

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
2170 SCOMM 82: SENATE SPEC. COMM. ON ETHICS REFORM, 1991-92

188



RECORDS CERTIFICATION



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Signature of Camera Operator

9/20/95
Date

SCOMM

82:0

SCOMM 82: SENATE SPECIAL COMMITTEE ON ETHICS REFORM, 1991-92

MEMBERSHIP:

SENATOR VIRGINIA COLLINS, CHAIR
SENATOR STEVE FRANK, VICE-CHAIR
SENATOR JIM DUNCAN
SENATOR LLOYD JONES
SENATOR FRED ZHAROFF

Established by SR 2, 1991

Contents: 3" of files. 7 cassettes are also available of meetings held 2/7/91 - 2/27/92

See also Conference Committee on HB 185, 1992 (Ethics) 5/4 - 5/10/92: bill file which includes tape logs (kept at end of 1991-92 standing committee files; and 4 cassette tapes are available of the meetings.

LIST OF FILES (PAGE 1) MICROFICHE #

1. CONFERENCE COMMITTEE ON SB 185 (ETHICS)
2. ORGANIZATIONAL MEETING, 2/7/91
3. WORK SESSION, 3/7/91
4. WORK SESSION: CAMPAIGN FINANCING, 4/4/91
5. WORK SESSION: ETHICS, 2/21/91
6. SB 291
7. SB 243
8. SB 299
9. SB 372
10. SJR 14
11. HB 86

SCOMM

82:1

Rec'd: _____ at _____
Office of Senate Secretary

CONFERENCE COMMITTEE REPORT

Date: May 10, 1992

Mr. President:

Mr. Speaker:

The Conference Committee, with limited powers of free conference, considered

CS FOR SENATE BILL NO. 185 (JUDICIARY) am

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

and

2d HOUSE CS FOR CS FOR SENATE BILL NO. 185 (STA) am H

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and providing for an effective date."

recommends that:

CONFERENCE CS FOR SENATE BILL NO. 185

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and providing for an effective date."
be adopted.

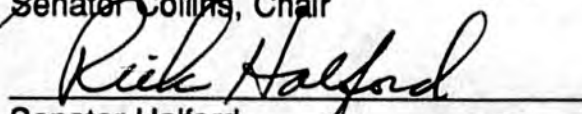
☒ Letter of Intent: ☐ Senate ☐ House ☒ Conference Committee

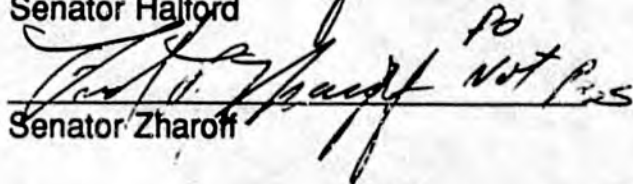
☒ Fiscal note(s): ☐ Senate ☒ House

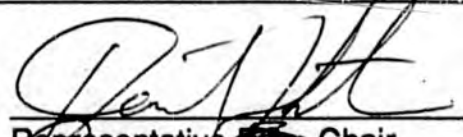
New zero fiscal note(s) attached from: _____

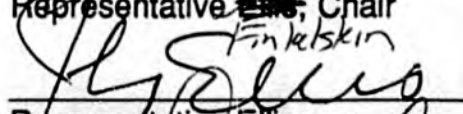
New fiscal note(s) attached from: Legislative Affairs Agency dated 4/9/92

