

SCOMM

#35:2

Legislative Reform Committee Meeting
April 14, 1983
Tape 1, Side B

CODE OF ETHICS

- Faiks: Mr. Chairman, I move the section .010.
- Phillips Senator Faiks? Any objections. Okay. Motion passes. Now we'll look at page 2, line 8, dealing with .020, conduct of a legislator.
- Josephson: Mr. Chairman.
- Phillips: Senator Josephson?
- Josephson: Are there any sanctions for not adhering to the conduct of a legislator in 020?
- Phillips: I purposely left that out because I think we'll discuss that, you know, at the end.
- Josephson: I'd like to know that now (laughter) before I agree to the text and the reason I state because I'm always a little worried about the spirit of the law and the letter of the law and, by golly, I'd hate to have somebody say well no he didn't do that and he didn't do that but the spirit is broken. I don't mind that as part of the Boy Scout oath and we'll all do our best but I do mind it if it is suddenly going to become a question of expelling a member from the Senate because there's no literal violation of the rules but we don't think the spirit was
- Phillips: Well, Senator, it is the intent of the chair to have some simple code of ethics that which all six of us can at least agree on. If you don't want any penalties that's fine with me. I think, you know we ought to work on a code that we think the Legislature will accept as you know code of conduct. Senator Kelly? I'm just saying that
- Kelly: I'm just wondering why you want to put this in statute. I would think that this belongs as a preamble to the Uniform Rules or something of that nature or accepted as a code of ethics for the Legislature. I'm just, I don't know why you want to put it into statute. You know, the statutes, most of this stuff, a lot of this stuff is covered in the bill that we've just been working on, you know. Other stuff is covered other ways. This is just kind of a, you know, as Joe was saying this is kind of a general thou shalt not and thou shalt and it just seems to me that where we really need this is somewhere within the legislative branch in front of the Uniform Rules as a preamble. Something of that nature. Just rather than

Phillips: Good point, good point. Okay then what's the feeling of the committee? Should this be in the rules. Cause we do have, the next item we're taking up is uniform rules and we can incorporate it this code with the rules as a suggestion to the Legislature to adopt. Senator Josephson?

Josephson: I would have no problem with the having it in the rules. I would also have no problem with perhaps having some kind of written oath supplementing the oath we take when you're sworn in that says that you will not, you know, accept favors or benefits or that sort of thing. Make that a requirement of the office.

Phillips: Let me ask Mr. Bradley. Can that be done?

Bradley: Can you do what?

Phillips: Put this in the uniform rules.

Bradley: Well, I would say that the Boy Scout aspects sort of cease with section 20. I think that 30 and on become a bit more substantive.

Phillips: Senator Faiks?

Faiks: Mr. Chairman, one through ten in 010 are appropriate for in front of the Uniform Rules, I would think, but I agree with Mr. Bradley that there are definite thou shalt nots in 030 on. Specific things.

Phillips: Senator Kelly?

Kelly: What we could do is take the provisions that fit and adopt it by concurrent resolution in both houses and have it printed in the same booklet that the uniform rules are printed so that we don't have to renumber the uniform rules but it will be printed on the inside cover or printed on the front page of the Uniform Rules or something like that. But we will have established a code of ethics adopted by both houses.

Phillips: Senator Halford?

Halford: Yeah, I just want to say something specifically on 020 you're saying the ten commandments, expose corruption wherever discovered and in 020(a) you say engage in conduct that reflects creditably on the legislature. At times investigation (indiscernable) reflect creditably on the legislature. There's a direct conflict in the ninth commandment and 020 worded as they are now.

Josephson: Well

Phillips: Senator Josephson?

Josephson: I wouldn't read "reflect creditably" to mean that you have to participate in a coverup of wrong doings. There is that theory always that you hear that well don't say anything because the public will not like the legislative branch (undiscernable) but I hope that is not what is meant by 020.

Phillips: Senator Kelly?

Kelly: Mr. Chairman, just -- let me just make a suggestion here to get us off the mark here.

Phillips: Right. Go ahead.

Kelly: That we take section 24.60.010 and put that into a separate concurrent resolution that hopefully would be adopted by both houses and printed in the, along with the uniform rules.

Phillips: Is that in the form of a motion?

Kelly: I would so move. And now as we go through, we might want to add other stuff to that or the other stuff could go somewhere else. I would so move.

Phillips: Is there any objection or discussion?

Josephson: Well, I would like

Phillips: Senator Josephson

Josephson: to discuss it more 'as to how if we are going to have some statute maybe we ought to might as well do the whole thing by statute.

Phillips: Well that was what I was going -- I would think it would be pretty awkward here we have, if I can use the words loosely, the ten commandments, and then we're getting down to campaign funds, funds raising, use of personal staff, compensation, discrimination, so on and so forth

Faiks: That's all covered (undiscernable)

Kelly: Mr. Chairman?

