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Alaska State Legislature

Select Committee on

Legislative Ethics

Official Business

ANALYSIS OF SENATE CS FOR HB 312 (Judiciary)

P.O. Box V
State Capitol
Juneau, Alaska 99811

Section 1 AS 24.60.020 (APPLICABILITY)--Changed to reflect that covered employees are only those 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Section 2 AS 24.60.050 (STATE PROGRAMS AND LOANS)--Repealed and re-enacted to allow spot audits of loans and programs so that auditors do not need to audit all 350+ state loans and programs as now required.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 discretionary loans and programs and report participation to Legislative Audit by February 1. The committee will establish the scope of the audits each year.

Section 3 AS 24.60.080 (GIFTS)--Repealed and re-enacted to clarify what gifts are acceptable. Current law allows gifts of nominal value from non-profits and gifts not meant to reward or influence. Since intent often cannot be determined, the current guidelines are untenable. This section prohibits acceptance of most gifts with a value of \$50 or more (with limited exceptions). The travel and hospitality to obtain legislative information exception must be disclosed if the value is more than \$100.

Section 4 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 clarifying the chair of the full committee changes on the first day of the regular session yearly.

Section 5 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 6 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 7 AS 24.60.170(d) (PROCEEDINGS BEFORE THE COMMITTEE)--Allows 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 on complaints initiated by the committee, not ones initiated by an individual.

Section 8 AS 24.60.080(e) is repealed. These provisions were incorporated in the new gift policy provided by Section 3.

Section 9 An immediate effective date.

5-0744L

Bradley
5/2/88

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR 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 24.60.080 is repealed and reenacted to read:

15 Sec. 24.60.080. GIFTS. (a) A person to whom this chapter
16 applies may not solicit, accept, or receive, directly or indirectly, a
17 gift in any amount, whether in the form of money, services, a loan,
18 travel, entertainment, hospitality, promise, or other form under
19 circumstances in which it could reasonably be inferred that the gift
20 is intended to influence the performance of official duties, actions,
21 or judgment.

22 (b) Except as provided in (c) of this section, the receipt of a
23 gift worth \$50 or more by a person to whom this chapter applies is
24 prohibited.

25 (c) Notwithstanding (b) of this section, it is not a violation
26 of this section for a person to whom this chapter applies to accept

27 (1) hospitality with incidental transportation at the
28 residence of a person;

29 (2) discounts that are available generally to the public or

1 to a large class of persons to which the person belongs;

2 (3) food or foodstuffs indigenous to the state that are
3 shared generally as a cultural or social norm;

4 (4) travel and hospitality primarily for the purpose of
5 obtaining information on matters of legislative concern;

6 (5) gifts from the family of the person.

7 (d) A person to whom this chapter applies who accepts a gift of
8 travel and hospitality primarily for the purpose of obtaining informa-
9 tion on matters of legislative concern shall disclose the gift if it
10 has a value of \$100 or more. The disclosure must include the name and
11 occupation of the person making the gift and the approximate value of
12 the gift. Each gift required to be disclosed under this subsection
13 shall be disclosed within 30 days of the receipt of the gift in the
14 journal of the appropriate body or, if the legislature is not in
15 session, to the committee. The committee shall maintain a public
16 record of the disclosures it receives and shall forward the disclosure
17 to the appropriate house for inclusion in the journal by the fifth day
18 of the next regular session.

19 (e) A political contribution that is reported under AS 15.13.040
20 is not a gift under this section.

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

22 (d) The members of each subcommittee shall elect a chair who
23 must be a member of the legislature. The chair selected by the senate
24 subcommittee shall chair the full committee beginning the first day of
25 the regular session in odd-numbered years and the chair selected by
26 the house subcommittee shall chair the full committee beginning the
27 first day of the regular session in even-numbered years.

28 * Sec. 5. AS 24.60.130(e) is amended to read:

29 (e) Except as provided in this subsection, a [A] vacancy on the

1 committee shall be filled under (b) of this section. An individual
2 who is appointed to fill a vacancy that occurs during the last 10 days
3 of the first regular session of a legislature or during the interim
4 between regular sessions of that legislature serves without concur-
5 rence or ratification through the 10th day of the second regular
6 session of the legislature. An individual who is appointed to fill a
7 vacancy that occurs during the last 10 days of the second regular
8 session of a legislature or during the interim after the second regu-
9 lar session serves without concurrence or ratification through the
10 convening of the first regular session of the next legislature.

11 * Sec. 6. AS 24.60.130 is amended by adding a new subsection to read:

12 (i) A quorum of a committee established under this section
13 consists of a majority of the members of the committee. A quorum of a
14 subcommittee established under this section consists of a majority of
15 the members of the subcommittee. Notwithstanding the provisions of
16 this subsection, a committee does not have a quorum unless three
17 legislative members are present and a subcommittee does not have a
18 quorum unless two legislative members are present.

19 * Sec. 7. AS 24.60.170(d) is amended to read:

20 (d) A proceeding is commenced by the filing of a complaint with
21 the committee. A complaint may be initiated by any person. A com-
22 plaint shall be in writing and signed under oath by the person making
23 the complaint. A [NO] complaint, other than a complaint initiated by
24 at least two-thirds of the members of the committee, may not be filed
25 within a period of 60 days preceding a state primary or general elec-
26 tion. Each proceeding [ALL PROCEEDINGS] pending before the committee
27 on the 60th day preceding a state primary or general election is [ARE]
28 stayed until certification of the election unless the proceeding is
29 [PROCEEDINGS ARE] based on a complaint initiated by at least two-

1 thirds of the members of the committee or, on a complaint initiated by
2 a person who is not a member of the committee, if two-thirds of the
3 members of the committee direct the continuation of the proceeding.

4 The committee shall notify in writing a person against whom a com-
5 plaint has been filed of a stay of the proceeding. If the person
6 objects in writing to the stay the proceedings shall continue.

7 * Sec. 8. AS 24.60.030(e) is repealed.

8 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).
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