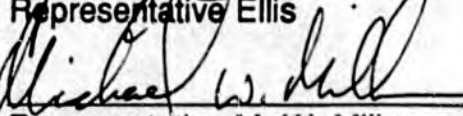

Senator Collins, Chair


Senator Halford


Senator Zharoff


Representative ~~Ellis~~, Chair
Finkelskin


Representative Ellis


Representative M. W. Miller



Official Business

Alaska State Legislature

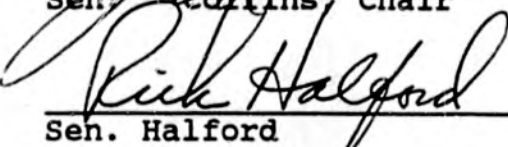
State Capitol
Juneau, AK 99801-1182

LETTER OF INTENT

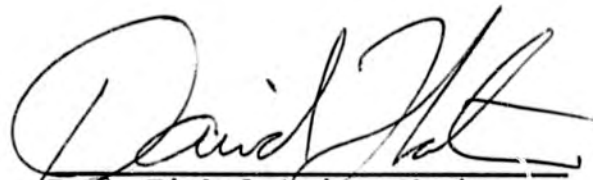
BY THE CONFERENCE COMMITTEE ON SB 185

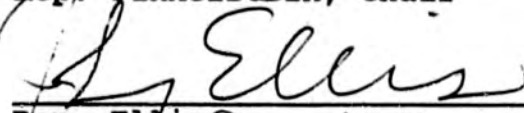
It is the intent of the Legislature that the provisions of AS 24.45.121 (a) (8) do not cover lobbyist's spouses or family members, prohibit attendance at candidate fund-raising events or prohibit candidate recommendations to the clients of lobbyists. Lobbyists are free to individually support candidates of their choice and make personal campaign contributions, or serve as a campaign volunteer.

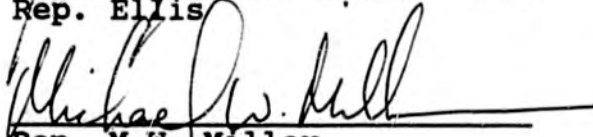

Sen. Collins, Chair


Sen. Halford


Sen. Zharoff


Rep. Finkelstein, Chair


Rep. Ellis


Rep. M.W. Miller

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: 2d HCS CSSB185()

Revision Date: _____
Title: "An Act relating to conduct of legislators, legislative employees....on Legislative Ethics."
Sponsor: Representative Finkelstein
Requestor: Representative Finkelstein

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	27.3	27.3	27.3	27.3	27.3	27.3
TRAVEL	6.7	6.7	6.7	6.7	6.7	6.7
CONTRACTUAL	-35.0	-35.0	-35.0	-35.0	-35.0	-35.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	10.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	10.0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	10.0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

SB 185 establishes the Select Committee on Legislative Ethics. The Committee consists of seven members. The existing funding for the House and Senate Ethics Committees (50.0) will be eliminated and the following is requested to adequately support the Select Committee on Legislative Ethics:

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

Pamela A. Stoops

Phone: 465-3850
Date: 4/9/92

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

Warren W. Endicott

Date: 4/9/92

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

CONTINUATION OF FISCAL NOTE: 2d HCS CSSB185()

PERSONAL SERVICES

- Staff is requested as follows to assist the Select Committee on Legislative Ethics:

Executive Director - Range 17A (1/2 time)		
\$1,635 x 12 months =	\$19,620	
\$7,632 for benefits =	<u>\$7,632</u>	
	\$27,252	27.3

TRAVEL

- It is anticipated there will be 2 meetings of the Select Committee on Legislative Ethics, which require travel.

2 meetings x 7 members		
airfare 2 meetings x 7 members = 14 airfares		
14 airfares x \$ 250 =	\$3,500	
per diem - 2 meetings x 7 members = 14		
14 x 2 days per diem = 28		
28 x \$95 =	<u>\$2,660</u>	
	\$6,160	6.2

- Select Committee on Legislative Ethics staff travel - travel for Executive Director to attend Select Committee on Legislative Ethics - \$500. .5

CONTRACTUAL

- Lease office space funding.

500 sq. ft. x \$1.67 sq. ft. = \$835 x 12 months = \$10,020 10.0

- Phones and postage - \$417 a month x 12 months = \$5,004. 5.0

- Elimination of funding of the House and Senate Ethics Committees - \$50,000. -50.0

SUPPLIES

- Office Supplies - paper, stationery, etc. - \$1,000. 1.0

EQUIPMENT

- 1 desk, 1 filing cabinet, bookcase, 2 chairs, 1 computer, 1 laser printer, phone system, etc. Misc. equipment to furnish Select Committee on Legislative Ethics staff office - \$10,000 one time only cost. 10.0

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. -

No. 3

"II Version: 2nd HCSCSSB 185
(r) Publish Date: 4/23/92 (STA)

Revision Date: _____

Title: Legislative Ethics Act

Sponsor: Senate Special Committee on Ethics Reform

Requestor: _____

Department Affected: Administration

BRU: Alaska Public Offices Commission

Component: Alaska Public Offices Commission

COMPONENT SERIAL NO.