Phillips: Senator Kelly?

Kelly: Let me try again.

Phillips: Okay

Kelly: What I would do on conduct of a legislator (a), I would put (a) above the beginning of it.

Phillips: For a new bill?

Kelly: On a resolution that the legislature would adopt. So I would incorporate 20 into 10 and I would probably put paragraph (a) above general precepts. I mean, "A member of the legislature shall at all times engage in conduct that reflects creditably on the legislature and (1) and (2) and (3)

Faiks: There you go. That's perfect

Kelly: Okay? And then we get down to campaign funds. But I think some of this stuff

Phillips: Can be in the uniform rules or at least

Kelly: No. Well, I think some of this stuff should be in statute but it just seems to me that some of this stuff doesn't fit with the first two sections.

Phillips: Okay.

Lacher: Representative Phillips?

Phillips: Representative Lacher?

Lacher: Isn't section 030, campaign funds, already in APOC statute? And certainly some of these other things are already in the conflict of interest bill that we've passed.

Bradley: Maybe there by implication (undiscernable) clearly (undiscernable)

Lacher: Oh.

Phillips: Senator Faiks?

Faiks: Well, in that case, I'd like it in statute.

Phillips: Okay.

Kelly: Okay, but where it belongs is in the APOC

Lacher: APOC statute

Kelly: statute. (undiscernable) I mean it doesn't

Phillips: Mr. Miller?

Miller: Well, I was just going to (undiscernable). As a matter of fact we are going much beyond the APOC statute. According to the APOC statute (car noises) campaign disclosure statutes what you do with campaign funds after the election is over is completely your own business. You can comix them, you can sit up a separate account, you can go to Hawaii, you can do anything you want to

Lacher: Really?

Various: Oh yeah. That's right
Undiscernable.

Josephson: For tax purposes, for federal tax purposes

Miller: You have to report it, yes. But in any case, what this suggests with that idea we should be very much aware that we are making a major change in APOC (undiscernable)

Various: undiscernable

Miller: doing it without all that other language in front of us and not having some commentary from the Commission itself and I'm a little bit confused by what it means when it says that a member may not expend, may expend no funds from a campaign account not attributable to a bona fide campaign purpose, where for instance a person might end up an election a loser but with say \$400 left over. Other than a conslation party or something like that what other bona fide activity can you put that money to? I guess you can give it to some other guy, somebody else's campaign next year or you could return it, I guess.

Phillips: Senator Josephson?

Josephson: We didn't get that from the Congress of the United States, I can assure you of that because they use campaign funds, I think, for special events to entertain (undiscernable) am I wrong? So that is a major policy issue and you could be an incumbent who does not plan to run ever again and you have a \$500 surplus and it's not really quite clear what you do. Is this our last meeting?

Phillips: I think so.

Josephson: Then in (b) "A member of the legislature may not use appropriated funds or state supplies and equipment merely for campaign activity " bothers me because it implies that you can use it for campaign activities that you can use it for campaign activity and something else.

Faiks: (undiscernable)

Kelly: Let me try this again, Mr. Chairman.

Phillips: Okay, let's

Kelly: We take conduct of a legislator (a)

Phillips: Right.

Kelly: put it in front of 010

Phillips: 010

Kelly: and actually it should say "a member of the legislature shall at all times engage in conduct that reflects creditably on the legislature" and then the next sentence should be "a person in the legislative branch" so that also includes all of our employees.

Phillips: Okay.

Kelly: And let's introduce that as a resolution

Faiks: Good

Kelly: And in the resolution it would state that it would be printed in the

Phillips: Uniform Rules

Kelly: same, that this is the code of ethics and that it would be printed in the uniform rules, in the same booklet or whatever. And then if you want to do anything on these other things, then put them where they belong in statute. But I don't think we have time, if this is our last meeting, we're not going to be able to do that. It's going to take individual. I can't see anything else in here that kind of goes along with the ethics code

Faiks: What about 070?

Kelly: Yeah, I can see that.

Faiks: 070 I think would be terrific

Phillips: Okay are you suggesting

Kelly: I may not understand it, but I can see it.

Phillips: Senator Josephson?

Josephson: Um

Phillips: Senator Kelly, would you also include 070 as part of that?

Kelly: Yes, yes.

Phillips: Ten commandments?

Josephson: Oh

Phillips: Senator Josephson?

Josephson: I would like to see if we are going to print it in the uniform rules, I would like to see that oath given by the Lt. Governor's office to all candidates for the legislature at the time of filing so that as you, so that you know what your obligations are?

Phillips: Okay. Is that in the form of a motion, Mr. Kelly?

Kelly: Yeah.

Phillips: Would you restate that?

