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HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 150

Representation of Others by Public Officials

Received February 3, 1989
by Reps. Goll and Koponen

Heard March 2, 1989
Heard March 8, 1989

Committee Substitute adopted March 8, 1989

Passed Out of Committee March 8, 1989
1 Do Pass
3 No Recommendation

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HB 150: Representation of Others by Public Officials

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CS HB 150 (SA)
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Commission
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February 28, 1989
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Division of Legal Services
March 7, 1989

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 3, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 150 [REPRESENTATION OF OTHERS BY PJB OFFICIAL]
"An Act relating to representation of others by legislators and certain legislative employees before state agencies."

be replaced with CSHB 150(SA) the same title
 a new title

have attached amendment(s)

- 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
- zero fiscal note LAA
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

_____ (NO REC)

_____ (No Rec)

_____ (NO REC)

Chairman's signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to representation
of others by legislators and certain legislative...
 Sponsor: Representative Goll
 Requestor: House State Affairs
 Affect Agency: Legislative Affairs Agency
 BRU: Legislative Council
 Components: Council and Subcommittees

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
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)

No Fiscal Impact

Prepared By: Pamela Stoops, Director Phone: 465-3850
 Division: Administrative Services Date: 2/27/89

Approved By: Warren Endicott, Executive Director
 Agency: Legislative Affairs Agency Date: 2/27/89

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR
 OFFICE OF MANAGEMENT & BUDGET
 AGENCY (IES)

STATE OF ALASKA

STEVE COWPER, GOVERNOR

Item 3

ALASKA PUBLIC OFFICES COMMISSION

REPLY TO:

- 2221 E. Northern Lights, Room 128
Anchorage, AK 99508
(907) 276-4176
- Juneau Branch Office
Box CO
Juneau, AK 99811-0222
(907) 465-4864

February 24, 1989

Representative Peter Goll
P.O. Box V
Capitol Room 122
Juneau, Alaska 99811

Dear Representative Goll:

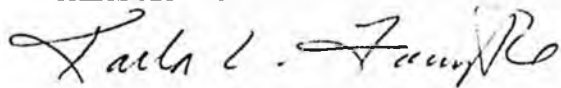
You asked the commission to indicate its position regarding HB 150, an act relating to representation of others by legislators and certain legislative employees before state agencies.

The commission discussed this measure at its February 22, 1989 commission meeting. The commission strongly endorses this bill. As you are aware, the current version of AS 24.60.100 is inconsistent with the conflict of interest law. Under AS 39.50.090(c), a public official may not represent a client before a state agency for a fee. The commission believes the two laws should be made consistent, and strongly favors the broad prohibition contained in the conflict of interest law.

I hope this information is helpful. If you have additional questions, please let me know.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



Karla L. Forsythe
Executive Director

cc: APOC Members
Dean Gottehrer, Special Assistant, Commissioner of
Administration

HB 150

FILE CONTENTS

HB 150.

Fiscal Note.

Memorandum from Representative Goll to Committee Chairman Boucher.

Letter from Alaska Public Offices Commission.

Copies of the following Alaska Statutes:

- (1) AS 39.50.090 (c)
- (2) AS 24.45.171 (8)
- (3) AS 24.45.041
- (4) AS 24.45.051
- (5) AS 24.45.061.

Memorandum from Richard Bradley, Legislative Counsel, to Representative Pat Pourchot regarding representation before a board.

Copy of the relevant sections of the November, 1988, draft Model Ethics Law from the Council on Governmental Ethics Laws.

Copies of the relevant sections of the ethics laws of:

- (1) Connecticut
- (2) Massachusetts
- (3) New Jersey
- (4) New York.



STATE OF ALASKA
HOUSE OF REPRESENTATIVES

MEMORANDUM

TO: Representative H. A. "Red" Boucher, Chair
House State Affairs Committee

FROM: Representative Peter Goll *Peter*

RE: HB 150, "An Act relating to representation of
others by legislators and certain legislative
employees before state agencies."

DATE: February 28, 1989

HB 150 prohibits legislators and legislative employees covered under AS 24.60 (Legislative Ethics Act) from engaging in lobbying on behalf of a client for a fee before an agency, board or commission of the state.

This bill is an attempt to provide a reasonable solution to a conflict between two statutes, AS 24.60.100 and AS 39.50.090 (c).

The relevant portion of AS 39.50.090 (c) provides:

(c) A public official may not represent a client before a state agency for a fee. . . .

The term public official is defined in AS 39.50.200(a)(8) and provides in part:

(8) "public official" means . . . a member of the legislature . . .

AS 24.60.100, however, provides:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public

record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

Legislative Affairs Legal Services has provided one resolution to the conflict by stating that AS 24.60.100 takes precedence over AS 39.50.090(c) because AS 24.60 was passed subsequent to AS 39.50 and is thus a repeal by implication to the extent of a conflict between the two laws. (See attached memorandum from Richard Bradley to Pat Pouchot, dated December 22, 1988.)

I feel that that result, while it may be legally correct, is not in the public interest.

In fact, AS 39.50 is the public officer and employee conflict of interest law, and was initiated by the people in Initiative Proposal No. 2 in 1974. One of the stated purposes of the initiative, as codified in AS 39.50.010, was "to discourage public officials from acting upon a private or business interest in the performance of a public duty". In the same section the "people of the state declare that...public office is a public trust that should be free from the danger of conflict of interest..."