		7	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	73.1	42.5	43.8	45.1	46.5	47.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	1.0	11.0	11.0	11.0	11.0	11.0
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	74.1	53.5	54.8	56.1	57.5	58.9

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	74.1	53.5	54.8	56.1	57.5	58.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	74.1	53.5	54.8	56.1	57.5	58.9

POSITIONS:

FULL-TIME	2	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
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, Executive Director
Division: Alaska Public Offices Commission

Phone: (907) 276-4176
Date: _____

Approved by Commissioner: Nancy Bear Usery
Agency: Administration

Date: 4/6/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, CMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. HCS CSSB 185 (Fin) am H

4/23/92

HCS CSSB 185 (Finance) am H FISCAL NARRATIVE

This bill establishes new financial disclosure requirements for legislators, candidates for the legislature and legislative directors.

The Alaska Public Offices Commission (Commission) is requesting funds to prepare for implementation of these new requirements and for ongoing administration. A Regulations Specialist II position (range 16) is requested for the first year or to develop forms, manuals, and instructional material and prepare proposed regulation changes for Commission adoption. A modest sum of \$1,000 is requested to supplement manual costs to accommodate the separate disclosure requirements for legislators, candidates, and directors.

An Administrative Assistant (range 12) is proposed to administer the program on an ongoing basis. This would include providing compliance, assisting interpretations of the law, review of statements and assistance with complaint investigation.

The Commission anticipates that potential complaints could include allegations that a legislator or candidate did not reveal complete or accurate information about an income source with a substantial interest in legislative, administrative, or political action. The Commission anticipates that one complaint annually could proceed to public hearing before the Commission as required under the Administrative Procedures Act. Funds are requested to absorb the additional expense.

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

COMMITTEE COPY

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. 110.3
HCS CSSB 185 (Fin) am H
4/23/92

**HCS CSSB 185 (Finance) am H
Alaska Public Offices Commission Estimated Costs
FY 93**

Personnel:

• Regulations Specialist II, Range 16A	\$52,422	
Administrative Assistant, Range 12A	<u>\$20,640</u>	(Starting January 1, 1993)
	\$73,062	

Contractual Services:

<u>Manuals/Forms</u>	\$ 1,000
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** <u>Legal Fees</u>	\$10,000
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Hearings, witness fees, subpoenas, transcripts, professional services.

- Funding for Regulations Specialist II position required for FY 93 only.
- ** Complaint investigation funds will be necessary after FY 93.

Personnel Services costs projected to increase 3 percent per year for merit increases.

COMMITTEE COPY



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

LETTER OF INTENT

BY THE CONFERENCE COMMITTEE ON SB 185

It is the intent of the Legislature that the provisions of AS 24.45.121 (a) (8) do not cover lobbyist's spouses or family members, prohibit attendance at candidate fund-raising events or prohibit candidate recommendations to the clients of lobbyists. Lobbyists are free to individually support candidates of their choice and make personal campaign contributions, or serve as a campaign volunteer.

Sen. Collins, Chair

Rep. Finkelstein, Chair

Sen. Halford

Rep. Ellis

Sen. Zharoff

Rep. M.W. Miller

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

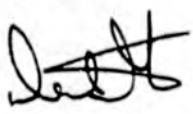
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 30, 1992

SUBJECT: Sectional Analysis of House-passed Ethics Bill
(2d HCS CSSB 185(STA) am H)

TO: Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

You have requested a sectional analysis of 2d HCS CSSB 185(STA) am H, the version of the ethics bill that was passed by the House on April 27.