Kelly: I would say that we introduce a concurrent resolution that starts out to the effect of a, conduct of a legislator, a member of the legislature shall at all times engage in conduct that reflects creditably on the legislature, and then the next sentence is a person in the legislative branch should, list everything in 010 and then go and then also add 070, official business of the legislature, but I think it should be done in a manner that I don't think it should be written like statute, per say, you know, but it kind of also should be done in a long hand ethical, but it should be listed in a different way that this is.

Unidentified: Is this going to be a uniform rule?

Phillips: Yes.

Kelly: It would not be a rule, per say. It would be the legislative code of ethics, it would be printed

Phillips: It would be something like this

Kelly: along with the Uniform Rules. Plus the oath

Phillips: Senator Josephson?

Josephson: Let me address a very important question. If, correct me, if I'm wrong, but I thought -- can you be expelled from the Legislature for violating a rule?

Various: (undiscernable)

Bradley: I don't think once (undiscernable) you can be expelled for anything.

Josephson: So if we, if we do it Senator Kelly's way, the legislature could still impose sanctions on a member who did not comply with these standards.

Various: (undiscernable)

Kelly: We can do that right now. The Legislature is the judge of

Phillips: of (undiscernable)

Kelly: its own members. Anybody at anytime can be expelled from this body with 14 votes and 27.

Josephson: Is that right?

LAUGHTER

Phillips: Mr. Miller?

Miller: On that motion. (undiscernable). It seems like everybody kind of likes 070 but me but I don't understand what 070 was seeking to do. I'm not aware of anybody ever abusing and I don't know what this means when it says you can't use the phrase "Alaska House of Representative, Alaska Senate or a variant without proper authority and except for official business." If, what's proper authority? Is the Speaker going to have to give us permission to be introduced at a banquet as House of Representatives, member of the House of Representatives, or I don't know

Phillips: Senator Kelly ?

Miller : I'm not aware that anybody has ever abused this privilege of being called a legislator.

Faiks: Representative Miller, I guess, I've seen it abused. I've heard it abused. I've heard phone calls for tickets to airlines or whatever and the word a senator or representative used to get a little faster service or to go to the head of the line

Miller: Now wait a minute are you saying when you call up to go to Anchorage that you can't say that this is Representative Mike Miller calling?

Faiks: No, I'm saying if you've got official business up there that's fine, but I'm talking about at the end of summer or whenever, private use. There's absolutely no official contact at all used. I think it's good for the committee to talk about that. I've seen it enough. It's always been kind of a click in my head that gee that's using that time for personal gain for personal convenience.

Miller: (undiscernable) don't get to keep the title

Phillips: Representative Lacher?

Lacher: Yeah, I would like to ask Senator Faiks -- are you suggesting, Senator Faiks, then that when we are not in session doing the state's business that I am no longer Representative Lacher?

Faiks: No, I'm not saying that

Lacher: Okay. so then I guess that I would need to know how you can define this. If I could never be Representative Lacher I could deal with that but if I could only be Representative Lacher if it appears to somebody that I'm not using that to get to the head of the line or get my tickets faster, I'm concerned because who is that somebody going to make that decision. I mean it's easy for me to not be Representative Lacher when I'm not here, that I could deal with but to have this little vague thing out there. If someone is going to make a decision about whether or not

Faiks: Well, lets make it real simple, if I may, Mr. Chairman. I want to get an American Express credit card. I write them and make sure my application is on my letter. I pay my gas bill in Anchorage, make sure that my envelope is my legislative envelope. It just happened to be there it was real easy, I mean why not?

VARIOUS undiscernable

Phillips: Senator Josephson?

Josephson: There's an area here -- there was a case once where a legislator allegedly, and I stress that, used official legislative stationery to correspond with the president of the University of Alaska about a contracting job and I saw that -- and when I saw allegedly, I saw a xerox of that and I thought that was pretty shocking. (undiscernable) legislature was in session. That I think is illegitimate and contrary to the public interest but I think the kind of things that you've mentioned are poor taste but not really, I mean we could get awfully diverted with that

Phillips: Mr. Bradley?

Bradley: I suppose I would have to admit that the section is poorly drafted if its susceptible to this interpretation because I think in context the U S House of Representatives' rule is clearly talking about the use of stationery and that kind of thing. That is what it is seeking to address. I (undiscernable) if it's susceptible to that interpretation then it is poorly drafted.

Phillips: Senator Josephson?

