within a period of 60 days preceding a state primary or general elec-
19 tion. Each proceeding [ALL PROCEEDINGS] pending before the committee
20 on the 60th day preceding a state primary or general election is [ARE]
21 stayed until certification of the election unless the proceeding is
22 [PROCEEDINGS ARE] based on a complaint initiated by at least two-
23 thirds of the members of the committee or, on a complaint initiated by
24 a person who is not a member of the committee, if two-thirds of the
25 members of the committee direct the continuation of the proceeding.
26 The committee shall notify in writing a person against whom a com-
27 plaint has been filed of a stay of the proceeding. If the person
28 objects in writing to the stay the proceedings shall continue.

29 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

Adopted
w/o
Sec 2 + 8

Original sponsor: Pourchot

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 312 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to standards of conduct for members
7 of the legislature and employees of the legislature;
8 and providing for an effective date."

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17 (2) a person elected to the legislature who at the time of
18 election is not a member of the legislature;

19 (3) a person employed by the legislative branch of govern-
20 ment whose position [COMPENSATION] is established below [STEP A,]
21 Range 18 of the state salary schedule established in AS 39.27.011(a)
22 [;

23 (4) A PERSON EMPLOYED PRIVATELY BY A LEGISLATOR (IF THE
24 PERSON DOES NOT PERFORM LEGISLATIVE DUTIES].

25 * Sec. 2. AS 24.60.030(f) is amended to read:

26 (f) It is a conflict of interest for a member of the legislature
27 to accept money (raised) [FROM AN EVENT HELD WITHIN THE CAPITAL CITY]
28 during the session [IF A SUBSTANTIAL PURPOSE OF THE EVENT IS TO RAISE
29 MONEY ON BEHALF OF THE MEMBER] for political [STATE LEGISLATIVE]

1 campaign purposes or for other state legislative political purposes.

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4 conflict of interest for a person to whom this chapter applies to
5 participate in a state program or to receive a loan from the state if
6 the program or loan

7 (1) is generally available to members of the public;

8 (2) is subject to fixed eligibility standards; and

9 (3) requires minimal discretion in determining qualifica-
10 tion.

11 (b) The committee shall annually review state programs and state
12 loans and publish a list of programs and loans that, in the view of
13 the committee,

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15 (2) do not meet the standards of (a) of this section.

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17 shall deliver to the division of legislative audit a report of each
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21 prepare an appropriate report for the presiding officer of each house
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24 before February 15.

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27 (b)(2) of this section after January 15 of each year shall deliver a
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14 state by persons to whom this chapter applies. The report to the
15 committee is confidential until it is released by the committee.

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relates to Sec 2.

Alaska State Legislature

REPRESENTATIVE
PAT POURCHOT

HOUSE FINANCE COMMITTEE,
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT
COMMITTEE



House of Representatives

HB 312 MEMORANDUM
For House Floor, April 12, 1988

ANCHORAGE
P.O. BOX 104838
ANCHORAGE, AK 99510
(W) (907) 276-6818
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

Section 1 AS 24.60.020 (APPLICABILITY)--Changed to reflect that covered employees are only those employees hired at 18A or above, not those compensated at the level of 18A or above (for example, a 16F). This also eliminates private employees of members from coverage.

Section 2 AS 24.60.050 (STATE PROGRAMS AND LOANS)--Repealed and re-enacted to allow spot audits of loans and programs so that auditors do not need to audit all 350+ state loans and programs as now required. Members and covered employees will check off their participation in the discretionary loans and programs and report their participation to Legislative Audit by February 1. The committee will establish the scope of the audits of discretionary and non-discretionary programs and loans each year.

Section 3 AS 24.60.130(d) (SELECT COMMITTEE ON LEGISLATIVE ETHICS)--Ensures that the chair of the House and Senate subcommittees are members of the legislature, not a public member. It also eliminates confusion by making clear that the chair of the full committee changes on the first day of the regular session yearly.

Section 4 AS 24.60.130(e) (SELECT COMMITTEE ON LEGISLATIVE ETHICS)--Amends the method of appointment to a vacancy that occurs at the very end of the session or during the interim. It allows that a member may serve without ratification until the next session of the legislature.

Section 5 AS 24.60.130 (SELECT COMMITTEE ON LEGISLATIVE ETHICS)--Adds a new subsection that establishes that a subcommittee quorum does not exist unless at least two members are members of the legislature and a quorum of the full committee does not exist unless at least three members of the legislature are present.

Section 6 AS 24.60.170(d) (PROCEEDINGS BEFORE THE COMMITTEE)--Allows committee action on a complaint during the 60-day period preceding an election if two-thirds of the members of the committee so vote. Now, the only action allowed is that on complaints initiated by the committee, not complaints initiated by an individual.

