

HB

4

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

*P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029*

*Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101*

MEMORANDUM

April 23, 1991

SUBJECT: CSHB 4 (Jud) and the single-subject rule

TO: Representative Dave Donley
Chair, House Judiciary Committee
Attn: Hayden Kaden

FROM: John B. Gaguine *JBG*
Legislative Counsel

Dave Dierdorff, the revisor of statutes and our single-subject expert, believes that the latest version of CSHB 4 (Jud) (the "M" version) would not be found by a court to be in violation of the single-subject requirement of article II, section 13 of the Alaska constitution. He believes that because all the provisions of the bill relate to legislators and legislative employees (including former legislators and legislative employees), the bill would pass constitutional muster on this point. I agree with him.

If I may be of further assistance, please advise.

JBG:mi
91-077.mai

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX Y, JUNEAU 99811

(907) 465-



TO: Rep. Dave Donley, Chairman
House Judiciary Committee

FROM: Rep. David Finkelstein

DATE: March 12, 1991

RE: Request to schedule HB 4

I am writing to request that CSHB 4 (SA), relating to legislative ethics, be scheduled for a hearing as soon as possible. My office has requested revised fiscal notes from the Legislative Affairs Agency and the Department of Administration.

Thank you for your consideration of my request.

CSHB 4 (SA) - Legislative Ethics

Overview

ARTICLE 1. PURPOSE

P.1 AS 24.61.010 is a brief purpose section.

ARTICLE 2. STANDARDS OF CONDUCT

- P.2 AS 24.61.100 says that a legislator or legislative employee may not accept anything other than their regular paycheck and benefits for doing their legislative duties.
- P.2 AS 24.61.110 prohibits a legislator or legislative employee from using public funds or resources for private gain. There are exceptions for minor acts, like using a state photocopier to copy a medical form.
- P.3 AS 24.61.120 prohibits a legislator or legislative employee from using public funds or resources for political purposes. A legislator who is running for office may not use state funds to send out a mass mailing within 60 days of an election. A legislative employee may not work on political party activities on government time. Campaign contributions may not be solicited in state offices.
- P.4 AS 24.61.130 prohibits the use of a legislator's or legislative employee's title for private benefit.
- P.5 AS 24.61.140 prohibits a legislator from coercing political or other contributions by threatening to take a given action.
- P.5 AS 24.61.150 is the current legislative nepotism law, with a minor change allowing family members to begin work in the other house eight days before session and to finish eight days after session.
- P.6 AS 24.61.160 prohibits a legislator or legislative assistant (higher level staff) from working for a lobbyist, or allowing a lobbyist to take an active part in the legislator's campaign.
- P.6 AS 24.61.170 requires legislators and legislative assistants to disclose their membership on government and private boards, and to refrain from taking action that specifically relates to those boards.

ARTICLE 2. STANDARDS OF CONDUCT, continued

- P.7 AS 24.61.180 states the general conflict-of-interest prohibition that one cannot take an action that will significantly benefit one's financial interests. This is current law.
- P.7 AS 24.61.190 restricts the ability of legislators and legislative assistants to represent clients for pay before state boards and agencies. Current law only requires disclosure.
- p.8 AS 24.61.200 adopts, with slight modification, current law regarding participation in state contracts and leases. In addition, legislators and legislative assistants may not accept a contract concerning a matter which he or she worked on in the legislature for one year after leaving legislative service.
- P.9 AS 24.61.210 adopts, with slight modification, current law regarding the receipt of gifts. The value of non-exempted gifts a legislator or employee may receive from a single source is capped at \$100 per year.
- P.11 AS 24.61.220 prohibits honoraria and outside employment that would create conflicts of interest.
- P.12 AS 24.61.230 prohibits improper intercession by legislators on behalf of constituents.
- P.13 AS 24.61.240 prohibits reprisals against or harassment of whistle blowers.
- P.13 AS 24.61.250 requires legislators to abide by the Open Meetings Act.
- P.13 AS 24.61.260 prohibits legislators and legislative employees from engaging in unlawful discrimination.

ARTICLE 3. LEGAL DEFENSE FUNDS

- P.13 AS 24.61.350 authorizes the establishment of legal defense and election challenge funds. The legal action being paid for must be directly related to legislative or campaign work, and the commission will limit the size of donations.

ARTICLE 4. FINANCIAL DISCLOSURE

- P.14 AS 24.61.400-24.61.426 expands the existing financial disclosure requirements and increases the minimum reporting level from \$100 to \$1000. When the source of income has a substantial interest in state government, the nature of the services and the amount of compensation must also be disclosed. Failure to file or the filing of substantially incomplete statements is grounds for removal from the ballot.

- P.17 AS 24.61.430 requires disclosure to the Commission of a legislator's or legislative assistant's close economic associations with lobbyists. Current law requires public disclosure of associations with lobbyists and some other categories of people.
- P.18 AS 24.61.440 adopts, with slight modification, current law regarding disclosure of participation in state loans and programs.
- P.19 AS 24.61.450 makes it a class A misdemeanor to make a false, incomplete, or late disclosure required by the Ethics Act.

ARTICLE 5. LEGISLATIVE ETHICS COMMISSION

- P.19-33 AS 24.61.500-24.61.580 establish a Legislative Ethics Commission consisting of seven public members, appointed to four-year terms by the Supreme Court, the legislature, and the other commission members. These sections provide for advisory opinions as under current law; provide for a complaint process somewhat more open to the public than under current law; and authorize the commission to issue exemptions from the standards of conduct.

The Commission must hold voluntary ethics education courses for legislators, staff and lobbyists, as well as prepare a biennial report. Commissioners are subject to the Ethics Act, and are restricted from participating in political activities.

ARTICLE 6. GENERAL PROVISIONS

- P.33 AS 24.61.900-24.61.990 contain miscellaneous provisions concerning the retention of documents by the Commission, the penalty for disclosing confidential information, the definition of terms in HB 4, and the bill's general relationship to other laws.
- P.37 Sections 3-8 make the existing APOC law consistent with the Ethics Act and prevent duplication in reporting.
- P.39 Section 9 replaces the current \$4,000 cash office allowance with a system of reimbursement for legitimate office expenses. At the beginning of each legislature, the Legislative Council will set the maximum amount that may be reimbursed.
- P.39 Section 10 allows legislators to be reimbursed for two round-trip tickets from Juneau to their districts each session.
- P.39 Section 11 requires Legislative Council approval of out-of-state travel by "lame duck" legislators.
- P.40 Section 12 prohibits lobbyists from using state resources in the conduct of their business and from taking an active part in a legislative campaign.
- P.40 Section 13 prohibits a legislator from working as a lobbyist for one session after leaving office.

- P.41 Sections 14-20 make the existing APOC conflict-of-interest laws consistent with the Ethics Act and prevent duplication in reporting.
- P.42 Section 21 explains how the initial commission appointments will be made.
- P.43 Section 22 allows the commission to consider complaints of violations of the old ethics law (24.60) that occurred before the Ethics Act of 1991 goes into effect.
- P.43 Section 23 provides a transition period before the prohibition on representation of clients before state agencies goes fully into effect.
- P.43 Section 24 says that the definition section, APOC regulatory responsibility, and the portion of the bill which sets up the Commission will go into effect on July 1, 1991
- P.43 Section 25 says that the current \$4000 office allowance will be eliminated when the Legislative Council sets a maximum amount for reimbursement under the new voucher system.
- P.46 Section 26 says that the remainder of HB 4 goes into effect on January 1, 1992.

CSHB 6 (SA)

CONCEPTUAL CHANGES ADOPTED BY SUBCOMMITTEE

Pp. 19 - 20: Makeup of commission.

(a)(1) One member of senate appointed jointly by president and minority leader.

(2) One member of house appointed jointly by speaker and minority leader.

(4) Of the three members, no more than one may be a former member of the legislature.

(d) Neither chair or vice-chair can be a legislator.

(e) A commissioner may not be a legislator, except as provided in (a) (1) and (2).

P. 39: Legislative office allowance - DELETE

P. 39: § 10 - Legislative travel - DELETE

P. 6: Delete § 160(a) - has to do with fund raising.

P. 40: Delete § 121(a)(9) - has to do with fund raising.

INSERT - Legislative immunity for statements made during interim about legislative intent.

INSERT - Provision prohibiting person engaged in rate-making for an industry from going to work in that industry for one year.