Josephson: It's not, it's not a violation of the Hippocratic Oath for someone to call Yancey's and say "This is Dr. Smith and I'd like a table by the window." I don't see why we should be worried about calling up and saying "This is Senator Faiks and I'm having a dinner party for four people. Could I get a nice table?" Maybe that, maybe in the (undiscernable) favor, Senator, that shouldn't be done. But I don't hardly think that's

Miller: Just give another example. In Juneau, incredibly, there are four Mike Millers. Sometimes there have been even more, but right now there are four adult Mike Millers. So that people know who to call for me when they go to call me, I have "Rep" written in front of my name and I didn't do that for several years and I had lots of complaints that people had to go through four Mike Millers before they finally got to the one they want

Phillips: Now you've got two in the Legislature

Miller: Yeah, now they've got two in the Legislature but that's a separate problem: But I don't think I could do that, I don't think I could list myself as Rep. Mike Miller in the phone under this rule, at least if I wanted to. I don't think anyone is going to prosecute me but

Faiks: I think that is your official capacity in the phone book like that.

Miller: Well, if I go up to Anchorage (und. cernable) but I'm still Rep. Mike Miller (undiscernable)

Kelly : Mr. Chairman. It seems to me that if we can't agree with (undiscernable) let's stick to what we can agree on and get something in tomorrow because it's our last meeting and if we have problem here, then we're going to have problems getting this whole thing through anyway and the object is to get something through.

Phillips: Barbara?

Lacher: Mr. Chairman, one more thing. I think that we have allowed Senator Faiks to somehow mislead us. This doesn't address what she says. This doesn't say that I can't be Representative Lacher at all. It says I can't use the phrases "Legislature of the State of Alaska, or Alaska House of Representatives" or

Faiks: I never said that. I said stationery.

Lacher: Right. We got carried away.

Faiks: Yeah, you guys did. You guys took it (undiscernable) I was sticking with these phrases right here.

VARIOUS

Phillips: Senator Kelly would you restate the motion

Kelly: Okay, my motion is I want to drop 070 out and if someone wants to put it in later in committee when they come up with good language. Fine. So my motion stands, dropping out 07.

Phillips: Senator Josephson?

Josephson: I would like to keep 070 but refine it to printed materials containing the phrases

Faiks: I'll live with that

Kelly: Well, I've got a couple of problem. Number one, it doesn't belong. It's not at the same level as the code of ethics, you know, I mean this is a minor thing. It's not on the same level as these other principles. It's not a principle, it's a ticky tacky little thing. Okay, that's why I object to it and I'm not. You know, who the hell wants to take an oath about using printed stationery, you know.

Phillips: Rick?

Halford: You've got two kinds of stationery in this process. One, you've got committee stationery which is funded at state expense and you've got office stationery for specific offices in the legislative process that the state pays for. That should all say "official business" on it and you don't own that and you haven't got the right to use that for your own personal business. Anybody else goes out and buys their stationery. I've still got stationery that says "Representative Rick Half---Halford" on it. I send it to my family to get rid of it when I'm writing a letter to my mother. Who the hell cares? It's not paid for by the state of Alaska. It's part of an allowance which all of overspend substantially and put our own money into dealing with the constituents. It's the official business that is paid for by the state and that's misuse of state property when you use that stationery.

UNDISCERNABLE

Phillips: I think we ought to have a finality to this because, you know, we're a long way off here and dealing with Uniform Rules I'm sure is going to take --

Josephson: No controversy there

Phillips: No controversy?? Okay, Senator Kelly, state your motion please and then we'll vote.

Kelly: We take 24.60.020, paragraph (a), place it in front of and get rid of the title, just call it Legislative Code of Ethics, place it in front of 010, and then it goes "a person of the legislative branch should" and then run out until number 10, and put an oath thing in it, put a requirement for an oath in there so that everybody is aware of what. My conception is that everybody would read this and then swear to it, something like that, Joe?

Josephson: Yeah.

Kelly: All right. So put a requirement that it would be included

Josephson: I would like to see it, can we constitutionally do it, as a requirement of the office

VARIOUS undiscernable

Kelly: Or we can refine it that the President read this to everybody upon election to the chair, the presiding officer will or upon organization of each legislature this will be read aloud

Phillips: Lt. Governor?

Kelly: to each house and it could be read by the Secretary of the Senate or the Clerk's office or something

Phillips: Or the Lt. Governor?

Kelly: So that everybody is aware of it

Phillips: Tim, the Lt. Governor could do this when you're swearing

Kelly: I don't want the Lt. Governor to do this stuff. As long as it is read to all of the members upon organization.

Faiks: Got it.

Phillips: Okay.

Kelly: Effective date. It seems to me that this should go into effect the same time the other stuff goes into effect to let everybody get used to it. If you can't abide by this, it gives you plenty of time to get out.

Faiks: That's right.

Kelly: That's legislators and employees. Was the other effective date January 9, 1984? You didn't put an effective date?

Phillips: Well this is going to be a House Joint resolution

Kelly: What was the effective date?

Miller: (undiscernable)

VARIOUS (undiscernable)

Kelly: You could include it in the resolution couldn't you?

Phillips: Yes, we can.

Faiks: We had a long discussion on that.

Phillips: Okay, any discussion? Any objections?

Lacher: I object.