The position of a legislator is one of influence over state agencies, and it is inappropriate for that influence to be used, or even appear to be used, in the service of a private client for a fee.

The November, 1988, Model Ethics Law from the Council on Governmental Ethics Laws suggests a prohibition on public official lobbying or representation similar to HB 150. In the commentary on that section, the council states that the section prohibits:

"a public official or employee from appearing before other government entities as an advocate or attorney for another person. This limitation is imposed to remove the appearance of impropriety that may arise when an official or employee seeks to influence the actions of other government officials who may be more prone to side with the official or employee than with an adversary unknown to them."

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Sec. 39.50.090. Prohibited acts. (a) A public official may not use the official position or office for the primary purpose of obtaining personal financial gain or financial gain for a spouse, child, mother, father, or business with which the official is associated or in which the official owns stock.

(b) A person may not offer or pay to a public official, and a public official may not solicit or receive money for legislative advice or assistance, or, for advice or assistance given in the course of the official's public employment or relating to the public employment. However, this prohibition does not apply to a chairman or member of a state commission or board or municipal officer if the subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; this exception from the general prohibition does not apply to one whose service on a state commission or board constitutes the person as a full-time state employee under AS 39.

(c) A public official may not represent a client before a state agency for a fee. However, this prohibition does not apply to a municipal officer, or chairman or member of a state commission or board except with regard to representation before that commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes the person as a full-time state employee under this title.

(d) A municipal officer may not represent a client for a fee before the municipal body the officer serves.

(e) Violation of this section is a misdemeanor, punishable upon conviction by a fine of not less than \$500 nor more than \$2,000, by imprisonment up to one year, or by both.

(f) In this section, "public official" includes, in addition to the persons specified in AS 39.50.200(a), chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state. (1974 Initiative Proposal No. 2, § 1; am § 12 ch 25 SLA 1975; am § 1 ch 40 SLA 1975; am §§ 2, 3 ch 211 SLA 1975)

Opinions of attorney general. — Subsection (f) of this section does not cover a municipal officer or employee who, as part of his official duties, represents his department before boards, committees, or the assembly of the same government. The rule which forbids the simultaneous holding of incompatible offices would, however, prohibit a person from being both an employee-advocate of a municipal department and a member of the municipal assembly evaluating the advocate's position. November 26, 1984 Op. Att'y Gen.

An official may be in violation of the

common law of conflict of interests even though he is not in violation of this section. November 26, 1984 Op. Att'y Gen.

The commission's power to investigate violations of this section derives from AS 39.50.050, which authorizes the commission to administer AS 39.50 and promulgate regulations to implement the chapter. In carrying out this responsibility, the commission staff should immediately notify the chief prosecutor whenever commission records, files, and inquiries reveal a possible criminal violation of this section. November 26, 1984 Op. Att'y Gen.

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(5) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(6) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(7) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

(8) "public official" means a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, and assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

(9) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

(b) In this chapter "state commission or board" means the

- (1) Agricultural Revolving Loan Fund Board (AS 03.10.050);
- (2) Alaska State Council on the Arts (AS 44.27.040);
- (3) Alcoholic Beverage Control Board (AS 04.06.010);
- (4) State Assessment Review Board (AS 43.56.040);
- (5) *[Repealed, § 1 ch 54 SLA 1981.]*
- (6) Board of Education (AS 14.07.075);
- (7) Alaska Public Broadcasting Commission (AS 44.21.256);
- (8) Alaska Public Offices Commission (AS 15.13.020);
- (9) Employment Security Advisory Council (AS 23.20.025);
- (10) Alaska Commercial Fisheries Entry Commission (AS 16.43.020);
- (11) Fishermen's Fund Advisory and Appeals Council (AS 23.35.010);
- (12) Alaska State Building Authority (AS 18.55.020);
- (13) State Commission for Human Rights (AS 18.80.010);

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tive action by means including but not limited to the provision or use
of information, statistics, studies, analyses in written or oral form or
format;

(7) "legislative action" means the preparation, research, drafting,
introduction, consideration, modification, amendment, approval, pas-
sage, enactment, defeat or rejection of any bill, resolution, amend-
ment, motion, report, nomination, appointment or other matter by the
legislature, or by a standing, interim or special committee of the legis-
lature, or by a member or employee of the legislature acting in an
official capacity; it includes, but is not limited to, the action of the
governor in approving or vetoing a bill or the action of the legislature
in considering, overriding or sustaining that veto and the action of the
legislature in considering, confirming or rejecting an executive ap-
pointment of the governor;

(8) "lobbyist" means

(A) a person who is employed and receives payments, or who con-
tracts for economic consideration, including reimbursement for rea-
sonable travel and living expenses, to communicate directly or
through the person's agents with any public official for the purpose of
influencing legislative or administrative action if a substantial or
regular portion of the activities for which the person receives consider-
ation is for the purpose of influencing legislative or administrative
action; or

(B) a person who represents oneself as engaging in the influencing
of legislative or administrative action as a business, occupation or
profession;

(9) "payment" means the disbursement, distribution, transfer, loan,
advance, deposit, gift or other rendering or tendering of money, prop-
erty, goods or services or anything else of value;

(10) "payment to influence legislative or administrative action"
means any of the following:

(A) a direct or indirect payment to a lobbyist whether for salary,
fee, compensation for expenses, or any other purpose, by a person
employing, retaining or contracting for the services of the lobbyist
separately or jointly with other persons;

(B) a payment in support of or assistance to a lobbyist or the lobby-
ist's activities, including but not limited to the direct payment of ex-
penses incurred at the request or suggestion of the lobbyist;

(C) a payment which directly benefits a public official or a member
of the immediate family of that official;

(D) a payment, including compensation, payment or reimburse-
ment for the services, time or expenses of an employee for or in con-
nection with direct communication with a public official;

(E) a payment for or in connection with soliciting or urging other
persons to enter into direct communication with a public official;

Article 3. Disclosure: Registration and Reports.