INSERT - Legal defense of legislators and legislative staff provision.

Pp. 13 - 14: Delete provisions in § 350 regarding legal defense funds; retain election challenge funds - this latter re election challenge funds is unclear from my notes.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE FINKELSTEIN

TO: HB 4

Page 41, line 18, following "Sec. 10.", through page 42, line 7:

Delete all material and insert:

"AS 24.10 is amended by adding a new section to read:

Sec. 24.10.102. COMPENSATION OF LEGISLATORS. A legislator shall receive a salary and a per diem allowance that are prescribed by the State Officers Compensation Commission under AS 39.23.240(a)."

Renumber the following bill sections accordingly.

Page 43, following line 30:

Insert a new bill section to read:

** Sec. 16. AS 39.23.240(a) is repealed and reenacted to read:

(a) Not later than the 10th calendar day of the first regular session of a legislature, the commission shall submit to the legislature an order setting the salary and the per diem allowance of legislators under AS 24.10.102. The order may authorize a higher salary for the speaker of the house and the president of the senate than for other legislators. The order becomes effective 60 days after submission or on final adjournment of that session, whichever comes earlier, unless a bill disapproving the commission's order is enacted into law before the order becomes effective. If an order under this section is disapproved, the salary and per diem allowance of the legislators remain at the level set by the most recent order of the commission that was not disapproved. The commission may submit only one order during each legislature."

Page 45, following line 15:

Insert a new bill section to read:

** Sec. 22. AS 24.10.100, 24.10.101, and 24.0.105 are repealed."

Renumber the following bill section accordingly.

Page 45, following line 24:

Insert a new bill section to read:

"* Sec. 24. TRANSITIONAL PROVISIONS RELATING TO LEGISLATORS' SALARIES AND PER DIEM ALLOWANCES. Notwithstanding AS 39.23.240(a), as amended by sec. 16 of this Act, until the effective date of an order of the State Officers Compensation Commission under AS 39.23.240(a), as amended by sec. 16 of this Act, salaries of legislators shall be governed by AS 24.10.100, and per diem allowances shall be governed by AS 24.10.105."

Renumber the following bill sections accordingly.

Page 46, following line 17:

Insert a new bill section to read:

"* Sec. 29. Section 22 of this Act takes effect on the effective date of the first order of the State Officers Compensation Commission under AS 39.23.240(a), as amended by sec. 16 of this Act, that is not disapproved by the legislature under AS 39.23.240(a), as amended by sec. 16 of this Act."

Renumber the following bill section accordingly.

Page 46, line 18:

Delete "secs. 25 and 26"

Insert "secs. 27 - 29"

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**LEGISLATIVE AFFAIRS AGENCY
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Court Plaza, Room 500
Mail Stop 3101

*For Mary McB
only, please*

January 29, 1991

MEMORANDUM

SUBJECT: Provisions of ethics bill relating to staff
TO: Representative David Finkelstein
FROM: John B. Gaguine
Legislative Counsel

You have asked for a brief memorandum on how legislative staff would be affected by HB 4, your ethics reform bill. Here it is.

As you are aware, the Michael Josephson ethics bill from last year treated legislators and staff essentially the same; former staff, for example, was restricted from post-employment lobbying to essentially the same degree as former legislators. As the Josephson bill worked its way through the legislature, and legislative aides (and their legislator employers) voiced their objections, many of the restrictions on staff were deleted. Your bill continues this trend.

Of course, many of the general prohibitions in the bill apply to staff as well as to legislators: they may not, for instance, misuse state property for private gain, participate in legislative action if they have a substantial financial conflict of interest, or receive gifts worth \$100 or more (unless one of the exceptions to the prohibition applies). However, other prohibitions apply only to legislators and senior aides (those employees whose duties "involve the exercise of substantial discretion and judgment"); only these persons are restricted in representing clients for compensation before state boards and agencies, in working for lobbyists, and in participating in state contracts and leases. Finally, certain restrictions apply only to legislators, and not to any aides; among these are restrictions on service on boards of organizations with substantial interest in matters before the legislature, and most nepotism restrictions.

Further, unlike last year's Josephson bill, your bill only requires financial disclosure statements by legislators, legislative candidates, and about ten high-level legislative employees (such as the legislative auditor, the executive director of the Legislative Affairs Agency, and the ombudsman). These individuals are currently required to make financial disclosures to the Alaska Public Offices Commission under AS 39.50. Your bill also lessens the reporting requirements on close economic associations; it

Representative David Finkelstein
January 29, 1991
Page 2

*For
Mam only*

requires disclosure only of close economic associations with registered lobbyists, and only by legislators and senior aides.

Finally, I should note that, notwithstanding the bill's use of the term "legislative employee", it will not cover all who work for the legislature. It will cover many more than current law, which only applies to employees at Range 18 and above. However, your bill's definition specifically excludes "individuals who perform functions that are incidental to legislative functions, such as security, messengers, maintenance, and print shop employees," and those working less than 400 hours in a calendar year or 300 hours in a session. Moreover, as mentioned above, far fewer people will be covered as "legislative assistants" under your bill than are covered by the current law. Although the final decision as to who is a legislative assistant will rest with the Legislative Council and the new ethics commission, my guess is that many employees of the LAA and the legislative divisions who are now covered by the ethics law, and perhaps some aides who are now covered, will be found not to be legislative assistants.

I hope that this memorandum has been useful to you. Please let me know if I can be of further assistance.

JBG:pl
91-039.plm



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

House State Affairs Committee

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

March 8, 1991

MEMORANDUM

TO: Representative Dave Donley, Chair
House Judiciary Committee

FROM: Representative Gene Kubina, Chair
House State Affairs Committee

RE: CSHB 4 (State Affairs)

A handwritten signature in cursive script, appearing to read "Gene", written over the "FROM" line of the memorandum.

The House State Affairs Committee passed out a committee substitute for HB 4, the legislative ethics bill, which will be coming to your committee next week. The State Affairs CS is substantially different from Representative Finklestein's original HB 4:

- (1) the legislative salary portion has been removed and is included under HB 129 (which is already scheduled for hearing in your committee);
- (2) sections dealing with campaign finance have been pulled out and reconstituted into HB 195 by Rep. Finklestein.

These changes have a significant impact on the previous departmental fiscal notes and new fiscal notes have been requested from APOC and LAA Administrative Services. Rather than holding up the bill in State Affairs, I want to refer it on to your committee so that you will have plenty of time to review the changes. The new fiscal note from APOC will take more than five days to prepare since it will have to be approved by the Commission during their next meeting on March 15.

Finally, the committee did review your amendment for adding new sections dealing with legal defense funds. Rather than weighing the merits of the amendment, the committee felt that it would be more appropriate to bring the legal defense fund issue up in Judiciary.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 21, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3-8-91

The STATE AFFAIRS Committee considered:

HB 4

HOUSE BILL NO. 4

LEGISLATIVE ETHICS ACT

"An Act establishing a legislative ethics commission and standards of conduct for legislators, candidates for the legislature, legislative employees, former legislators and employees, and lobbyists; requiring financial disclosures by legislators, candidates for the legislature, and certain legislative employees; amending legislators' compensation and allowances; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 4 (State Affairs) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) _____

zero fiscal note Law-Prosecution/Legal Services

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Gene Kubina</i>				
<i>Tom Meyer</i>				
<i>Steve...</i>	<i>David...</i>		<input checked="" type="checkbox"/>	
<i>Mike Miller</i>	<i>Mike Miller</i>		<input checked="" type="checkbox"/>	

Gene Kubina
Chairman's Signature



Official Business

Alaska State Legislature

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

TO: House State Affairs Committee
FROM: Rep. David Finkelstein
DATE: February , 1991
RE: HB 4, Legislative Ethics Act of 1991

House Bill 4, the Legislative Ethics Act of 1991, replaces the current legislative ethics law with a new statute. I believe HB 4 will strengthen our standards of conduct and increase public confidence in the legislative process.

In your packets are an overview of the bill, a fiscal note, and an amendment on legislative compensation which I hope you will consider. I am working with the Legislative Affairs Agency to reduce the fiscal note to make sure it reflects the streamlined bill now before you, rather than the legislation under consideration last session.

Please let me know if you have amendments you would like made to HB 4. I look forward to working with you.