Phillips: Okay, all those in favor of the motion signify by raising your right hand. All those opposed. Five to one, motion passes. Okay, what about 030 and 040, 050, 060, and I think we pretty much discussed 080 and 150. Any interest in those.

Miller: Mr. Chairman?

Phillips: Mr. Miller?

Miller: I move that this material be provided to the presiding officer of each house for consideration by the committee to be turned into legislation if they desire or just make this research available to each house (undiscernable) want to deal with it.

Phillips: Okay, are you saying that in the form of a bill or just make them aware?

Miller: No, just make them aware (Noises)

Phillips: Discussion? All those in favor of the motion, signify by raising your right hand. All those opposed. Motion passes.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 6, 1983

SUBJECT: Ethics legislation
(Work Order No. 13-0928)

TO: Representative Randy Phillips

FROM: Richard A. Bradley 
Legislative Counsel

I have done this bill for you in draft because of the elimination of references to non-legislative personnel in former sec. 1 cause a measurable amount of adjustments.

I am satisfied that I can adhere to your schedule for the bill notwithstanding this delay.

If I may be of further assistance, please advise.

RAB:ljb

Enclosure
13/025

13-0928
Bradley
4/6/83 ✓

1 IN THE HOUSE

BY PHILLIPS

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ethics in the legislature; and
7 providing for an effective date."

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

9 * Section 1. AS 24 is amended by adding a new chapter to read:

10 CHAPTER 60. ETHICS.

11 Sec. 24.60.010. GENERAL PRECEPTS OF ETHICAL CONDUCT. A person
12 in the legislative branch should

13 (1) put loyalty to the highest moral principles and to
14 country above loyalty to persons or party;

15 (2) uphold the constitution and laws of the United States
16 and of the State of Alaska and never be a party to their evasion;

17 (3) seek to find and employ more efficient and economical
18 ways of getting tasks accomplished;

19 (4) not discriminate unfairly by the dispensation of spe-
20 cial favors or privileges to anyone, whether or not for remuneration;

21 (5) never accept, either personally or for a family member,
22 favors or benefits under circumstances that might be construed by
23 reasonable persons as influencing the performance of official or
24 assigned duties;

25 (6) make no private promises of a kind binding on the
26 duties of office, since a public officer or employee has no private
27 word that can override public duty;

28 (7) engage in no business with the state, either directly
29 or indirectly, that is inconsistent with the conscientious performance

1 of official or assigned duties;

2 (8) use no information coming to the public officer or
3 employee in the performance of government duties as a means for making
4 a private profit;

5 (9) expose corruption wherever discovered;

6 (10) uphold these principles, ever conscious that public
7 office is a public trust.

8 Sec. 24.60.020. CONDUCT OF A LEGISLATOR. (a) A member of the
9 legislature shall at all times engage in conduct that reflects credit-
10 ably on the legislature.

11 (b) A member of the legislature shall adhere to the spirit and
12 the letter of these rules and to other rules and law that govern
13 legislative or official conduct.

14 Sec. 24.60.030. COMPENSATION TO A LEGISLATOR. (a) A member of
15 the legislature may receive no compensation, beyond the compensation
16 payable under AS 24.15, under circumstances where the compensation may
17 be construed by reasonable persons as influencing the performance of
18 official duties.

19 (b) A member of the legislature may not receive compensation
20 beyond the compensation payable under AS 24.15, indirectly or di-
21 rectly, for services rendered in any matter or proceeding before an
22 agency of the state in which the state is a party or has an interest.
23 This subsection does not apply to matters or proceedings before a
24 court of the state.

25 Sec. 24.60.040. SPEECHES AND PUBLICATIONS. A member of the
26 legislature may not accept an honorarium for a speech, writing for
27 publication, or other similar activity from a person in excess of the
28 usual or customary value of the services.

29 Sec. 24.60.050. CAMPAIGN FUNDS. (a) A member of the

1 legislature shall keep campaign funds separate from personal funds. A
2 member of the legislature may not convert campaign funds to personal
3 use in excess of reimbursement for a legitimate and verifiable prior
4 campaign expenditure. A member of the legislature may expend no funds
5 from a campaign account not attributable to a bona fide campaign
6 purpose.

7 (b) A member of the legislature may not use appropriated funds
8 or state supplies and equipment merely for campaign activity.

9 Sec. 24.60.060. PROCEEDS OF A FUND RAISING EVENT. A member of
10 the legislature shall treat as a campaign contribution all of the
11 proceeds from a fund raising event.

12 Sec. 24.60.070. COMPENSATION OF PERSONAL STAFF. A member of the
13 legislature may not employ personal staff who do not perform duties
14 commensurate with the compensation received. An employee of a member
15 of the legislature may not be required to divide or share compensation
16 earned from the legislative employment with another person and may not
17 be required to spend personal funds to benefit a member of the legis-
18 lature or the operations of the office of the member of the legisla-
19 ture. An employee of a member of the legislature may not be required
20 to perform nonofficial, personal, or campaign duties on behalf of the
21 member of the legislature or anyone else.