Section	Section
41. Registration	91. Publication of reports
51. Reports	101. Public records
61. Reports by employers of lobbyists	111. Preservation of records
71. Certification of reports	116. Disclosure of contributions
81. Reporting periods	

Sec. 24.45.040. [Repealed, § 1 ch 167 SLA 1976.]

Sec. 24.45.041. Registration. (a) Before engaging in lobbying, a lobbyist shall file a registration statement on a form prescribed by the commission.

(b) The registration form prescribed by the commission shall include

(1) the lobbyist's full name and complete permanent residence and business address and telephone number, as well as any temporary residential and business address and telephone number in the state capital during a legislative session;

(2) the full name and complete address of each person by whom the lobbyist is retained or employed;

(3) whether the person from whom the lobbyist receives compensation employs the person solely as a lobbyist or whether the person is a regular employee performing other services for the employer which include but are not limited to the influencing of legislative or administrative action;

(4) the nature or form of the lobbyist's compensation for engaging in lobbying, including salary, fees or reimbursement for expenses received in consideration for, or directly in support of or in connection with, the influencing of legislative or administrative action;

(5) a general description of the subjects or matters on which the registrant expects to lobby or to engage in the influencing of legislative or administrative action;

(6) the full name and complete address of the person, if other than the registrant, who has custody of the accounts, books, papers, bills, receipts and other documents required to be maintained under this chapter.

(c) At the option of the registrant, the registration form may be accompanied by four two and one-half inch by two and one-half inch black and white photographs of the lobbyist. The photographs may not be more than five years old. These photographs shall be included in the directory published under (e) of this section.

(d) If a change occurs in any of the information contained in a registration statement filed under (a) of this section, or in any accompanying document, an appropriate amendment shall be filed with the commission within 10 days after the change.

(e) Within 45 days after the convening of each regular session of the legislature, the commission shall publish a directory of registered lobbyists, containing the information prescribed in (b) of this section for each lobbyist and the photograph, if any, furnished by a lobbyist under (c) of this section. From time to time thereafter the commission shall publish those supplements to the directory that in the commission's judgment may be necessary. The directory shall be made available to public officials and to the public at the following locations: a public place adjacent to the legislative chambers in the state capitol building, the office of the lieutenant governor, the legislative reference library of the Legislative Affairs Agency and the commission's central office.

(f) Each lobbyist shall renew the registration annually by filing a new registration statement together with a new authorization to act as a lobbyist before engaging in lobbying. The lobbyist also shall file any reports or statements the lobbyist has failed to file for a previous reporting period. The commission may not renew lobbying credentials until this provision is complied with. (§ 2 ch 167 SLA 1976)

Sec. 24.45.050. [Repealed, § 1 ch 167 SLA 1976.]

Sec. 24.45.051. Reports. Each lobbyist registered under AS 24.45.041 shall file with the commission a report concerning the lobbyist's activities during each reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the commission and filed in accordance with AS 24.45.071 and 24.45.081. The report also shall include any changes in the information required to be supplied under AS 24.45.041(b) and the following information for the reporting period, as applicable:

(1) the source of income, as defined in AS 39.50.200(a) and the monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and complete address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(2) the aggregate amount of disbursements or expenditures made or incurred during the period in support of or in connection with influencing legislative or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's employer in the following categories:

- (A) food and beverages;
- (B) living accommodations;
- (C) travel;

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(3) the date and nature of any gift exceeding \$100 in value made to a public official and the full name and official position of that person;

(4) the name and official position of each public official, and the name of each member of the immediate family of any of these officials, with whom the lobbyist has engaged in an exchange of money, goods, services or anything of more than \$100 in value and the nature and date of each of these exchanges and the monetary values exchanged;

(5) the name and address of any business entity in which the lobbyist knows or has reason to know that a public official is a proprietor, partner, director, officer or manager, or has a controlling interest, and whom the lobbyist has engaged in an exchange of money, goods, services, or anything of value and the nature and date of each exchange and the monetary value exchanged if the total value of these exchanges is \$100 or more in a calendar year; and

(6) a notice of termination if the lobbyist has ceased the lobbying activity which required registration under this chapter and if this report constitutes the final report of the lobbyist's activities. (§ 2 ch 167 SLA 1976)

Sec. 24.45.060. [Repealed, § 1 ch 167 SLA 1976.]

Sec. 24.45.061. Reports by employers of lobbyists. (a) Within 15 days after employing, retaining or contracting for the employment or retention of a lobbyist, the person who employs, retains or who contracts for the services of a lobbyist shall file a statement with the commission authorizing or verifying that employment, retention or contract for lobbying services.