Please note that a sectional analysis of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Conf Comm
some

Section 1 repeals and reenacts AS 24.60.010, which sets out the legislative findings with respect to ethics and the purpose of AS 24.60, the legislative ethics law.

some

Section 2 amends AS 24.60.020(a) to change the language used to describe legislative employees and to expressly include the public members of the committee within the coverage of AS 24.60. Technically, the latter change was not required, because the public members are included within the definition of legislative employee, but they were named specifically in this provision to provide good notice of the coverage. Section 2 also amends AS 24.60.020(b) to change the reference to employees and to clarify the relationship of the ethics law to other statutes and the common law.

Change
Page 5
line 15
language referring uniform rules

Section 3 sets out many of the prohibitions that fit within the general category of standards of conduct. AS 24.60.030 is repealed and reenacted and includes prohibitions related to:

- (a)(1) improper benefits from performance of public (legislative) duties;
- (a)(2) misuse of state property and resources for private benefit; certain nominal usage is exempted, as is use of property or a resource that is also available to the general public for private purposes;
- (a)(3) misuse of public funds or falsifying a claim for public funds;
- (a)(4) use of a legislative employee for private benefit;
- (a)(5) misuse of state property and resources for political purposes; again, certain nominal use is exempted;
- (b) employees' partisan political or campaign activity on government time;
- (c) use of state funds (other than the office allowance) for certain purposes 90 days before an election;
- (d) distribution or display of campaign-related material in certain public facilities;
- (e) use of coercive tactics or improper influence.
- (f) service by an employee in a position that requires legislative confirmation; service by legislators or employees on other entities is allowed, but certain service must be disclosed to the committee.

Finally, AS 24.60.030(g) requires that a legislator or employee recuse himself or herself from participation in matters involving a substantial personal financial interest if the Uniform Rules do not prevent recusal and if the benefit is greater than that accruing to a class of persons to which the legislator or employee belongs (e.g., all attorneys or all residents of Anchorage).

Section 4. Adds five new provisions to AS 24.60. They are:

Done **AS 24.60.031.** Prohibits political fund raising by legislators and employees during regular or special sessions and prohibits acceptance or expenditure of certain money that was raised during a session.

Done **AS 24.60.033.** Prohibits a legislative employee from filing a declaration of candidacy or letter of intent to become a candidate for the legislature while employed.

same AS 24.60.035. Provides a remedy for a person who has suffered reprisals from a legislator or employee because the person filed a good faith report that a legislator or employee violated AS 24.60.

*added
Page 4
lines 15-20
added* AS 24.60.037. Incorporates the open meetings law within the ethics law by requiring legislators to abide by its provisions. Thus, a violation of the open meetings law by a legislator could result in action being taken against the legislator by the committee.

same AS 24.60.039. Incorporates the state employment discrimination law (AS 18.80.220) within the ethics law.

same **Section 5** extends the prohibition (in AS 24.60.040(a)) against having an interest in certain state contracts or leases to employees and to members of the immediate family of legislators and employees.

same **Section 6** amends AS 24.60.050, relating to state programs and loans, to change the description of legislative employees, make minor changes in reporting dates, make all reporting to the committee in the first instance, and address the consequences of a finding that a legislator or employee used improper influence in obtaining a benefit or loan. Requires committee to publish a list only of those programs and loans that need to be reported by legislators or employees; current law requires a listing of all state programs and loans, whether or not they need to be reported.

same **Section 7** clarifies the prohibition against disclosure of confidential information by prohibiting any unauthorized disclosure of information that is made confidential by law, and by clarifying that an unlawful disclosure is a violation of the ethics law and may also be a violation of the criminal law.

same **Section 8** amends AS 24.60.070, relating to disclosure of close economic associations, to require that all disclosures be made to the committee in the first instance.

same **Section 9** adds provisions to AS 24.60.070 that require disclosures to be reasonably specific and define "close economic association."