HB 4 - Legislative Ethics

Overview

ARTICLE 1. PURPOSE

P.1 AS 24.61.010 is a brief purpose section.

ARTICLE 2. STANDARDS OF CONDUCT

P.2 AS 24.61.100 says that a legislator or legislative employee may not accept anything other than their regular paycheck and benefits for doing their legislative duties.

P.2 AS 24.61.110 prohibits a legislator or legislative employee from using public funds or resources for private gain. There are exceptions for minor acts, like using a state photocopier to copy a medical form.

P.3 AS 24.61.120 prohibits a legislator or legislative employee from using public funds or resources for political purposes. A legislator who is running for office may not use state funds to send out a mass mailing within 60 days of an election. A legislative employee may not work on political party activities on government time. Campaign contributions may not be solicited in state offices.

P.4 AS 24.61.130 prohibits the use of a legislator's or legislative employee's title for private benefit.

P.4 AS 24.61.140 prohibits a legislator from coercing political or other contributions by threatening to take a given action.

P.5 AS 24.61.150 is the current legislative nepotism law.

P.5 AS 24.61.160 prohibits a legislator or legislative assistant (higher level staff) from working for a lobbyist, or allowing a lobbyist to take an active part in the legislator's campaign.

P.6 AS 24.61.170 restricts legislators and legislative assistants' membership on government and private boards.

P.6 AS 24.61.180 states the general conflict-of-interest prohibition that one cannot take an action that will significantly benefit one's financial interests. This is current law.

P.7 AS 24.61.190 restricts the ability of legislators and legislative assistants to represent clients for pay before state boards and agencies. Current law only requires disclosure.

ARTICLE 2. STANDARDS OF CONDUCT, continued

- p.7 AS 24.61.200 adopts, with slight modification, current law regarding participation in state contracts and leases. In addition, legislators and legislative assistants may not accept a contract concerning a matter which he or she worked on in the legislature for one year after leaving legislative service.
- P.9 AS 24.61.210 adopts, with slight modification, current law regarding the receipt of gifts.
- P.11 AS 24.61.220 prohibits honoraria and outside employment that would create conflicts of interest.
- P.12 AS 24.61.230 prohibits improper intercession by legislators on behalf of constituents
- P.13 AS 24.61.240 prohibits reprisals against or harassment of whistle blowers.
- P.13 AS 24.61.250 requires legislators to abide by the Open Meetings Act.
- P.13 AS 24.61.260 prohibits legislators and legislative employees from engaging in unlawful discrimination.

ARTICLE 3. CAMPAIGN FINANCE RESTRICTIONS

- P.13 AS 24.61.300 prohibits certain uses of campaign funds, including using funds for contributions to other campaigns or as personal income.
- P.14 AS 24.61.310 limits the use of surplus campaign funds. House candidates may transfer \$5,000, and Senate candidates \$7,500, into a future campaign account. Additional surplus funds may be used to pay back loans, pay for a victory party, repay contributors, or make a donation to the general fund or a charitable organization.
- P.14 AS 24.61.320 restricts fundraising to the period from June 1 of the year before the election through the general election. Legislators and other public office holders would also be unable to raise funds from Jan. 1 through May 31 in the year of the election.
- P.15 AS 24.61.330 gives APOC the responsibility for enforcing the campaign finance sections of HB 4, AS 24.61.300 - 320.

ARTICLE 4. LEGAL DEFENSE FUNDS

- P.15 AS 24.61.350 authorizes the establishment of legal defense and election challenge funds not subject to the limitations on gifts.

ARTICLE 5. FINANCIAL DISCLOSURE

- P.16 AS 24.61.400-24.61.420 enacts financial disclosure requirements broader than those in current AS 39.50. Legislators, candidates and legislative directors must disclose the sources of their income to the commission. When the source of income is a source that has a substantial interest in state government, the nature of the services and the amount of compensation must also be disclosed. The spouses and dependent children of legislators, candidates and directors must also disclose the sources of their outside income.
- P.18 AS 24.61.430 requires disclosure to the Commission of a legislator's or legislative assistant's close economic associations with lobbyists. Current law requires public disclosure of associations with lobbyists and some other categories of people.
- P.19 AS 24.61.440 adopts, with slight modification, current law regarding disclosure of participation in state loans and programs.
- P.20 AS 24.61.450 makes it a class A misdemeanor to make a false, incomplete, or late disclosure required by the Ethics Act. In addition, if a candidate fails to make the income disclosures required in AS 24.61.400-420, the lieutenant governor will remove the candidate from the ballot.

ARTICLE 6. LEGISLATIVE ETHICS COMMISSION

- P.21-34 AS 24.61.500-24.61.580 establish a Legislative Ethics Commission consisting of seven public members, appointed by the Supreme Court, the legislature, and the other commission members. These sections provide for advisory opinions as under current law; provide for a complaint process somewhat more open than under current law; and authorize the commission to issue exemptions from the standards of conduct.

The Commission must hold voluntary ethics education courses for legislators, staff and lobbyists, as well as prepare a biennial report. Commissioners are subject to the Ethics Act, and are restricted from participating in political activities.

ARTICLE 7. GENERAL PROVISIONS

- P.34 AS 24.61.900-24.61.990 contain miscellaneous provisions concerning the retention of documents by the Commission, the penalty for disclosing confidential information, the definition of terms in HB 4, and the bill's general relationship to other laws.

SECTIONS 3 - 27

- P.39 Sections 3-9 make the existing APOC law consistent with the Ethics Act and prevent duplication in reporting.
- P.41 Section 10 of the bill raises the salary for legislators to \$36,000 per year from the current level of \$22,148.
- P.41 Section 11 eliminates long-term per diem payments for legislators during the interim, but continues short-term per diem during the session.
- P.42 Section 12 replaces the current \$4,000 cash office allowance with a voucher system, and raises the amount that can be vouchered under the new system to a maximum of \$7,000 for a single-representative district, \$9,000 for a two-representative district, and \$13,000 for a four-representative (Senate) district.
- P.42 Section 13 allows legislators to be reimbursed for two round-trip tickets from Juneau to their districts.
- P.42 Section 14 prohibits lobbyists from using state resources in the conduct of their business and from taking an active part in a legislative campaign.
- P.43 Section 15 prohibits a legislator from working as a lobbyist for one session after leaving office.
- P.43 Section 16-21 make the existing APOC conflict of interest laws consistent with the Ethics Act and prevent duplication in reporting.
- P.45 Section 22 explains how the initial commission appointments will be made.
- P.45 Section 23 allows the commission to consider complaints of violations of the old ethics law (24.60) that occurred before the Ethics Act of 1991 was in effect.
- P.46 Section 24 provides a transition period before the prohibition on representation of clients before state agencies goes fully into effect.
- P.46 Section 25 says that Article 3, campaign finance restrictions, will go into effect immediately.
- P.46 Section 26 says that the portion of the bill which sets up the Commission will go into effect on July 1, 1991
- P.46 Section 27 says that the remainder of HB 4 goes into effect on January 1, 1992.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE FINKELSTEIN

TO: HB 4

Page 41, line 18, following "Sec. 10.", through page 42, line 7:

Delete all material and insert:

"AS 24.10 is amended by adding a new section to read:

Sec. 24.10.102. COMPENSATION OF LEGISLATORS. A legislator shall receive a salary and a per diem allowance that are prescribed by the State Officers Compensation Commission under AS 39.23.240(a)."

Renumber the following bill sections accordingly.

Page 43, following line 30:

Insert a new bill section to read:

** Sec. 16. AS 39.23.240(a) is repealed and reenacted to read:

(a) Not later than the 10th calendar day of the first regular session of a legislature, the commission shall submit to the legislature an order setting the salary and the per diem allowance of legislators under AS 24.10.102. The order may authorize a higher salary for the speaker of the house and the president of the senate than for other legislators. The order becomes effective 60 days after submission or on final adjournment of that session, whichever comes earlier, unless a bill disapproving the commission's order is enacted into law before the order becomes effective. If an order under this section is disapproved, the salary and per diem allowance of the legislators remain at the level set by the most recent order of the commission that was not disapproved. The commission may submit only one order during each legislature."

Page 45, following line 15:

Insert a new bill section to read:

** Sec. 22. AS 24.10.100, 24.10.101, and 24.0.105 are repealed."

Renumber the following bill section accordingly.