(b) A person who employs, retains or who contracts for the services of one or more lobbyists, whether independently or jointly with other persons, and who directly or indirectly makes payments to influence legislative or administrative action shall file a quarterly report containing

(1) the full name, complete business address and telephone number of the person making the report;

(2) information sufficient to identify the nature and interests of the person making the report;

(3) the total amount of payments made to influence legislative or administrative action during the period, and the name and address of each person to whom these payments have been made during the period by the maker of the report, together with the date and amount;

(4) the date and nature of any gift exceeding \$100 in value made to any public official and the full name and official position of the recipient of each gift;

(5) a general description of the legislative or administrative action which the person making the report has attempted to influence;

(6) the name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount, if any, which was paid for specific purposes, including salary, fees, and reimbursement for expenses; and

(7) a notice of termination if the person filing a report has ceased employing or retaining a lobbyist registered under this chapter and if this report constitutes the final report of the lobbyist's activities on behalf of the maker of the report. (§ 2 ch 167 SLA 1976)

Legislative history reports. — For report on CSHB 522. 1976 House Journal, p. explanation of legislative intent, see re- 470.

Sec. 24.45.070. [Repealed, § 1 ch 167 SLA 1976.]

Sec. 24.45.071. Certification of reports. Every statement or report required to be filed under this chapter shall identify the full name of the person preparing it, the person's complete address and telephone number, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed. (§ 2 ch 167 SLA 1976)

Sec. 24.45.080. [Repealed, § 1 ch 167 SLA 1976.]

Sec. 24.45.081. Reporting periods. Reports required under this chapter shall be filed during the calendar month following each calendar month during any part of which the legislature was in session and during the month following each calendar quarter when the legislature was not in session. However, if a lobbyist registered under this chapter has declared that the lobbyist seeks only to influence administrative action and not legislative action the lobbyist need only file a report required under this chapter for each calendar quarter. The period covered shall be the calendar month or the calendar quarter, as applicable, and shall in any event cover the period from the date of the last report filed under this chapter to the date of the end of the calendar month or quarter, as applicable, for which the report is being filed. The period covered shall not include any months covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date. (§ 2 ch 167 SLA 1976)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


LEGISLATIVE AGENCY
ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801
907-586-3200

MEMORANDUM

December 22, 1988

SUBJECT: Representation before a board;
AS 39.50.090(c) vs. AS 24.60.100
(Work Order No. 6-0474)

TO: Representative Pat Pourchot

FROM: Richard A. Bradley 
Legislative Counsel

Theda Pittman has asked that we comment on the conflict between AS 39.50.090(c) and AS 24.60.100; a person covered by AS 24.60 receives instructions under AS 24.60.100 that directly conflict with AS 39.50.090(c).

The relevant portion of AS 39.50.090(c) provides:

(c) A public official may not represent a client before a state agency for a fee. * * *

The term "public official" is defined at AS 39.50.200(a)(8). It provides, in part:

(8) "public official" means * * * a member of the legislature * * *

Theda Pittman believes that AS 24.60.100 is inconsistent with AS 39.50.090(c); the former provision provides:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclo-

sure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session.

In our view, AS 24.60.100 takes precedence over AS 39.50.090(c) to the extent of the conflict; while AS 39.50.090(c) applies to public officials, AS 24.60.100 only applies to legislators and legislative employees. This occurs because we believe that AS 24.60.100 was carefully considered by the legislature and constitutes a subsequent inconsistent amendment of substantive law and thus a repeal by implication of the earlier law to the extent of the conflict. While repeals by implication are not favored, the legislative history is clear.

The early versions of SB 257 were consistent with AS 39.50.090(c); as introduced, SB 257 provided:

Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. (a) Except as provided in this section, a member of the legislature or a person employed by an agency of the legislature established under AS 24.20 may not represent another person for compensation before an agency, board, or commission of the state.

(b) A member of the legislature may represent a client in

(1) an action before a court of the state; or

(2) a matter which was pending at the time a person to whom this chapter applies assumed office or in employed.

(c) A legislator cannot avoid a conflict of interest under this section by waiving compensation for representing another person under circumstances where compensation would ordinarily be expected.

CSSB 257(SA) varied the provisions:

Sec. 24.60.100. REPRESENTATION BY LEGISLATORS. Except as provided in this section, a member of the legislature or a person employed by an agency of the legislature established under AS 24.20 may not represent another person for compensation before an agency, board,

or commission of the state unless acting in an official capacity.

(b) A qualified member of the legislature may represent a client in a criminal action before a court of the state or in a civil action where the state is not a party.

(c) A legislator cannot avoid a conflict of interest under this section by waiving compensation for representing another person under circumstances where compensation would normally be expected.

(d) Disqualification under this section of an attorney who is a member of the legislature does not disqualify a law firm in which the legislator is a member.

(e) A person to whom this chapter applies may represent another person for compensation if the ethics commission determines that the representative will not involve improper influences.

The next version (CSSB 257(Jud)) was simpler:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose to the committee the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in the journal of the appropriate body

The next version in our files (CSSB 257(Jud)am) approximates the section that was eventually adopted:

Sec. 24.60.100. REPRESENTATION. A person to whom this chapter applies who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place in a journal of the appropriate body or if the legislature is not in session to the committee. The committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for in-

clusion in the journal for the first day of the session.