*Sect 10 same
Sect 11 same
Sect 12
line 10
deletes
'or (6)'
adds line
10, 13+14
17-22
Sect 13
Page 10 adds
lines 30+31* **Sections 10 - 13** rework the gift provisions of the ethics law. The allowable limit is raised from \$50 to \$100; gifts less than that are conclusively presumed to be proper except that gifts of any value may not be solicited or accepted during a session if the donor is a lobbyist or the agent of a lobbyist. Subsection (c), in bill section 11, lists the items that a legislator or employee may accept, even from a lobbyist during session. The only changes from current law are to limit the exception for family gifts to the immediate family, and to add to the list gifts that have nothing to do with the legislative status of the recipient (e.g., a retirement watch from the person's employer). Subsection (d), in bill section 12, requires disclosure to the committee of

gifts of travel or hospitality or gifts not connected with legislative status. Section 13 adds a new provision allowing the acceptance of gifts worth more than \$100 from foreign governments, but only on behalf of the legislature

same

Section 14 prohibits receiving more compensation for personal services provided to another than the amount that would be paid a similarly qualified person for the same work. It also restricts honoraria to reimbursement of actual and necessary travel expenses, unless the speech or appearance is not related to the person's legislative status.

same

Section 15 amends the nepotism provision of current law to allow a legislator's relatives who are employed in the other house during a session to begin work a week before the session convenes and to keep working for a week after session ends. It also extends the nepotism prohibition to a person who is cohabiting with a person covered by the ethics law.

*Page 12
lines 7-9
added
x me*

Section 16 amends AS 24.60.100, relating to disclosures of certain representation of others, to provide for disclosure to the committee in the first instance.

same

Section 17 makes the committee a permanent interim committee.

same

Section 18 revises the makeup of the committee. Each subcommittee would be composed of two legislators and the five public members; the full committee would then consist of four legislators and the five public members. One of the legislators from each house must be a member of the minority caucus, if there is one.

same

Section 19 provides that only one of the five public members may be a former legislator and that no more than two of them may be members of the same political party. Legislator members are no longer included in this subsection, because the new requirement that one member be from each caucus obviates the need to refer to their affiliation.

same

Section 20 adds the office of vice-chair to each subcommittee and requires that the chair and vice-chair be public members.

same

Section 21 deletes the power of a subcommittee to employ staff or contract for professional services. That power would be left with the committee. Certain restrictions are placed on other activities or status of employees and contractors. (The restrictions on contractors would apply only when the person was actually under contract to the committee.) Legislative council is directed to provide additional staff support, office space, and equipment for the committee. Provision is made for the submission of a committee budget.

Page 13
lines 23-27
che 2ed
same

Section 22 expands the term of public members from two years to three. In a transitional provision, bill section 44, the terms are staggered.

Section 23 revises the quorum requirements to reflect the change in committee composition.

Page 14
lines 23-
25 added

Section 24 adds four new subsections to AS 24.60.130. Subsection (j) provides that open meetings and procurement provisions do not apply to the committee when their application would be inconsistent with the confidentiality requirements of AS 24.60.170(l) or other provisions of the chapter. Subsection (k) limits access to closed confidential files of the committee. Subsection (l) provides for meeting at the call of the chair or a majority of the members, and for meetings by teleconference. Subsection (m) makes certain persons ineligible to be committee members.

same

Section 25 restricts the political and lobbying activities of committee staff, contractors, and public members.

same

Section 26 authorizes informal advice and sets out required caveats in connection with it.

same

Section 27 amends AS 24.60.160, relating to advisory opinions, to give the committee more time when the requestor consents to the extension.

same

Section 28 adds a new provision that prohibits the committee from using against a person information that is voluntarily given to it by that person in connection with a request for informal advice or an advisory opinion.

same

Section 29 completely overhauls the committee's complaint procedures. Under current law the process is closed to the public from beginning to end. Under the new law, the initial stages of investigation would be closed, but once probable cause to proceed with a formal complaint is found, the process is open. This brings Alaska into line with the vast majority of states with ethics laws. The provision also gives discovery, subpoena, and other "fair hearing" rights to the person who is the subject of a complaint.

same

Section 30 adds three new sections to AS 24.60. The first two, AS 24.60.174 and 24.60.176, set out the ground rules for recommendations of the committee when a legislator or employee is found to have violated the ethics law. In the case of legislators, a recommendation is forwarded to the presiding officer of the violating member's house; in the case of an employee, the recommendation is forwarded to the appointing authority. The law does not set out recommended sanctions. Those are left up to the legislative body or appointing authority. The third new provision, AS 24.60.178, authorizes the attorney general to bring independent civil actions under AS 24.60, regardless of the outcome of a complaint before the committee.