Page 45, following line 24:

Insert a new bill section to read:

"* Sec. 24. TRANSITIONAL PROVISIONS RELATING TO LEGISLATORS' SALARIES AND PER DIEM ALLOWANCES. Notwithstanding AS 39.23.240(a), as amended by sec. 16 of this Act, until the effective date of an order of the State Officers Compensation Commission under AS 39.23.240(a), as amended by sec. 16 of this Act, salaries of legislators shall be governed by AS 24.10.100, and per diem allowances shall be governed by AS 24.10.105."

Renumber the following bill sections accordingly.

Page 46, following line 17:

Insert a new bill section to read:

"* Sec. 29. Section 22 of this Act takes effect on the effective date of the first order of the State Officers Compensation Commission under AS 39.23.240(a), as amended by sec. 16 of this Act, that is not disapproved by the legislature under AS 39.23.240(a), as amended by sec. 16 of this Act."

Renumber the following bill section accordingly.

Page 46, line 18:

Delete "secs. 25 and 26"

Insert "secs. 27 - 29"

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO: CSHB 4 (STA)

Revision Date: _____
Title: "An Act establishing a legislative ethics commission... for legislators...employees..."
Sponsor: House State Affairs
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Component: Legislators' Salaries & Allow. Council & Subcommittees & Legal Svcs.

..COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	48.9	48.9	48.9	48.9	48.9	48.9
TRAVEL	130.4	130.4	130.4	130.4	130.4	130.4
CONTRACTUAL	28.6	28.6	28.6	28.6	28.6	28.6
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	20.5	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	231.4	210.9	210.9	210.9	210.9	210.9

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	231.4	210.9	210.9	210.9	210.9	210.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	231.4	210.9	210.9	210.9	210.9	210.9

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

see attached 2 pages.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela Stoops

Phone: 465-3850
Date: 4/5/91

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren Endicott

Date: 4/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE: CSHB 4 (STA)

This fiscal note reflects changes in requested funding for Legislators' Salaries & Allowances, Legal Services and Ethics funding in the Council & Subcommittees component. FY 92 budget request of \$3,716,000 for Legislators' Salaries & Allowances is in addition to the requested figures in this fiscal note.

PERSONAL SERVICES

1. Staff is requested as follows to assist the Legislative Ethics Commission:

Executive Director - Range 24A			
	\$5,084 x 12 months =	\$61,008	
	\$61,008 x 35% benefits =	\$21,585	
		<u>\$82,593</u>	82.6
Executive Secretary - Range 15A			
	\$2,745 x 12 months =	\$32,940	
	\$32,940 x 42% benefits =	\$13,987	
		<u>\$46,927</u>	46.9
			<u>129.5</u>

The elimination of the House and Senate Ethics Committees will no longer require an attorney position from the Legal Services Division. -80.6

TRAVEL

2. It is anticipated there will be 6 meetings of the Legislative Ethics Commission.

6 meetings x 7 members at 3 days each			
airfare - 6 meetings x 7 members = 42 airfares			
	42 airfares x \$436 =	\$18,312	
per diem - 6 meetings x 7 members = 42			
	42 x 3 days per diem = 126		
	126 x \$95 =	\$11,970	
		<u>\$30,282</u>	30.3

3. Legislative Ethics Commission staff travel - travel for Executive Director and staff to Legislative Ethics Commission meetings and other related travel - \$10,000. 10.0

4. A new subsection is added to reimburse a member of the Legislature for up to two round trip tickets from Juneau to a city in the district from which the legislator was elected during each regular session of the Legislature.

2 trips each session			
Coach travel for 57 legislators			
	\$28,789 x 2 trips = \$57,578		57.6
Per Diem - 3 days x 57 legislators x \$95/day = \$16,245/trip			
	2 trips x \$16,245 = \$32,490		
		<u>32.5</u>	
		90.1	90.1

A reduction in the cost of two trips home could be realized if the wording of section 10 was changed. As it is now these two trips home are not for committee, subcommittee or other official business of the legislature.

CONTINUATION OF FISCAL NOTE: CSHB 4 (STA)

CONTRACTUAL

5. Professional services for contracts to investigate compliance with the Legislative Ethics Act of 1991 with outside investigators, attorneys, additional staff, etc. Training services for orientation education courses, etc. - \$30,000.	30.0
6. Lease office space funding 1,000 sq. ft x \$2.00 sq. ft = \$2,000 \$2,000 x 12 months = \$24,000	24.0
7. Preparation & publication of the Legislative Ethics Education Manual; development and dissemination of training materials - \$15,000.	15.0
8. Phones and postage - \$800 a month x 12 months = \$9,600.	9.6
9. Elimination of funding of the House and Senate Ethics Committees - \$50,000.	-50.0

SUPPLIES

10. Office Supplies - paper, stationery, etc. - \$3,000.	3.0
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EQUIPMENT

11. 3 desks, 2 filing cabinets, bookcases, 3 chairs, 3 computers, 1 laser printer, phone system, etc. Misc. equipment to furnish Legislative Ethics Commission staff office - \$20,500.	20.5
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FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSHB4 00749

Revision Date: March 11, 1991 Department Affected: Administration
 Title: Legislative Ethics Act of 1991 BRU: Alaska Public Offices Commission
 Component: _____
 Sponsor: _____
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	164.5	122.5	126.6	130.8	135.2	140.3
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	5.4	24.7	24.7	24.7	24.7	24.7
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	172.9	147.2	151.3	158.5	162.9	168.0

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	172.9	147.2	151.3	158.5	162.9	168.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	172.9	147.2	151.3	158.5	162.9	168.0

POSITIONS:

FULL-TIME	3	2	2	2	2	2
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \$0

ANALYSIS: (Attach a separate page if necessary.)
 See attached narrative.

Prepared By: Karen Boorman *Karen Boorman* Phone: 276-4176
 Division: Administration Date: April 3, 1991
 Approved by Commissioner: Annie Laurie Howard *Annie Laurie Howard Chair*
 Agency: Alaska Public Offices Commission Date: April 3, 1991

3/18/91

CSHB4

Personnel:

*Associate Coordinator Range 18A \$40,723
**Paralegal Range 16A \$35,343
Documents Examiner Range 13A \$28,854 (starting 1/1/92)
Clerk III (ANC)1/2 time Range 8A \$10,666
Clerk III (JNO)1/2 time Range 8B \$10,981

Benefits:

30% of base salaries (includes insurance) \$37,970

Travel:

** Regulations hearing \$3,000

Contractual Services:

Instruction/educational materials
(design, print, postage for forms and manuals) \$5,400

*****Legal fees**

Hearing \$12,000
Witness fee 250
Subpoenas \$3,000
Transcripts \$1,000

*Funding for this full-time position will be required if the FY92 budget decrement is adopted. If there is no budget decrement a part time position (30 hours per week) will suffice.

**Funding for paralegal position and travel for regulations hearing required for FY92 only.
(\$38,343 total)

***Complaint investigation funds will be necessary after FY92.

CS HB 4 FISCAL NARRATIVE

This bill establishes new financial disclosure requirements for legislators, candidates for the legislature and legislative directors and restricts lobbyists use of state property and participation in legislative campaigns.

The lobbying provisions prohibit lobbyists from using state property or resources, and from becoming actively involved in campaign management or fundraising. The financial disclosure requirements for the legislature are more detailed than current law and establish categories of income that require disclosure of amounts under some circumstances.

The commission anticipates it will incur start-up costs as it prepares to assume its duties in administering these provisions. Staff time will have to be spent developing forms, manuals, and instructional material, and preparing proposed regulation changes for commission adoption. The APOC FY 92 budget includes a budget reduction of \$115,200 for the FY 92 adjusted base, including a reduction in staff, travel and printing. Remaining staff cannot undertake these start-up activities, so new positions would be required. Printing and distribution costs for new materials would need to be supplemented.

The commission will receive ongoing requests for advice about interpretations of the law, including questions such as whether a source of income is a category A or B source, whether and under what circumstances and for what types of category A income must amounts be given. Staff will also be required to respond to increased questions from local and other state candidates due to confusion over which set of rules apply to them.

The commission anticipates several new complaints annually alleging that a legislator, legislative candidate or a lobbyist has violated one or more of these prohibitions. Potential complaints include allegations that a legislative candidate did not reveal a category A source of income and did not disclose the true value of the income or that a lobbyist is not observing the new fundraising restrictions. The commission anticipates that one complaint annually will proceed to public hearing before the commission, the expense of which cannot be absorbed from funds currently budgeted.