In commenting on February 24, 1984 to the conference committee on the conference committee version of SB 257 as well as the Senate and House versions, Billy Berrier noted the conflict:

Sec. 24.60.100 [of the conference committee version] requires that a person who represents another person before an agency of the state for compensation shall disclose the representation in the journal of the legislature is in session and, if not, to the committee. The committee must maintain a record of the disclosures and send them to the house involved for inclusion in the journal for the first day of the session.

The Senate version is identical. The House version prohibits representation before an agency of the state for compensation except in court actions and actions which were pending at the time the person was elected or employed.

It was, of course, the Senate version that was adopted.

What seems uncontrovertably clear in the evolution of AS 24.60.100 is that, at least within the context of SB 257, the legislature considered the question carefully and the provision finally adopted is clear that it permits a legislator to represent a client for compensation before an agency of the state.

I am aware from earlier work on this conflict that Theda Pittman, when she was executive director of the Public Offices Commission, has stated that she or staff of the commission discussed the conflict between AS 24.60.100 and AS 39.50.090(c) with the drafters of SB 257. I am certain that her statement is accurate but I cannot explain the failure of SB 257, as enacted, to resolve the conflict.

But it is clear that AS 24.60.100 is in pari materia to AS 39.50.090(c). Each law deals with the concern of the legislature with "conflict of interest" as that concerns affects legislators in a particular area: the representation by attorney-legislators of clients who have cases on matters involving executive agencies of the state.

Representative Pat Pourchot
Page 5
December 22, 1968

In my view, the subsequent enactment of AS 24.51.00 constitutes a pro tanto repeal by implication of the provisions of AS 39.50.090(c) as the latter section applies to legislators.

The matter could, of course, be addressed by legislation.

If I may be of further assistance, please advise.

RAB:gc
WRG5/033

230 Restraints on Public Official and Employee Representation of Clients
Before Government Entities

230.01 Appearance as an Advocate

(1) A public official or employee shall not appear as the advocate of another person before a state or local entity.

(2) A public official or employee may appear in an advocacy role before a state or local entity on behalf of:

(A) the public official or employee in the public official or employee's personal capacity;

(B) a member of the public official's immediate family; or

(C) the government entity that is the public official or employee's principal employer.

(3) This section does not limit a public official or employee from appearing before a state or local entity on a purely ministerial matter which does not require discretion on the part of the state or local entity.

230.02 Appearance as an Attorney

(1) A public official or employee shall not appear as an attorney for another person before a state or local entity.

(2) A public official or employee may appear in an advocacy role before a state or local entity on behalf of:

(A) the public official or employee in the public official or employee's personal capacity;

(B) a member of the public official's immediate family; or

(C) the government entity that is the public official or employee's principal employer.

(3) This section does not limit a public official or employee from appearing as an attorney before a state or local entity on a purely ministerial matter which does not require discretion on the part of the state or local entity.

COMMENT:

The preceding two sections prohibit a public official or employee from appearing before other government entities as an advocate or attorney for another person. This limitation is imposed to remove the appearance of impropriety that may arise when an official or employee seeks to influence the actions of other government officials who may be more prone to side with the official or employee than with an adversary unknown to them.

Excerpt, Model Ethics Law, November 1968, Council on Governmental Ethics Laws

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CONNECTICUT

345, 348; P.A. 83-249, S.6, 14; 83-270, S.3; 83-586, S.3, 14; P.A. 84-21, S.1,5; 84-335, S.2, 4; 84-546, S.141, 173; P.A. 87-524, S.5, 7, amending subsection (b) effective July 7, 1987.)

Sec. 1-84. (Formerly Sec. 1-66). Prohibited activities.

(a) No public official or state employee shall, while serving as such, have any financial interest in, or engage in, any business, employment, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, as defined in section 1-85.

(b) No public official or state employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(c) No public official or state employee shall wilfully and knowingly disclose, for financial gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or employment and no public official or state employee shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself, his spouse, child, child's spouse, parent, brother or sister or a business with which he is associated.

(d) No public official or his employee or state employee or his employee shall agree to accept, or be a member or employee of a partnership, association, or a professional corporation which partnership, association or professional corporation agrees to accept, any employment, fee or other thing of value, or portion thereof, for appearing, agreeing to appear, or taking any other action on behalf of another person before the banking department, the claims commissioner, the commission on hospitals and health care, the insurance department, the department of liquor control, the department of motor vehicles, the state insurance purchasing board, the department of environmental protection, the department of public utility control, the connecticut siting council, the division of special revenue within the department of revenue services, the gaming policy board within the department of revenue services or the Connecticut real estate commission; provided this shall not prohibit any such person from making

inquiry for information on behalf of another before any of said commissions or commissioners if no fee or reward is given or promised in consequence thereof. For the purpose of this section, partnerships, associations or professional corporations refer only to such partnerships, associations or professional corporations which have been formed to carry on the business or profession directly relating to the employment, appearing, agreeing to appear or taking of action provided for in this subsection. Nothing in this subsection shall prohibit any employment, appearing, agreeing to appear or taking action before any municipal board, commission or council. Nothing in this subsection shall be construed as applying (1) to the actions of any TEACHING OR RESEARCH professional employee of a public institution of higher education if such actions are not in violation of any other provision of this chapter, (2) TO THE ACTIONS OF ANY OTHER PROFESSIONAL EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IF SUCH ACTIONS ARE NOT COMPENSATED AND ARE NOT IN VIOLATION OF ANY OTHER PROVISION OF THIS CHAPTER OR (3) to any member of a board or commission who receives no compensation other than per diem payments or reimbursement for actual or necessary expenses, or both, incurred in the performance of his duties.