Section 7 An immediate effective date.

MEMORANDUM

TO: Rep. Pat Pourchot, Chair

FROM: Kim Elton

RE: HB 312, amendments to the Ethics Code

DATE: March 28, 1988

HB 312 is in the House Judiciary Committee after passing out of the State Affairs Committee March 13. The Judiciary Committee has scheduled its first hearing of the bill for Monday, March 28. This analysis is of the proposed committee substitute.

Section 1 removes an ambiguity in the code. The code covers legislative employees and legislators (as established in AS 24.60.010) yet AS 24.60.020(a)(4) does not allow an exemption from provisions of the code for private employees of a legislator (unless that private employee does no legislative work). By deleting AS 24.60.020(a)(4), all individuals hired privately by a legislator will be exempt from the provisions of the act.

This section also clarifies that only legislative employees employed at or above the level of Step A, Range 18, are covered by the provisions of the ethics statute. Present language can be interpreted to mean that those who earn the equivalent of an 18A or above (i.e. a 17F or even a 14L) are covered by the provisions of the ethics statute. [This section amends AS 24.60.020(a)(3)]

Section 2 establishes a blanket prohibition of fundraising during the legislative session. Previously, fundraising activities outside the Capital were allowed while the legislature was in session. This amendment also makes clear that all political fundraising is banned. Previous language provided a loophole that allowed fundraising activity for an office other than a state legislative office. [This section amends AS 24.60.030(f)]

Section 3 changes the mandated loan and program audit procedures in the existing statute. The new provisions require members and covered employees to report by Feb. 1 their participation in state loan programs or other state programs that are not

generally available to members of the public, that are not subject to fixed eligibility standards and in which there is more than minimal discretion exercised in determining qualifications. Legislative Audit annually will prepare two lists of loans and programs that do and do not meet these standards and the ethics committee annually will certify both lists.

Legislative Audit also will collect the disclosures by covered persons of participation in the discretionary programs and submit the disclosures for publication in the appropriate House or Senate Journal by February 15. Legislative Audit will audit annually a certain number of loan programs and other state programs as directed by the ethics committee.

Presently, Legislative Audit is required to audit all state programs and loans (of which there are more than 350) to check compliance with program and loan provisions. This is an impossible chore. The provisions of this section reduce that responsibility and give the ethics committee the flexibility of directing audits of important discretionary loans and programs and spot checking other loans and programs. Also, there presently are no requirements that covered persons disclose their participation in the discretionary loans and programs and participation is instead discovered through the cumbersome process of having many state agencies review their files against a list of covered persons. [This section repeals and replaces AS 24.60.050]

Section 4 amends the present ethics code to ensure that the chair of the Senate or House subcommittees is a member of the legislature. The way the statute is now drafted, the chair of either subcommittee could be one of the public members.

This section also clarifies the date at which the Senate subcommittee chair and the House subcommittee chair begin their tenure as chair of the full committee. Present language seems to imply that the new chair of the full committee assumes duty on the first day of each year and the new language clarifies that the new chair assumes the duty on the first day of the legislative session each year. [This section amends AS 24.60.130(d)]

Section 5 amends the method of appointment to a vacancy on the committee so that a vacancy occurring at the very end of a session or during the interim can be filled and the new appointee can serve pending confirmation or ratification. This means that the newly-appointed member of the legislature can serve without concurrence of the appropriate body and a newly-appointed public member can serve without ratification until the new legislature convenes or the tenth day of the second session, depending upon when the vacancy occurred. [This section amends AS 24.60.130(e)]

Section 6 establishes that a subcommittee quorum does not exist unless at least two members are members of the legislature. A quorum of the full committee does not exist unless three members present are members of the legislature. This means that public members cannot 'outvote' legislative members in either the

subcommittees or the full committee. [This section adds a new subsection, AS 24.60.130(i)]


Section 7 allows committee action on a complaint during the 60 days preceding a primary or general election (and until certification of the election) if two-thirds of the members of the committee vote to direct the continuation of the proceedings. Previously, the only complaints that could proceed in the 60-day-until-certification time frame were complaints that were initiated by a two-thirds vote of the committee--not complaints initiated by an individual. [This section amends AS 24.60.170(d)]

Section 8 repeals the subsection that exempts Juneau legislators from the ban on fundraising in the Capital City during the legislative session. Section 2 of this package of amendments to the ethics code bans fundraising activities during the legislative session. The effect of adopting Section 2 without repealing AS 24.60.030(g), would mean that Juneau legislators could have fundraisers in Juneau during sessions while all other legislators would be banned from holding fundraisers, anywhere, during sessions.