The commission will need to hold a hearing in FY 92 to adopt regulatory changes. The expenses of such a hearing are not funded within the FY 92 budget.

In order to meet the mandates of the new law, the commission will need to add one professional staff member (Associate Coordinator - Range 18) and one paraprofessional staff member (Paralegal - Range 16) to develop regulations, revise manuals and forms during the first year. In subsequent years two positions will not be necessary and the associate coordinator will absorb the

ongoing advice and complaint investigation workload. Because the one secretary/receptionist in the Anchorage office cannot absorb additional telephone, front counter, filing and typing tasks which will result from the increased workload, the commission also will need a part-time clerk typist III (Range 8). In order to investigate complaints about lobbyists, the Juneau office will require half-time clerical help throughout the year instead of the six months budgeted. This will press the lobbying administrator's time for advice to lobbyists about application of the law to their activities, and for investigatory fact finding.

A detailed breakdown of the costs associated with administration and enforcement of this bill is attached.

FISCAL NOTE

No. 1
 Bill Version: CSHB 4 (STA)
 (H) Publish Date: 3/11/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act establishing a BRU: Prosecution/Legal Services
legislative ethics commission..." Component: Prosecution/Criminal Justice Litigation
 Sponsor: Representative Finkelstein Legal Services/Operations
 Requestor: House State Affairs COMPONENT SERIAL NO.

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9 3

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 13, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 13, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 4

House Bill No. 4 establishes a comprehensive statutory framework to govern the conduct of legislators and employees of the legislature. Implementation and administration of the proposed Act, known as the Legislative Ethics Act of 1991, would be the responsibility of the Legislative Ethics Commission, which would be established in the legislative branch of government.

Although the bill contains numerous provisions that carry criminal penalties, it is not anticipated that these provisions will cause a fiscal impact for the Department of Law. First, the ethics commission will also be responsible for providing education and training programs for legislators, legislative employees, and lobbyists to prevent unethical conduct. Second, past criminal violations in this area have been rare, and therefore the proposed Act would not require additional prosecution resources.

Only one part of the Act assigns new duties to the attorney general and this part, proposed AS 24.61.575, gives the attorney general the discretionary power to independently bring civil or criminal actions relating to ethics violations, regardless of the outcome or settlement of a charge before the ethics commission. Because of the broad authority given to the commission to regulate ethical conduct, the attorney general's intervention in this arena should be infrequent.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

House State Affairs Committee

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

March 8, 1991

MEMORANDUM

TO: Representative Dave Donley, Chair
House Judiciary Committee

FROM: Representative Gene Kubina, Chair
House State Affairs Committee

RE: CSHB 4 (State Affairs)

Gene

The House State Affairs Committee passed out a committee substitute for HB 4, the legislative ethics bill, which will be coming to your committee next week. The State Affairs CS is substantially different from Representative Finklestein's original HB 4:

(1) the legislative salary portion has been removed and is included under HB 129 (which is already scheduled for hearing in your committee);

(2) sections dealing with campaign finance have been pulled out and reconstituted into HB 195 by Rep. Finklestein.

These changes have a significant impact on the previous departmental fiscal notes and new fiscal notes have been requested from APOC and LAA Administrative Services. Rather than holding up the bill in State Affairs, I want to refer it on to your committee so that you will have plenty of time to review the changes. The new fiscal note from APOC will take more than five days to prepare since it will have to be approved by the Commission during their next meeting on March 15.

Finally, the committee did review your amendment for adding new sections dealing with legal defense funds. Rather than weighing the merits of the amendment, the committee felt that it would be more appropriate to bring the legal defense fund issue up in Judiciary.

**THE PRECEDING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

COMMITTEE REPORTS (House)

Legislative Ethics Act of 1991

HOUSE BILL NO. 4, (see page 68). Reported back to the House March 11, 1991 by State Affairs recommending HB 4 be replaced with a State Affairs Substitute, and that it do pass. Concurring: Kubina (Chair), Moyer, Bruckman, Gruenberg. Not concurring: Choquette, Baker, and M.W. Miller have no recommendation. To Judiciary.

The House State Affairs Committee Substitute makes the following changes to the original bill:

—Page 3, lines 11 - 15. Adds language to provide that the subsection relating to the misuse of state property and resources for political purposes does not prohibit "...*(l) the occasional or limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties, the cost or value related to the use is so nominal that reimbursement procedures would not be justified, and the use does not create the appearance of impropriety or improper influence;...*"

—Page 6, line 3. Adds new language to section relating to nepotism to define "interim between legislative sessions" to mean "...the period beginning on the eighth day after the legislature adjourns from a regular session and ending eight days before the date that the legislature shall convene under AS 24.05.090."

—Page 6, line 23. Rewrites section entitled "Restricted Relationships: Board Memberships and Other Public Offices." The original bill had a separate section that said a legislator could not serve on a governing or advisory board of a nongovernmental organization that regularly has a substantial interest in the legislative, administrative, and political actions of the legislator. The separate section is eliminated.

The State Affairs bill says: "...A legislator or legislative assistant may serve on a board of an organization, including governmental entity, that regularly has a substantial interest in the legislative activities of the assistant, if the legislator or assistant discloses the board membership to the commission. A legislator or legislative assistant may not, as part of the legislator's service or the assistant's employment, be personally involved in an issue or take a specific action that directly relates to an organization of which the legislator or assistant is a board member, unless required to do so by the Uniform Rules of the Alaska State Legislature."

—Page 12, line 4. Changes language in section entitled "Restrictions on Earned Income: Outside Employment and Honoraria." The original version said a legislator or legislative assistant was not prohibited from accepting an honorarium from a governmental entity outside of the state, "...from a university other than the University of Alaska, or from another nonprofit educational *or civic* institution, provided that the amount paid is reasonable and commensurate with the services performed."(emphasis added). In the State Affairs version, the italicized language is removed.

—Page 13, line 4. Changes language in section entitled "Intercession on Behalf of Constituents." The language in the original bill provided: "...*(b) This section may not be construed to prevent a legislator from ... (4) exercising vigilant oversight with respect to the policies, regulations, procedures, and implementation practices of an agency, provided that the oversight activities are conducted through the normal committee processes of the legislature and that the focus is on the policies, procedures, and practices of the agency and not the handling of a particular matter.*" (emphasis added). The State Affairs version removes the italicized language.

—Page 13, line 20. Removes language in section entitled "Accountability: Openness and Oversight." by removing language that said a legislator should "...exercise the authority of

COMMITTEE REPORTS (House)

HB 4 (cont'd)

their offices openly so that the public is informed about governmental decisions and can hold them accountable for their actions."

—Removes Article 3 of the original bill, that was entitled "Campaign Finance Restrictions. Prohibited Uses of Campaign Funds." (see page 13, lines 23 - 31, page 14, lines 1 - 31, and page 15, lines 1 - 24, original version).

—Page 13, line 31 through page 14, line 8. Adds language to section entitled "Legal Defense and Election Challenge Funds" to allow a legislator or legislative employee to establish a fund to assist with the payment of attorney fees and other costs arising from their defense "...of a civil, criminal, or administrative action brought against the legislator or employee and directly related to acts or omissions of the legislator or employee while acting as a legislator or employee or while campaigning for elective office, or from the prosecution or defense of an administrative or judicial action concerning a contested election in which the legislator or employee is a candidate...." (underlined language added by State Affairs). Also provides that the Legislative Ethics Commission will adopt regulations "...establishing a maximum amount that a person may contribute to a fund."

—Page 14, 15, 16. Adds clarifying language to provide that the "commission" a legislator must disclose financial information to is the Alaska Public Offices Commission.

—Page 15, line 28, and page 16, lines 7 and 9. A person required to make financial disclosures will be required to file with the Alaska Public Offices Commission a statement "...(1) as to all income received as compensation for services in excess of \$1,000... (3) ...the name and address of the source and the cash value of reimbursement for expenses aggregating more than \$1,000 from a single source in the reporting period;...(4) as to each loan or loan guarantee from a category A source yielding loan proceeds of \$1,000 or more in the reporting period, the name and address of the person making the loan or guarantee..." (the amount was \$100 in the original version of the bill).