(e) No legislative commissioner or his partners, employees or associates shall represent any person subject to the provisions of part II concerning the promotion of or opposition to legislation before the general assembly, or accept any employment which includes an agreement or understanding to influence, or which is inconsistent with, the performance of his official duties.

(f) No person shall offer or give to a public official or state employee or candidate for public office or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official, state employee or candidate for public office would be or had been influenced thereby.

(g) No public official or state employee or candidate for public office shall solicit or accept anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public official or state employee or candidate for public office would be or had been influenced thereby.

(h) Nothing in subsection (f) or (g) of this section shall be construed (1) TO APPLY TO ANY PROMISE MADE IN VIOLATION OF

MASSACHUSETTS

involved is one:

1. in which he or she participated at any time as a state employee or special state employee;
2. which is or has been (within the preceding year) the subject of the employee's official responsibility; or
3. which is pending in the state agency in which the employee is serving -- if the employee serves more than 60 days in any 365 day period. To serve more than 60 days means to perform work on more than 60 days; work on any part of a day will be considered work for one full day. The employee is responsible for keeping accurate records in this regard.

Example: A lawyer consults with the Department of Public Health (DPH) for 45 days spread out over a year; she is a special employee. Her work relates exclusively to the DPH lead-paint program. The lawyer could also represent a community health center in a funding application before DPH because she does not have official responsibility for or participate in DPH funding decisions and she worked less than 60 days for DPH during the previous year.

c. Application to Legislators

Like "special" state employees, Legislators have more leeway under the restrictions of Section 4. Since members of the state Legislature are expected to speak and act on behalf of their constituents, a member of the General Court may act as the unpaid representative of a constituent before any state agency.

In addition, a Legislator may receive compensation from, or act as the paid agent or attorney for, someone other than the commonwealth or a state agency if the particular matter involved is:

1. ministerial in nature (ministerial functions include, but are not limited to, the filing or amendment of: tax returns, applications for permits or licenses, incorporation papers, or other documents); or
2. an appearance before a court of the commonwealth; or
3. an appearance in a quasi-judicial proceeding. A proceeding is considered quasi-judicial if the action of the state agency is adjudicatory in nature, is appealable to the courts and both sides are entitled to legal representation (Note: The Legislator's opposing counsel may neither be the attorney general

NEW JERSEY

52:13D-16. Representation, appearance or negotiation on proceeding pending before particular office, bureau, etc., or state agency

P.L. 1987, c. 432,
s. 3, eff.
Feb. 14, 1988

5. a. No special State officer or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.

ALL ROMAN

b. No State officer or employee or member of the Legislature, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency; provided, however, this subsection shall not be deemed to prohibit a member of the Legislature from making an inquiry for information on behalf of a constituent, if no fee, reward, or other thing of value is promised to, given to or accepted by the member of the Legislature, whether directly or indirectly nor shall anything contained herein be deemed to prohibit any such partnership, firm or corporation from appearing on its own behalf.

c. Nothing contained in this section shall be deemed to prohibit any legislator, or any State officer or employee or special State officer or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

(1) Pending before any court of record of this State.

(2) *In regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation),*

(3) *In connection with the determination or review of transfer inheritance or estate taxes,*

(4) *In connection with the filing of corporate or other documents in the office of the Secretary of State,*

(5) *Before the Division on Civil Rights or any successor thereof,*

(6) *Before the New Jersey State Board of Mediation or any successor thereof,*

(7) *Before the New Jersey Public Employment Relations Commission or any successor thereof,*

(8) *Before the Unsatisfied Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention pursuant to P. L. 1952, c. 174, § 5 (C. 39:6-65), or*

(9) *Before any State agency on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending.*

52:13D-17. Representation on matter in which directly involved during state service

P.L. 1987, c. 432,
s. 4, eff.
Feb. 14, 1988

6. No State officer or employee or special State officer or employee, subsequent to the termination of his office or employment in any State agency, shall represent, appear for →, negotiate on behalf of, or *provide information* → *not generally available to members of the public or services to*, or agree to represent, appear for, → negotiate on behalf of, or *provide information* → *not generally available to members of the public or services to*, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such State officer or employee or special State officer or employee shall have made any investigation, rendered, any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his office or employment. Any person who willfully violates the provisions of this section is a disorderly person, and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed six months, or both.

ALL ROMAN

...mment. The measure prohibits legislators and law partners and party chairs from representing clients before state agencies. It prohibits the New York City party chairs from representing clients before city agencies. The new law's postemployment provision restricts for 2 years an official's appearances before an agency with which the official was formerly associated. It prohibits a legislative employee from lobbying the Legislature during the same session for which the person had worked for the Legislature. The new law requires the City of New York to adopt disclosure reports and financial reporting for its officials. The law also establishes a temporary state committee on local government ethics to review standards of conduct for local governments.

For additional information consult Evan Davis, Counsel to the Governor of New York (212/587-2100 or 518/474-8343).

2. Legislation proposed: Early in 1987 New York's Legislature had passed a law that included these provisions:

a. Creation of ethics code: New York's Legislature passed a law that would have these results:

(1) Prohibited state officials and legislators from appearing before most state officials. Those who are attorneys could appear before some "quasi-judicial" proceedings, but would be required to disclose their appearances. Law partners of legislators, state officials, and legislative employees were required to disclose appearances before state agencies.