22 Sec. 24.60.080. DISCRIMINATION. A member of the legislature may
23 not discharge or refuse to employ an individual with respect to com-
24 pensation, terms, conditions, and privileges of employment for reasons
25 that would constitute a violation of AS 18.80.220.

26 Sec. 24.60.090. OFFICIAL BUSINESS OF A LEGISLATOR. A member of
27 the legislature may not use the phrases "Legislature of the State of
28 Alaska", "Alaska House of Representatives", "Alaska Senate", a phrase
29 describing a committee of the legislature, or a variant on the phrases

1 without proper authority and except for official business.

2 Sec. 24.60.100. FINANCIAL INTERESTS AND DISCLOSURE. A member of
3 the legislature shall comply with the requirements of AS 39.50. A
4 member of the legislature may establish a blind trust to which assets
5 or their control may be transferred to avoid a conflict of interest.

6 Sec. 24.60.150. APPLICATION OF CHAPTER TO PERSONAL STAFF. The
7 provisions of AS 24.60.010 - 24.60.100 apply to an individual on the
8 personal staff of a legislator.

9 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
10 10.070(c).

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 7, 1983

SUBJECT: Ethics in government
(Work Order No. 13-0928)

TO: Representative Randy Phillips

FROM: Richard A. Bradley *RB*
Legislative Counsel

I believe the enclosed bill is responsive to your request.

The bill is modeled closely after two documents: the "Code of Official Conduct" of the U. S. House of Representatives as well as the "Ethics Manual for Members and Employees of the U. S. House of Representatives."

Section 1 of the bill applies generally to government; it is derived from the "Ethics Manual" at page 9.

Section 2 of the bill is derived from the "Code of Official Conduct". While this may oversimplify, I believe it is fair to say that the material from the "Code" is contained in the sections of the bill; to the extent that subsections are added in the draft enclosed, they are almost uniformly concepts that seemed a necessarily implied elaboration because the so-called "Code" has an elaborate gloss derived from its interpretations. The U. S. House of Representatives uses the "Code" but the interpretations in the "Manual" are themselves also a part of the "Code"; because the "Code" is, therefore, a deceptive skeleton, I have fleshed it out. But I believe that if this is more than you wanted, you may wish simply to strip off the subsections of the draft enclosed; it would then closely resemble the "Code".

Under that scenario, section 1 would be deleted, the title would be changed to ". . . legislative ethics . . ." and the subsections would be stripped off (except for Sec. 24.60.010 which incorporates the first two sections of the "Code").

Representative Randy Phillips
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March 7, 1983

If you do that (and maybe even if you do not do that), you may wish to establish an ethics committee of the legislature to provide the interpretations that are a measurable part of the result that the U. S. House has established.

I am enclosing the "Code" and the "Manual" for your use.

If I may be of further assistance, please advise.

RAB:ljb

Enclosures
1/007

1 IN THE HOUSE

BY PHILLIPS

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ethics in government; and provid-
7 ing for an effective date."

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

9 * Section 1. AS 39 is amended by adding a new chapter to read:

10 CHAPTER 08. ETHICS.

11 Sec. 39.08.010. GENERAL PRECEPTS OF ETHICAL CONDUCT FOR GOVERN-
12 MENT SERVICE. A person in state government should

13 (1) put loyalty to the highest moral principles and to
14 country above loyalty to persons, party, or the department of govern-
15 ment;

16 (2) uphold the constitution and laws of the United States
17 and of the State of Alaska and never be a party to their evasion;

18 (3) give a full day's labor for a full day's pay, giving to
19 the performance of assigned duties earnest effort and best thought;

20 (4) seek to find and employ more efficient and economical
21 ways of getting tasks accomplished;

22 (5) not discriminate unfairly by the dispensation of spe-
23 cial favors or privileges to anyone, whether or not for remuneration;

24 (6) never accept, either personally or for a family member,
25 favors or benefits under circumstances that might be construed by
26 reasonable persons as influencing the performance of assigned duties;

27 (7) make no private promises of a kind binding on the
28 duties of office, since a public officer or employee has no private
29 word that can override public duty;

1 (8) engage in no business with the state, either directly
2 or indirectly, that is inconsistent with the conscientious performance
3 of government duties;

4 (9) use no information coming to the public officer or
5 employee in the performance of government duties as a means for making
6 a private profit;

7 (10) expose corruption wherever discovered;

8 (11) uphold these principles, ever conscious that public
9 office is a public trust.