—Page 16, line 27. Adds a new section relating to the review of statements. This section replaces subsections removed from page 18 of the original version (see subsections (b) and (c) on lines 14, 17, 25, and 28, original version). The Legislative Ethics Commission will be required to obtain the statements filed with the Alaska Public Offices Commission and review them to determine whether an impermissible conflict of interest exists or would exist if a candidate were elected. If a conflict does or would exist, the commission will have to consider appropriate actions.

New language on page 17, lines 1 - 17 says that a statement filed with the Alaska Public Offices Commission is a public record unless the person submitting it requests it be kept confidential in whole or in part, and states the reasons for the request, and the Alaska Public Offices Commission finds that no valid public purpose would be advanced by publication. In ruling on a request, APOC will have to consider the potential adverse effect on the reputation of a client of a person who is required to file the report if the information were made public. APOC will adopt regulations exempting psychiatrists, psychologists, and similar professionals from having to disclose the identities of their clients.

Adds new section entitled "Removal from Ballot for Failure to File," that provides in addition to civil and criminal sanctions under the legislative ethics law, if APOC finds that a candidate for the legislature, including an incumbent, has failed to file a required financial disclosure report, or has filed a report that is substantially incomplete or misleading, it will notify the lieutenant governor. The lieutenant governor will return the candidate's filing fee and remove the candidate's name from the filing records. Note: this language was originally found under

COMMITTEE REPORTS (House)

HB4 (cont'd)

AS 24.61.450 (Prohibited Conduct Relating to Disclosures), page 21, line 1, original version.

--Page 19, line 30. Commissioners on the Legislative Ethics Commission will serve staggered terms of four years (was five years).

--Page 20, line 14. A Legislative Ethics Commission member can be decertified by a majority vote of each house of the legislature *by concurrent resolution*. The original version said a commissioner could be decertified by both houses of the legislature. A commissioner can be removed from office by a vote of two-thirds of each house *by concurrent resolution*. (italicized language added).

--Page 20, line 22. Removes language that said the commission had to meet at least once every three months.

--Changes language relating to compensation of ethics commissioners. The State Affairs version says commissioner serve without compensation, but are entitled to per diem and travel expenses authorized for state boards and commissions. The original version said they would receive \$175 for each day they attended or participated in a commission meeting of at least one hour in length, and the commission chair would receive an additional stipend of \$500 a year.

--Page 22, line 29. Removes language that would have required the ethics commission to authorize research in the field of legislative ethics.

--Deletes section 4, page 39, original version.

--Section 5, Section 7, page 38. Clarifying language changes.

--Removes sections 10 and 11 of the original version, which changed legislative salaries from a monthly salary equal to Step A, Range 10 of the state salary schedule to \$36,000 a year. Section 11 rewrote the law on legislative per diem.

--Page 39, line 16. Changes language relating to legislative office allowances. As rewritten, the legislative council will be required, within 10 days of the beginning of a regular session of the legislature in an odd-numbered year, set a maximum amount that may be reimbursed. If the council does not set a maximum amount, the previously established maximum amount will remain in effect. The council can vary the maximum amount according to the number of constituents a legislator represents.

--Page 39, line 24. Removes language that said the two round trip tickets from Juneau to the city from which the legislator was elected could "be for a personal, family, business, or constituent purpose."

--Page 39, line 29. Adds a new section that says a legislator in a final term cannot travel out of state at legislative expense unless the travel is approved by a majority of the legislative council, regardless of which legislative entity or legislative account will be paying for the travel.

--Adds a repealer, page 42, line 24. Repeals AS 24.10.110 (Legislature. Officers, Employees and Compensation. Additional Allowances).

--Page 42, line 28 through page 43, line 6. Changes initial terms of Legislative Ethics Commissioners.

COMMITTEE REPORTS (House)

HB 4 (cont'd)

--Effective dates vary.

School Health & Personal Safety Education

HOUSE BILL NO. 7, (see page 72). Reported back to the House March 13, 1991 by Health, Education and Social Services recommending HB 7 be replaced with a House HESS Committee Substitute, and as follows: Lincoln (Co-Chair), B. Davis, and C. Davis recommend it do pass; Carney (Co-Chair), Hanley and Gonzales have no recommendation. To Finance. The committee further attached a Letter of Intent:

"It is the intent of the Legislature in requiring the creation of health education curriculum advisory committees to allow communities to decide whether to establish separate health curriculum advisory committees or to work within the confines of existing advisory school boards for the purpose of advising on matters related to health education. It is not the intent of the Legislature to discourage smaller communities with populations under 50 from developing a health curriculum, but rather those communities may work within the school system already in place.

It is further the intent of the Legislature to encourage the university system to add a course in health education and a course in public safety to the core requirements for a degree in education, at both the elementary and secondary level. Additionally, teachers applying for recertification should be encouraged to take health and personal safety courses. Teacher aides and student teachers, as part of their teaching practicum should have to develop and participate in health and personal safety lesson plans while in the classroom.

It is further the intent of the Legislature that all appropriate departments and divisions within the State work with school districts to develop and deliver an appropriate health and personal safety curriculum for each community. The Department of Education and the Department of Health & Social Services should be consulted regularly to determine the best approach and the most current methods for teaching health and personal safety.

It is further the intent of the Legislature that the transitional period included in HB 7 provide for time to develop this curriculum.

Finally, it is the intent of the Legislature to conduct a review of the costs associated with providing comprehensive health and personal safety education and to make recommendations to the appropriate committees regarding the impact of the curriculum on the educational instructional unit."

The House HESS Committee Substitute makes the following changes to the original bill:

--Changes the bill's "purpose" section by adding two new subsections to provide: "It is the purpose of this Act to ... (2) bring the appropriate agencies of government into the process of developing and implementing health and personal safety education; (3) encourage the University of Alaska to add a three-credit course in health education and a three-credit course in personal safety education to the core requirements for a degree in elementary or secondary education."

--Changes language in AS 14.30.360 (Health and Safety Education. Curriculum) to require the governing body of a school district to "...establish guidelines for a comprehensive health and personal safety education program. Upon request, agencies of state government shall provide

Standards of Conduct
of
Legislators and Legislative Employees



Alaska State Legislature

June 1988

(2) "person employed by the legislative branch of government" means a person who is employed by

(A) an individual legislator;

(B) a legislative body, including a legislative committee; or

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

RELATED STATUTES

Sec. 11.56.805 FALSE ACCUSATION. (a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics established in AS 24.60.

(b) False accusation is a class A misdemeanor.

Sec. 39.50.025. NOTIFICATION TO CANDIDATES FOR LEGISLATURE. On receipt of a statement under AS 39.50.020 from a candidate for the legislature the commission (the Alaska Public Offices Commission) shall mail, by certified mail, a copy of AS 24.60, Standards of Conduct, to the candidate at the address shown on the report.

STANDARDS OF CONDUCT

Sec. 24.60.010. LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that it is essential in the conduct of public business that legislators hold the respect and confidence of the people. Legislators must avoid conduct that even appears to violate the trust the people have placed in them. To ensure and preserve public confidence, legislators should have the benefit of specific standards to guide their conduct. Article II, sec. 12, Constitution of the State of Alaska grants to each house of the legislature the power to judge the qualifications of its members. It is the purpose of this Act to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

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

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

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

(3) a person employed by the legislative branch of government whose position is established below Range 18 of the state salary schedule established in AS 39.27.011(a).

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature or a person employed by the legislative branch of government. They do not supersede or repeal provisions of the criminal laws of the state.

Sec. 24.60.030. CONFLICTS OF INTEREST. (a) A person to whom this chapter applies may not use public office for private advancement or gain.

(b) A conflict of interest exists when a person to whom this chapter applies takes or withholds official action or exerts official influence that could substantially benefit or harm a financial matter in which the person has a direct or indirect private interest.

(c) Conflicts of interest are prohibited but there is not a conflict of interest if, as to a specific matter, there is no substantial impropriety or appearance of impropriety because

(1) the person's interest is relatively insignificant; or

(2) the person's authority is relatively far removed from any official action that could reasonably be

decision public 30 days after the referral. The legislature shall act on the decision as it considers appropriate.

(1) If the majority of the members of the committee agree to a decision that a former member of the legislature or an employee or a former employee of the legislative branch of government has violated a provision of this chapter, the committee shall issue a public statement of its decision 30 days after the date of the decision. The legislature shall act on the decision as it considers appropriate. In the case of an employee the action may include suspension, demotion, or dismissal. The employee is entitled to a hearing before final action is taken.