(2) Require state officials and legislators who earn more than \$30,000 to file lengthy financial disclosure statements detailing their own investments, as well as those held by their spouses and dependent children. Candidates for state office would be required to also file the statements.

(3) Establish two ethics commissions, one to oversee state employees and a second to oversee the legislature.

(4) Make all disclosure information and lists of appearances before state agencies available for public scrutiny.

(5) Bar legislators and state officials who are attorneys from sharing the profits earned by legal partners who represent cases before state agencies.

(5) Prohibit legislative employees who leave government service from lobbying the legislature until the next election.

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Items

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 7, 1989

SUBJECT: Representation by legislators and certain employees (HB 150)

TO: Representative Peter Goll

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

You have asked whether a system could be established to permit legislators and employees covered by AS 24.60 to represent clients before an agency in adjudications or quasi-judicial hearings that avoids having the matter considered by the commissioner. It is my understanding that the proposal would involve having the matter heard by a court, a person appointed by the court, or by another independent (non-agency) person.

Under AS 44.62.450 and AS 44.62.500 of the Administrative Procedure Act, an issue that is the subject of an adjudicatory hearing is decided by the agency. I have been informed that, in some cases, the role of the agency in making an initial determination is filled by the commissioner. Apparently, there is some concern about having an attorney from the legislative branch represent a client before a commissioner.

The problem with having this role filled by the court or a person appointed by the court is that the agency role (and expertise) in making initial determinations is circumvented as to some, but not all, matters depending upon who is representing the person involved in the adjudication. In addition, AS 44.62.560 provides for judicial review of an agency decision on the record. If the court determines the matter in the first place, that independent judicial review process is distorted. If someone else outside the agency makes the initial determination, the agency does not bring its expertise to the matter and it seems hard to justify the requirement of judicial review on the record rather than de

Representative Peter Goll
Page 2
March 7, 1989

novo. In addition, I believe that providing for two different administrative procedures, one for people represented by attorneys who are members of the legislative branch and another for everyone else, raises due process questions.

If it is the desire of the legislature to permit attorneys who are members of the legislative branch covered by AS 24.60 to represent clients before administrative agencies in adjudicatory matters, but not to permit them to represent clients before commissioners, I believe the Administrative Procedure Act should be amended to prevent commissioners from deciding any adjudications. Instead these matters could be decided by other agency members. In any case, people should be subject to the same procedures in administrative hearings regardless of who represents them.

TBC:kb
wkk2/110

Case law - potential problem -
[Equal protection] *isolated party -*
problem -

1 IN THE HOUSE

BY GOLL AND KOPONEN

2

HOUSE BILL NO. 150

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to representation of others by
legislators and certain legislative employees before
state agencies."

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

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* Section 1. AS 24.60.100 is amended to read:

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Sec. 24.60.100. REPRESENTATION. A person to whom this chapter

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applies may not represent [WHO REPRESENTS] another person for compen-

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sation before an agency, board, or commission of the state. However,

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a person to whom this chapter applies who is an attorney may represent

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a client before a court [SHALL DISCLOSE THE NAME OF THE PERSON REPRE-

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SENTED, THE SUBJECT MATTER OF THE REPRESENTATION, AND THE BODY BEFORE

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WHICH THE REPRESENTATION IS TO TAKE PLACE IN THE JOURNAL OF THE APPRO-

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PRIATE BODY OR IF THE LEGISLATURE IS NOT IN SESSION TO THE COMMITTEE.

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THE COMMITTEE SHALL MAINTAIN A PUBLIC RECORD OF THE DISCLOSURE AND

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FORWARD THE DISCLOSURE TO THE RESPECTIVE HOUSE FOR INCLUSION IN THE

21

JOURNAL BY THE FIFTH DAY OF THE SESSION].

*hearings
equal protection / who represents*

*Admin process. Act where. ...
Admin process. ...
GO TO COURT - ?
WALL ...
CORRECTIONS ...
problem
DO THAT WITH ...
NOW -*

Dilemma

Leave a firm - someone else do work - normal interest -

when leg come before body - unequal protection

specific - by Attorney -

justification is made by taken lobby contact -

2 weeks

↳ insurance firm - sudden like someone come before the state - he should stay firm - NOT let - he says he needs to go -

Rescheduling livelihood

public records

is it worth it to get it or - take record out of leg.

specialize

NO DIST. of law. All / more people / issues - specialise work
↳ NOT a separate group

only change law / reg - NOT doing
Division with state - but looking to
efficiency Admin procedure

Dennis B.



Official Business

Alaska State Legislature

Select Committee on Legislative Ethics

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

M E M O R A N D U M

DATE: March 10, 1989

TO: All Persons Covered by Legislative Ethics Code

FROM: Senator Pat Pourchot, Chair *Pat*
Select Committee on Legislative Ethics

SUBJECT: Advisory Opinions

On March 8, 1989 the Select Committee on Legislative Ethics adopted two advisory opinions that will likely have wide application for legislators and other persons covered by the legislative ethics code.

Opinion 89-1 clarifies that persons covered by the code must disclose, under AS 24.60.080(d), gifts of travel and hospitality of \$100 or more for the purpose of obtaining information on matters of legislative concern, that are accepted from corporations, associations, local governments, etc., in addition to individuals.