Section 9 establishes an immediate effective date.

MEMORANDUM

TO: Rep. Pat Pourchot

FROM: Kim Elten 

RE: Loans and programs in the code of ethics

DATE: March 25, 1988

Below is a capsulized version of the approach to loans and programs that will be reflected in the CS for HB312. Participating with me in outlining the approach was Randy Welker, Merle Jensen and Dick Bradley.

DUTIES OF COVERED EMPLOYEES AND MEMBERS:

- 1) report by Feb. 1 their participation in 'D' loans and programs (the list of current 'D' programs can be included in the hiring packet for new employees and a memo of reminder of the obligation to report should be sent the first day of the session to members and current employees).

DUTIES OF THE COMMITTEE:

- 1) annually certify the 'D' and 'A' loan and program list;
- 2) annually establish* which 'A' and 'D' loans and programs will be audited and the depth of the audit.

DUTIES OF LEGISLATIVE AUDIT:

- 1) annually review and update the loans and programs for certification by the committee;
- 2) receive the Feb. 1 disclosures of participation in 'D' loans and programs from covered employees and members;
- 3) submit to the Senate Secretary and House Clerk a list of the disclosures** for publication in the appropriate journal on Feb. 15;

Annually develop an audit plan which

4) ~~audit the loans and programs selected from the 'A' and 'D' list by the committee.~~

insures compliance with the provisions of this section

There also was discussion of the APOC loan disclosure provisions in the current statute (24.60.050[c]). This statutory provision requires only that current members and covered employees send notice of an application. There is no provision for annually disclosing the continuing loan obligation. There is, of course, a potential for abuse in awarding a loan but there is also a potential for abuse in the servicing of the loans.

Our discussion this morning concluded that the only purpose for the present APOC requirement is because a member of the public assumes that type of disclosure would be filed with APOC. We can easily remove the provision and the committee can administratively direct legislative audit to copy APOC with the annual list submitted for the journals so that APOC can maintain a disclosure file in their offices.

*To avoid an appearance of bias by the committee, it is probably advisable for the committee to receive and certify the updated list of 'A' and 'D' loans and programs and establish the parameters of the audits before names are associated with 'D' programs on Feb. 1. If the audit parameters are established soon after Feb. 1, some may accuse the committee of avoiding an audit in a loan or a program because Senator X or Representative Y is in that program. If, on the other hand, the 'A' and 'D' lists are certified and the audit parameters are established in November, months before the new disclosures, the appearance of bias is lessened.

**Loan disclosures in the journals now reflect participation and the status (current or delinquent). Under this scenario, participation would be disclosed but status, which is just one of several elements to be reviewed in a full audit, would not be disclosed until the committee releases the audits. To include status, Legislative Audit would need to circulate the 'D' disclosures received Feb. 1 to appropriate state agencies, allow time for the agencies to check the status and report back to the committee. This would require additional time and public disclosure of potential conflicts would be pushed back to mid-session.

PROPOSED AMENDMENTS TO HB 312
By REPRESENTATIVE PAT POURCHOT

March 11, 1988

1) To clarify that only legislative employees employed at or above the level of Step A, Range 18 are covered by the code of ethics.

AS 24.60.020(a)(3) is amended to read:

(3) a person employed by the legislative branch of government who [whose compensation] is below Step A, Range 18 of the state salary schedule established in AS 39.27.011(a);

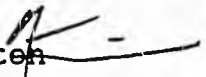
2) To clarify the date at which the Senate subcommittee chair and the House subcommittee chair begin their tenure as chair of the full committee.

AS 24.60.130(d) is amended to read:

(d) The members of each subcommittee shall elect a chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the session in even-numbered years.

MEMORANDUM

TO: Rep. Pat Pourchot

FROM: Kim Elter 

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DATE: March 25, 1988

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4) ~~audit the loans and programs selected from the 'A' and 'D'~~
~~list by the committee.~~

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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Standards of Conduct for Members
of the Legislature and Employees
Sponsor: Rep. Pourchot
Requestor: Rep. Ulmer, State Affairs

Agency Affected: Div. of Legislative Audit
BRU: Legislative Budget and
Audit Committee
Components: Legislative Audit

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

The requirements of the proposed legislation could be accomplished within the Division's existing budget.

Prepared by: Randy S. Welker
Division: Division of Legislative Audit

Phone: 465-3830
Date: 3/9/88

Approved ~~BY COMMISSIONER~~: Randy S. Welker
Agency: Division of Legislative Audit

Date: 3/9/88

Distribution (by preparer):

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

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/13/87

FURTHER REFERRALS: Judiciary

DATE: 3-14-88

The State Affairs Committee has considered HB 312

"An Act relating to standards of conduct for members of the legislature and employees of the legislature; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Tom Ulmer
Frank Wenzel
Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

Terry Martin - nonrec.
Sydney Hoffman No Rec.