(m) A committee member or member of the committee staff who divulges information concerning a proceeding, except as permitted by this chapter, is guilty of a class A misdemeanor.

Sec. 24.60.180. COOPERATION BY STATE AGENCIES. Each agency of the executive branch of state government shall, to the extent permitted by state or federal law, cooperate fully with the committee or a subcommittee by providing information and assistance, including disclosure of financial material and other records relating to a potential violation of this chapter.

Sec. 24.60.190. DEFINITIONS. In this chapter

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

unless the person charged with a violation of this chapter requests an open hearing. The committee is not bound by the rules of evidence but the committee's findings must be based upon competent and substantial evidence. Testimony taken at the hearing shall be recorded and evidence shall be maintained. The testimony and evidence are available only to the committee and its staff and to the person charged with a violation of this chapter. If the person charged with the violation of a provision of this chapter requests a copy of the transcript of testimony, the copy shall be furnished by the committee without charge.

(j) A decision of the committee shall be in writing, and signed by the majority of the members of the committee. Each decision of the committee must be accompanied by a written order of the committee determining that a violation of this chapter exists or does not exist. The order is confined to this determination. This order is a public record.

(k) If the committee issues a decision finding that a member of the legislature has violated a provision of this chapter or that a legislator has declined or failed to cooperate with the committee, it shall refer the decision to the presiding officers of the legislature. The decision shall contain a statement of the facts determined to constitute the violation or the failure to cooperate and may contain recommendations concerning any penalties the legislature may lawfully impose. The committee shall make the

affected by the potential conflict of interest, provided that no attempt has been made to remove the appearance of impropriety by delegating responsibility for official action.

(d) A conflict exists if benefits accrue to a person to whom this chapter applies beyond that which may accrue uniformly to members of the profession, occupation or group to which the person belongs, or to the public at large.

(e) Repealed.

(f) It is a conflict of interest for a member of the legislature to accept money from an event held within the capital city during the session if a substantial purpose of the event is to raise money on behalf of the member for state legislative campaign purposes or for other state legislative political purposes.

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

Sec. 24.60.040. CONTRACTS OR LEASES. (a) A person to whom this chapter applies may not be a party to or have an interest in a state contract or lease unless the contract or lease is let through competitive sealed bidding under AS 36.30 (State Procurement Code) or the total annual amount of the state contract or lease is \$1,000 or less, or is a standardized contract or lease which was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation

or group. A person has an interest in a state contract or lease under this section if the person receives direct or indirect financial benefits.

(b) In this section, "direct or indirect financial benefits" means income, profits or other financial benefits under a state contract, without regard to whether the income, profits or other financial benefits ensue to the person as a partner, shareholder, investor, agent, employee, consultant, or joint venturer of the contractor.

Sec. 24.60.045. HAZARDOUS WASTE CONTRACTS. A legislative staff member may not solicit or receive a contract concerning hazardous waste from a state agency or department other than the legislature during the interim following a session in which the person worked. This section applies to legislative staff members Range 18 or higher. In this section "hazardous waste" has the meaning given in AS 46.-03.900.

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

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

(g) If the committee determines that a probable violation exists that may be corrected by action of the person and that does not warrant sanctions other than c - rection, the opinion shall recommend corrective action. The person against whom the complaint was made may comply with the opinion or may request a hearing before the committee. After the hearing the committee may amend or affirm the opinion.

(h) If the person fails to comply with the opinion or if a majority of the members of the committee determine that there is probable cause for belief that a violation of this chapter that may not be corrected under (g) of this section has occurred, the committee shall formally charge the person. The charge and statement of the alleged violation shall be personally served on the person charged. The alleged violator has 20 days after service of the charge and statement to respond in writing to the committee.

(i) The committee may set a time and place for a hearing before the committee with a minimum of 10 days notice to the complainant, if any, and to the person charged with a violation of this chapter. A representative of the committee and the person charged with a violation of this chapter shall have an opportunity to be heard, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to have the right of cross-examination. Each witness shall testify under oath. Hearings are closed to the public

under oath by the person making the complaint. A complaint, other than a complaint initiated by at least two-thirds of the members of the committee, may not be filed within a period of 60 days preceding a state primary or general election. Each proceeding pending before the committee on the 60th day preceding a state primary or general election is stayed until certification of the election unless the proceeding is based on a complaint initiated by at least two-thirds of the members of the committee or, on a complaint initiated by a person who is not a member of the committee, if two-thirds of the members of the committee direct the continuation of the proceeding. The committee shall notify in writing a person against whom a complaint has been filed of a stay of the proceeding. If the person objects in writing to the stay the proceedings shall continue.

(e) The committee shall notify in writing each person against whom a complaint is received and afford the person an opportunity to explain the conduct alleged to be a violation of this chapter. If the committee determines that a complaint does not contain allegations of facts sufficient, if the alleged facts are treated as true, to constitute a violation of this chapter, the committee may summarily dismiss the complaint.

(f) The committee shall investigate the charges filed under this section and issue an opinion to the person alleged to have violated a provision of this chapter.

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

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

section.

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

(d) Each person to whom this chapter applies who begins participation in a state program or who receives a loan listed under (b)(2) of this section after January 15 of each year shall deliver a report of the program or loan to the committee within 30 days after the participation in the state program or receipt of a state loan begins. The report shall be published in the appropriate supplemental journal if received by the committee during the regular session of the legislature. Each report filed with the committee under this subsection is open to the public.

(e) Each record of a state agency relating to

participation in a state program or receipt of a state loan by a person to whom this chapter applies may be disclosed to the committee and to the division of legislative audit.

(f) The committee shall annually identify the programs and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The division of legislative audit shall prepare a report to the committee on the audit of the participation in state programs and the receipt of loans from the state by persons to whom this chapter applies. The report to the committee is confidential until it is released by the committee.

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

Sec. 24.60.060 CONFIDENTIAL INFORMATION. It is a conflict of interest if a person to whom this chapter applies willfully discloses, or knowingly uses, for personal gain or for the personal gain of another, information that by law is not available to the public and that the person acquired in the course of official duties.

Sec. 24.60.070. INTERESTS BETWEEN PUBLIC OFFICIALS. A person to whom this chapter applies shall disclose in the journal of the appropriate body or if the legislature is not in session to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth

may be extended by the committee for not more than an additional 10 days if the person requesting the opinion consents. The opinion issued is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter an advisory opinion is confidential but may be made public if a written request by the person who requested the opinion is filed with the committee.

Sec. 24.60.170. PROCEEDINGS BEFORE THE COMMITTEE. (a) The committee may initiate, receive and consider complaints alleging a violation of this chapter.

(b) The committee may investigate a violation of this chapter in a proceeding begun within two years after the alleged violation occurs and within one year after termination of state service. Nothing in this subsection bars proceedings against a person who intentionally prevents discovery of a violation of this chapter.

(c) Before the committee may exercise power authorized in this section, the committee shall by resolution supported by a majority vote of the full membership of the committee, define the nature and scope of the inquiry. The committee shall investigate all complaints on a confidential basis.

(d) A proceeding is commenced by the filing of a complaint with the committee. A complaint may be initiated by any person. A complaint shall be in writing and signed

(3) to issue advisory opinions under AS 24.60.-
150.

Sec. 24.60.150. DUTIES OF THE COMMITTEE. (a) The committee shall

(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;

(2) publish semi-annual summaries of decisions and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential.

(b) The committee may

(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

(2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

Sec. 24.60.160. ADVISORY OPINIONS. The committee shall issue an advisory opinion within 30 days on the request of a person to whom the chapter applies or a person elected to the legislature who at the time of election is not a member of the legislature as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. The 30-day period for issuing an opinion

day of the session, the formation or maintenance of a close economic association involving a substantial financial matter with

(1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions;

(2) legislators;

(3) a public official who is required to file a financial disclosure statement under AS 39.50 and is not an appointed municipal officer;

(4) a registered lobbyist;

(5) a person to whom this chapter applies who is employed by the legislative branch of government if the close economic association is with a legislator.

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

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

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

(1) hospitality, other than hospitality described in (4) of this subsection

(A) with incidental transportation at the residence of a person; or

(B) at a social event or meal;

(2) discounts that are available generally to the public or to a large class of persons to which the person belongs;

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

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

(5) gifts from the family of the person.