Opinion 89-2 deals with the requirement in AS 24.60.100 that a person covered by the code who represents another person for compensation before an agency, board or commission of the state must disclose that representation. The opinion concludes that the requirement does not require disclosure of representations of partners or attorneys who work in the same law firm as a person covered by the code.

Copies of these two opinions are attached.

PP:jbg:jl

Attachments

MARCH 8, 1989

Advisory Opinion 89 - 1

RE: Disclosure of travel and hospitality gifts from entities other than individuals

You have requested an advisory opinion, under AS 24.60.160, as to whether certain gifts of travel and hospitality in excess of \$100.00 that you have received must be disclosed under AS 24.60.080(d). Specifically you have asked whether that statute requires disclosure of two trips funded by an organization made up of state legislators, including Alaska legislators (and to which Alaska pays a membership fee), and of another trip funded in part by an agency of the federal government (and in part by legislative funds). We have concluded that you must disclose these trips.

The first sentence of AS 24.60.080(d) states that a person covered by the legislative ethics code "who accepts a gift of travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern shall disclose the gift if it has a value of \$100 or more." The next sentence requires the disclosure to include the "name and occupation of the person making the gift." You have suggested that this second sentence limits the duty to disclose to gifts given by individuals. We do not read the statute this way.

AS 01.10.060(8) provides, "In the laws of the state, unless the context otherwise requires . . . 'person' includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person." We see no reason why "person" in the second sentence of AS 24.60.080(d) should not be interpreted accordingly. Perhaps it can be argued that the use of "occupation" along with "person" limits the term to individuals. But in our opinion a better reading of the second sentence is to treat "occupation" when applied to corporations, companies, etc., as requiring disclosure of the nature or purpose of the entity.

Moreover, a narrow reading of "person" would greatly weaken AS 24.60.080(d). Gifts of travel and hospitality covered by that subsection are frequently given by companies or organizations; indeed, probably only a small percentage of such gifts come from individuals. We do not think that the subsection was meant to cover only this small percentage.

The state legislator organization clearly falls under the definition of "person" incorporated into subsection 080(d) by AS 01.10.060(8). The federal agency does not. Nevertheless, we believe that disclosure of the trip funded by that agency is still necessary.

First, we note that the initial sentence of AS 24.60.080(d) stands alone, and contains no limit on the duty to disclose based on the nature of the donor. The second sentence, the one with "person making the gift," should in our opinion be read as specifying what is required in the disclosure statement, and not as any limit on the duty. Thus the duty still exists, even though the second sentence does not specifically apply to a governmental entity.

More important, we believe that not requiring disclosure of travel and hospitality gifts from governmental entities would be undesirable from a policy standpoint. Certainly many such entities, such as municipalities and school districts, are as interested in influencing legislative action as private companies, and should have their gifts of travel and hospitality on matters of legislative concern subject to the same public scrutiny. And since AS 24.60.080 does not ban such gifts, but only requires their disclosure, we are inclined to interpret it to require maximum disclosure.

Adopted by the Select Committee on Legislative Ethics on March 8, 1989. Members present and concurring in the opinion were: Sen. Pat Pourchot, Chairman; Sen. Jack Coghill; Sen. Dick Eliason; Rep. Mike Davis; Rep. C.E. Swackhammer; Margie MacNeille; Irene Peyton; and Judge Thomas Stewart.

MARCH 8, 1989

Advisory Opinion 89 - 2

RE: Reporting representation by other attorneys
in law firm

You have requested an advisory opinion, under AS 24.60.160, as to the scope of AS 24.60.100, requiring disclosure of representation for compensation by persons covered by the ethics code. Specifically you have asked whether you, as a member of a law firm with you and one other attorney as partners and one salaried associate, must disclose representations by your partner and by the associate. It is our opinion that you do not need to disclose these representations, provided that you are in no way involved in handling the cases.

We would first note that disclosure is not required if the representation is before a court. AS 24.60.100 requires disclosure only of representations "before an agency, board or commission of the state." Based on this plain language, we cannot construe the statute as applying to judicial bodies. Moreover, our construction is supported by the legislative history of ch. 36, SLA 1984, the chapter enacting the ethics code.

We also conclude, based on the plain language of AS 24.60.100, that disclosure of representation before agencies, boards and commissions by your partner and associate is not mandated. The statute speaks to "[a] person to whom this chapter applies," i.e., a legislator or legislative employee. We cannot read this language to expand it to other individuals associated with you in the practice of law but not associated with you in your legislative duties.

Moreover, practical considerations dictate this result. Some law firms have forty or fifty attorneys in the state, sometimes in several different cities, and any one attorney may have no idea what agencies, boards or commissions all of his or her colleagues are appearing before. It would not be reasonable to expect the attorney covered by the code to try to keep track of all of these other attorneys' activities.

We stress, however, in keeping to our commitment to maximize reasonable disclosure under AS 24.60, that if you have any role whatsoever in the representation (other than sharing in the profits derived therefrom), it must be disclosed.

Adopted by the Select Committee on Legislative Ethics on March 8, 1989. Members present and concurring in the opinion were: Sen. Pat Pourchot, Chairman; Sen. Jack Coghill; Sen. Dick Eliason; Rep. Mike Davis; Rep. C.E. Swackhammer; Margie MacNeille; Irene Peyton; and Judge Thomas Stewart.