10 * Sec. 2. AS 24 is amended by adding a new chapter to read:

11 CHAPTER 60. ETHICS.

12 ARTICLE 1. MEMBERS OF THE LEGISLATURE.

13 Sec. 24.60.010. CONDUCT OF A LEGISLATOR. (a) A member of the
14 legislature shall at all times engage in conduct that reflects credit-
15 ably on the legislature.

16 (b) A member of the legislature shall adhere to the spirit and
17 the letter of these rules and to other rules and law that govern
18 legislative or official conduct.

19 Sec. 24.60.020. COMPENSATION TO A LEGISLATOR. (a) A member of
20 the legislature may receive no compensation, beyond the compensation
21 payable under AS 24.15, under circumstances where the compensation may
22 be construed by reasonable persons as influencing the performance of
23 official duties.

24 (b) A member of the legislature may not receive compensation
25 beyond the compensation payable under AS 24.15, indirectly or
26 directly, for services rendered in any matter or proceeding before an
27 agency of the state in which the state is a party or has an interest.
28 This subsection does not apply to matters or proceedings before a
29 court of the state.

1 (c) A member of the legislature may not directly or indirectly
2 hold, execute, undertake, or enjoy in whole or in part a contract with
3 the state. This subsection does not prohibit a contract entered into
4 by a corporation for the general benefit of the corporation and does
5 not prohibit a loan made to a member of the legislature by an agency
6 of the state if the conditions for the loan are stated in the law
7 permitting the loan and the exercise of discretion is not required by
8 officers of the state agency in the review and approval of the loan.

9 Sec. 24.60.030. GIFTS TO A LEGISLATOR. (a) A member of the
10 legislature may not accept a gift directly or indirectly of more than
11 \$35 in value or aggregating more than \$100 in value in a calendar year
12 from a person having a direct interest in legislation before the
13 legislature. For the purposes of this section,

14 (1) an individual who is required to register as a lobbyist
15 under AS 24.45 is considered to have a direct interest in legislation
16 before the legislature;

17 (2) "gift" does not include personal hospitality from an
18 individual or with a fair market value of \$35 or less;

19 (3) "personal hospitality" means hospitality extended for a
20 nonlegislative purpose by an individual, not by a corporation or
21 organization, on property owned by the individual or the family of the
22 individual.

23 (b) The receipts from a fundraiser or a testimonial for a member
24 of the legislature are campaign funds and not gifts.

25 (c) The following are not gifts under this section:

26 (1) a bequest or inheritance;

27 (2) a loan made in a commercially reasonable manner with
28 the requirement that the loan be repaid and that a reasonable amount
29 of interest be paid;

1 (3) contributions to a campaign fund that are required to
2 be reported under AS 15.13;

3 (4) food, lodging, transportation, and entertainment pro-
4 vided on an official basis by federal, state, or municipal govern-
5 ments;

6 (5) communications to the office of a member of the legis-
7 lature, including subscriptions to newspapers, magazines, and other
8 periodicals;

9 (6) bona fide awards presented in recognition of public
10 service and available to the general public;

11 (7) suitable mementos of a function honoring the member of
12 the legislature;

13 (8) consumable products provided by constituents of the
14 member of the legislature to the office of the member that are primar-
15 ily intended for consumption by persons other than the member of the
16 legislature or legislative staff; and

17 (9) food and beverages consumed at banquets, receptions,
18 and similar events.

19 Sec. 24.60.040. SPEECHES AND PUBLICATIONS. A member of the
20 legislature may not accept an honorarium for a speech, writing for
21 publication, or other similar activity from a person in excess of the
22 usual or customary value of the services.

23 Sec. 24.60.050. CAMPAIGN FUNDS. (a) A member of the legisla-
24 ture shall keep campaign funds separate from personal funds. A member
25 of the legislature may not convert campaign funds to personal use in
26 excess of reimbursement for a legitimate and verifiable prior campaign
27 expenditure. A member of the legislature may expend no funds from a
28 campaign account not attributable to a bona fide campaign purpose.

29 (b) A member of the legislature may not use appropriated funds

1 or state supplies and equipment merely for campaign activity.

2 Sec. 24.60.060. PROCEEDS OF A FUND RAISING EVENT. A member of
3 the legislature shall treat as a campaign contribution all of the
4 proceeds from a fund raising event.

5 Sec. 24.60.070. COMPENSATION OF PERSONAL STAFF. A member of the
6 legislature may not employ personal staff who do not perform duties
7 commensurate with the compensation received. An employee of a member
8 of the legislature may not be required to divide or share compensation
9 earned from the legislative employment with another person and may not
10 be required to spend personal funds to benefit a member of the legis-
11 lature or the operations of the office of the member of the legisla-
12 ture. An employee of a member of the legislature may not be requested
13 to perform nonofficial, personal, or campaign duties on behalf of the
14 member of the legislature or anyone else.