(d) A person to whom this chapter applies 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 disclosure must include the name and occupation of the person making the gift and the approximate value of the gift. Each gift required to be disclosed under this subsection shall be disclosed within 30 days of the receipt of the gift in the journal of the appropriate body or, if the legislature is not in session, to the committee. The

of which the disqualified legislator is a member shall appoint another member from that house, with a recorded concurrence of a majority vote of the subcommittee of that house, to act as a member of the committee in the proceeding.

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

Sec. 24.60.140. AUTHORITY OF THE COMMITTEE. (a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

(1) over proceedings concerning the conduct by an employee of an agency of the legislature;

(2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and

An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee or a subcommittee may contract for professional services and may employ staff as it considers necessary.

(g) Each member serves for the duration of the legislature during which the member is appointed.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an advisory opinion requested by the member. If the legislature is in session when a legislative member is disqualified under this subsection, the presiding officer of that member's house shall, with the concurrence by roll call vote of two-thirds of the full membership of that house, appoint another member from that house to act as a member of the committee in the proceeding. If the legislature is not in session when a legislative member is disqualified, the presiding officer of the house

committee shall maintain a public record of the disclosures it receives and shall forward the disclosure to the appropriate house for inclusion in the journal by the fifth day of the next regular session.

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

Sec. 24.60.090 NEPOTISM. (a) A spouse or an individual other than a spouse who is related to a member of the legislature may not be employed in the house in which the legislator is a member, by an agency of the legislature established under AS 24.20, or in either house during the interim between sessions. An individual who is related to an employee of the legislature may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a child, stepchild, husband, wife, mother, father, sister, or brother.

(b) For purposes of this section an individual is not employed if no compensation is received from the state for the services provided.

(c) For purposes of this section, a legislator is not an employee of the legislature.

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.

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

(1) resign the conflicting position;

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

(3) disclose the conflict of interest 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 but disclosure does not remove the conflict of interest.

Sec. 24.60.120. STATE PROPERTY AND FUNDS. A person to whom this chapter applies may not use state property, except property under lease from the state, or state funds for private gain.

Sec. 24.60.130. SELECT COMMITTEE ON LEGISLATIVE ETHICS. (a) There is established within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

(1) the senate subcommittee consists of three members of the senate, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate; and

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

(3) three public members, who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house, shall serve on both the full committee and each subcommittee.

(c) No more than two legislative members of each subcommittee may be members of the same political party or the same organizational caucus.

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

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section.

BOARD: COMPENSATION COMMISSION, STATE OFFICERS

BOARD IDENTIFICATION NUMBER: 22

TITLE: State Officers Compensation Commission

DEPT: Office of the Governor

AUTHORITY: AS 39.23.200

STATUS: ACTIVE

REQUIREMENTS:

PROHIBITIONS: Members may not be employed by the state, including the University of Alaska; serve as a member of another state board, commission, or authority; or hold elective state or municipal office during membership on the commission. Members may serve no more than 2 complete consecutive terms.

TERM: 4 years

DESCRIPTION: 7 members appointed by the Governor. Commission membership shall include at least one business executive, one representative of a non-partisan voters' organization, one person with experience in public administration, and one representative of a labor organization.

SPECIAL FACTS: Commission elects chair. Majority constitutes quorum. Affirmative vote of four members is required to approve recommendations.

FUNCTION: Commission will review the salaries, benefits, and allowances of members of the Legislature and submit a report on its findings at least once every two years, but not more frequently than every year. The commission may review the compensation, benefits, and allowances of the Governor, Lieutenant Governor, justices and judges of the court system, and the heads of the principal departments and shall report its recommendations to the Legislature.

COMPENSATION: Standard travel/per diem.

MEETINGS: Every other year at the call of the chair.

*FOR FURTHER INFORMATION CONTACT: Staff Assistant, Alaska State Officers Compensation Commission, 3111 C Street, Suite 150, Anchorage, AK 99503 PHONE: 276-0653 (Revised 1/14/91)

REVISION DATE: 1/15/91

COMPENSATION COMMISSION

MEMBER	APPT	REAPT	REAPPT	TERM
Cecilia A Angasan P.O. Box 89 Dillingham Public 99576	86/10/10	89/10/20	0/00/00	93/07/01
Donald Argetsinger c/o NANA, P.O. Box 49 Kotzebue Public Administration 99752	86/10/10	90/06/15	0/00/00	94/07/01
Bryan F Borjesson 514 Steel Creek Road Fairbanks Public 99701	87/01/21	88/07/25	0/00/00	92/07/01
Gary A Brooks SRB Box 7516 Palmer Labor 99645	86/10/10	89/10/20	0/00/00	93/07/01
Susan T Buchanan 3149 Princeton Way Anchorage Public 99508	86/10/10	90/06/15	0/00/00	94/07/01
Kathleen L Wakefield P.O. Box 211469 Auke Bay Voter Organization 99821-1469	86/10/10	87/10/01	0/00/00	91/07/01
Donna C Willard 124 East Seventh Avenue Anchorage Business Chair 99501	86/10/10	88/07/25	0/00/00	92/07/01

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 4

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act establishing a
legislative ethics commission..." BRU: Prosecution/Legal Services
 Sponsor: Representative Finkelstein Component: Prosecution/Criminal Justice Litig.
House State Affairs Legal Services/Operations
 Requestor: _____ COMPONENT SERIAL NO.

		8	9
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Expenditures/Revenues: (Thousands of Dollars)

9 3

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 13, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 13, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 4

House Bill No. 4 establishes a comprehensive statutory framework to govern the conduct of legislators and employees of the legislature. Implementation and administration of the proposed Act, known as the Legislative Ethics Act of 1991, would be the responsibility of the Legislative Ethics Commission, which would be established in the legislative branch of government.

Although the bill contains numerous provisions that carry criminal penalties, it is not anticipated that these provisions will cause a fiscal impact for the Department of Law. First, the ethics commission will also be responsible for providing education and training programs for legislators, legislative employees, and lobbyists to prevent unethical conduct. Second, past criminal violations in this area have been rare, and therefore the proposed Act would not require additional prosecution resources.

Only one part of the Act assigns new duties to the attorney general and this part, proposed AS 24.61.575, gives the attorney general the discretionary power to independently bring civil or criminal actions relating to ethics violations, regardless of the outcome or settlement of a charge before the ethics commission. Because of the broad authority given to the commission to regulate ethical conduct, the attorney general's intervention in this arena should be infrequent.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DONLEY

NAME: MR. JACK WATSON

TITLE:

ADDRESS: 7800 DEBARR ROAD

CITY: ANCHORAGE

ZIP: 99513

PHONE: N/R-

BILL NO:

SUBJECT: ETHICS BILL HB 4

MESSAGE: IN ORDER TO PREVENT CRIMINAL FRAUD THAT HAS OCCURRED IN THE PAST, REP FINKELSTEIN'S BILL SHOULD UNQUESTIONABLY INCLUDE LANGUAGE THAT WOULD PROHIBIT ANY CANDIDATE FOR LEGISLATIVE OFFICE FROM SIGNING HIS OR HER OWN VOTER REGISTRATION FORM TO ESTABLISH RESIDENCY TO QUALIFY AS A CANDIDATE IN ANY PARTICULARLY DISTRICT. /CHR

POMID: 03092805

DATE: 91/03/08

TIME: 09:28:05

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER

BOYER

BRUCKMAN

CHOQUETTE

B.DAVIS

ELLIS

FOSTER

GRUENBERG

HANLEY

IVAN

KOPONEN

LARSON

LINCOLN

MACLEAN

H.A.MILLER

MOYER

PARNELL

R.PHILLIPS

TAYLOR

ZAWACKI

BARNES

BROWN

CARNEY

DAVIDSON

C.DAVIS

FINKELSTEIN

GONZALES

GRUSSENDORF

HUDSON

JACKO

KUBINA

LEMAN

MACKIE

MARTIN

H.W.MILLER

NAVARRE

G.PHILLIPS

SHARP

ULMER

ADAMS

COLLINS

COTTEN

DUNCAN

ELIASON

FAHRENKAMP

FISCHER

FRANK

HALFORD

HOFFMAN

JONES

KERTTULA

MENARD

PEARCE

POURCHOT

RODEY

SHULTZ

STURGULEWSKI

UEHLING

ZHAROFF