Tom Ulmer
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Standards of Conduct for Members
of the Legislature and Employees
Sponsor: Rep. Pourchot
Requestor: Rep. Ulmer, State Affairs

Agency Affected: Div. of Legislative Audit
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Audit Committee
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CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

The requirements of the proposed legislation could be accomplished within the Division's existing budget.

Prepared by: Randy S. Welker Phone: 465-3830
Division: Division of Legislative Audit Date: 3/9/88

Approved ~~BY COMMISSIONER~~: Randy S. Welker Date: 3/9/88
Agency: Division of Legislative Audit

Distribution (by preparer):

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

M E M O R A N D U M

February 24, 1988

SUBJECT: Standards of conducts under AS 24.60
[HB 312]

TO: Representative Pat Pourchot

FROM: Richard A. Bradley
Legislative Counsel

Kim Elton has requested a sectional analysis of the above described bill.

As a preliminary matter, please note that a sectional analysis of the bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 24.60.030(f). The section broadens the scope of the existing provision of law that prohibits fundraisers during the legislative session in Juneau; the existing provision permits fund-raising events outside of Juneau. The amendment prevents the acceptance of funds raised during the session. The amendment also broadens the prohibited purposes; existing law seems to prohibit only fundraisers for legislative campaign or legislative political purposes. The deletion of "state legislative" and addition of "political" means that a legislator cannot hold fund-raising events for a campaign for other offices.

Note also that AS 24.60.030(g)-- the exception for members of the legislature elected from Juneau-- is repealed in section 8 of this bill.

Section 2 of the bill amends AS 24.60.050(b). The amendment delays until March 10 of each year (from existing law's February 1) the time for the reports from state agencies that have a loan to a person to whom this chapter applies. The amendment requires that the report go to the division of legislative audit rather than the presiding officer of each

house. The amendment requires the division of legislative audit to assemble the list by March 15 for delivery to the presiding officers and the publication on the journal.

Section 3 of the bill amends AS 24.60.050(e). The amendment requires the division of legislative audit to report to the legislature by April 15 (in place of April 1) on its review of the procedures used by executive branch agencies in granting or reviewing loan conditions imposed by the agencies. Apart from the change in the time of the report, the amendment provides that the findings reported to the committee are confidential until released by the committee.

Section 4 of the bill amends AS 24.60.130(d). The amendment requires that the chairman of the senate and the house subcommittee of the Select Committee must be a member of the legislature.

Section 5 of the bill amends AS 24.60.130(e) to deal with the situation where a vacancy in the membership of the Select Committee occurs at a time when it is awkward for the regular procedures on the filling of the vacancy to be followed. An individual appointed in this situation serves without confirmation or ratification.

Section 6 of the bill adds a new subsection (i) to AS 24.60.130. It makes explicit the requirements of a quorum for both the committee and its subcommittees.

Section 7 of the bill amends AS 24.60.170(d). The amendment amends that portion of the section that stays all proceedings that are pending before the committee on the 60th day preceding a state primary or general election until the certification of the election "unless the proceedings are based on a complaint initiated by two-thirds of the members of the committee". The amendment permits the continuation of a complaint initiated by a nonmember of the committee if two thirds of the members of the committee direct the continuation of the proceeding.

Section 8 of the bill repeals AS 24.60.020(a)(4) and AS 24.60.030(g). AS 24.60.020(a)(4) provides, in context:

Sec. 24.60.020. APPLICABILITY. (a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature and to a person employed

Representative Pat Pourchot
Page 3
February 24, 1988

by the legislative branch of government. This chapter does not apply to

* * *

(4) a person employed privately by a legislator if the person does not perform legislative duties.

AS 24.60.030(g) provides:

(g) Members of the legislature elected to represent the capital city are exempt from the requirements of (f) of this section.

The provision of AS 24.60.030(f) are amended in Section 1 of this bill.

Section 9 of the bill establishes an immediate effective date.

If I may be of further assistance, please advise.

RAB:gc
WKG2:03

HOUSE COMMITTEE REPORT

(7)

Date referred: 5/13/87

FURTHER REFERRALS: Judiciary

DATE: 3-14-88

The State Affairs Committee has considered HB 312

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RECOMMENDS:

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- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Tom Ulmer
Frank McManus
Cliff Davidson

SIGNING OTHER RECOMMENDATIONS:

Terry Martin - no rec.
Lynne Hoffman No Rec.

Tom Ulmer
 Chairman's signature