15 Sec. 24.60.080. DISCRIMINATION. A member of the legislature may
16 not discharge or refuse to employ an individual with respect to com-
17 pensation, terms, conditions, and privileges of employment for reasons
18 that would constitute a violation of AS 18.80.220.

19 Sec. 24.60.090. LEGISLATIVE ACTIVITY AFTER CERTAIN CONVICTIONS.
20 A member of the legislature should refrain from participation in the
21 business of a committee of the legislature and should refrain from
22 voting on any question before a house of the legislature after convic-
23 tion of a crime for which two years' imprisonment may be imposed until
24 judicial or executive proceedings result in the reinstatement of the
25 presumption of innocence or until after a reelection to the legisla-
26 ture.

27 Sec. 24.60.100. OFFICIAL BUSINESS OF A LEGISLATOR. A member of
28 the legislature may not use the phrases "Legislature of the State of
29 Alaska", "Alaska House of Representatives", "Alaska Senate", a phrase

1 describing a committee of the legislature, or a variant on the phrases
2 without proper authority and except for official business.

3 Sec. 24.60.110. FINANCIAL INTERESTS AND DISCLOSURE. A member of
4 the legislature shall comply with the requirements of AS 39.50. A
5 member of the legislature may establish a blind trust to which assets
6 or their control may be transferred to avoid a conflict of interest.

7 ARTICLE 2. PERSONAL STAFF OF MEMBERS OF THE LEGISLATURE.

8 Sec. 24.60.150. APPLICATION OF CHAPTER TO PERSONAL STAFF. The
9 provisions of AS 24.60.010 - 24.60.100 apply to an individual on the
10 personal staff of a legislator.

11 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

Alaska State Legislature

file

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4949



BOX 142
EAGLE RIVER, ALASKA
99877

Representative Randy Phillips
HOUSE DISTRICT # 15

TO: REPRESENTATIVE BARBARA LACHER
REPRESENTATIVE MIKE MILLER

FROM: REPRESENTATIVE RANDY PHILLIPS *Rp/jp*

DATE: APRIL 20, 1983

RE: SPECIAL LEGISLATIVE REFORM COMMITTEE

Enclosed is the proposed draft of the resolution concerning the Code of Ethics.

Please review the enclosure and advise me regarding this resolution. Your prompt advice would be appreciated.

Enclosure

13-1292
Berrier
4-20-83

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE
SPECIAL COMMITTEE ON
LEGISLATIVE REFORM

2 HOUSE CONCURRENT RESOLUTION NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Proposing the addition of a preamble
6 relating to ethics to the Uniform Rules
7 of the Alaska State Legislature.

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

9 * Section 1. The Uniform Rules of the Alaska State Legislature are
10 amended by adding a preamble to read:

11 P R E A M B L E

12 Part 1. CONDUCT OF A LEGISLATOR. (a) A member of the legislature
13 shall at all times engage in conduct that reflects creditably on the legis-
14 lature.

15 (b) A member of the legislature shall adhere to the spirit and
16 the letter of these rules and to other rules and law that govern legisla-
17 tive or official conduct.

18 Part 2. GENERAL PRECEPTS OF ETHICAL CONDUCT. A person in the legis-
19 lative branch should

20 (1) put loyalty to the highest moral principles and to country
21 above loyalty to persons or party;

22 (2) uphold the constitution and laws of the United States and of
23 the State of Alaska and never be a party to their evasion;

24 (3) seek to find and employ more efficient and economical ways
25 of getting tasks accomplished;

26 (4) not discriminate unfairly by the dispensation of special
27 favors or privileges to anyone, whether or not for remuneration;

28 (5) never accept, either personally or for a family member,
29 favors or benefits under circumstances that might be construed by

1 reasonable persons as influencing the performance of official or assigned
2 duties;

3 (6) make no private promises of a kind binding on the duties of
4 office, since a public officer or employee has no private word that can
5 override public duty;

6 (7) engage in no business with the state, either directly or
7 indirectly, that is inconsistent with the conscientious performance of
8 official or assigned duties;

9 (8) use no information coming to the public officer or employee
10 in the performance of government duties as a means for making a private
11 profit;

12 (9) expose corruption wherever discovered;

13 (10) uphold these principles, ever conscious that public office
14 is a public trust.

15 Part 3. READING PREAMBLE. When a temporary presiding officer has
16 assumed the chair under Rule 1(b) the temporary presiding officer shall
17 have this preamble read to the members before calling for nomination of the
18 permanent presiding officer.
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13-0928
Bradley
4/6/83 ✓

Code
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Introduced: 4/25/83
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST OF THE
SPECIAL COMMITTEE ON
LEGISLATIVE REFORM

1 IN THE HOUSE

2

HOUSE CONCURRENT RESOLUTION NO. 33

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

Proposing the addition of a preamble

6

relating to ethics to the Uniform Rules

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