*deleted
equality -
rest same*
Section 31 adds AS 24.60.200 - 24.60.250. These provisions replace the disclosure requirements of AS 39.50 for legislators and legislative agency heads and division directors. Disclosure is still made to APOC, but the information that must be disclosed is more detailed than that required by current law. Also added are AS 24.60.260, setting out the consequences of making a false or deliberately misleading disclosure to APOC or the committee; AS 24.60.300, allowing a legislator or employee who is in litigation, being prosecuted, or the subject of administrative action, to establish a legal defense fund; and AS 24.60.990, which enacts definitions for AS 24.60 (the current definition provisions are repealed in bill section 43).

same
Sections 32 - 36 and 40 - 42 conform other provisions of law to the change in the financial disclosure applicable to legislators and high-level legislative employees.

deleted
Section 37 amends the legislative immunity statute to include statements relating to legislative intent within the protection of legislative immunity.

*some
letter of
intent*
Section 38 adds several prohibitions to the current list of prohibited conduct by a lobbyist, including prohibitions relating to political and fund-raising activity in connection with a legislative candidate and to gifts to legislators.

same
Section 39 restricts former legislators from lobbying, other than representational and volunteer lobbying, for one year after leaving the legislature.

Section 43 contains the repealers.

Section 44 sets out procedures for the initial appointments of public members to the committee, including the staggering of terms.

Section 45 provides that the new committee procedures apply to proceedings that are in progress when the new law takes effect and to new proceedings relating to violations that occur before January 11, 1993.

Section 46 makes the Act effective on the first day of the first session of the 18th legislature.

DRD:pl
92-315.plm

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

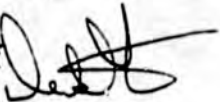
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 29, 1992

SUBJECT: Comparison of House and Senate Ethics Bills (2d HCS CSSB 185(STA) am H and CSSB 185(JUD) am)

TO: Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

The purpose of this memo is to allow you to compare the House version of SB 185 (2d HCS CSSB 185(STA) am H) with the version that passed the Senate (CSSB 185(JUD) am). The memo does not purport to offer a detailed description of the provisions of either bill; it is designed only to provide a guide to the similarities and differences.

At the outset it should be noted that the two bills are organized differently. The House version places all of the amendments to the legislative ethics law (AS 24.60) in the front section of the bill and then sets out the conforming and other amendments to other provisions of law. In the Senate version, the bill sections are organized in the numerical order of the AS sections amended.

Another difference between the two is that the House version makes the ethics law applicable to all legislative employees except certain employees performing primarily ministerial or supportive functions (see Sec. 24.60.990(10) on page 23, lines 20 - 26, for definition) and the Senate version retains the current practice of making applicability hinge on salary level, lowering the threshold, however, from Range 18 to Range 15. Consequently, many of the changes to current law found in the House version do nothing more than change "person to whom this chapter applies" to "legislator or legislative employee." In the Senate version, because current law is retained, these changes were not required.

In the table that follows, "no equivalent provision" means that the Senate bill does not contain a provision that addresses the issue.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 1. Findings and Purpose. (AS 24.60.010)	*Sec. 3. Identical.
*Sec. 2. Applicability. Amends AS 24.60.020(a) to conform to definition of "legislative employee" and add public members. Amends AS 24.60.020(b) to clarify relationship to other laws.	*Sec. 4. Amends AS 24.60.020(a) only. House covers all legislative employees with some exceptions. Senate covers only Range 15 & higher. Both cover public members of committee.
*Sec. 3. Conflicts of interest. (AS 24.60.030) Casts the law in terms of prohibited conduct. Sets out more specific prohibitions than the Senate version.	*Sec. 5. Follows approach of current law by prohibiting "conflicts of interest" and then describing conduct that constitutes a conflict of interest.
*Sec. 4. Fund raising. (AS 24.60.031)	*Sec. 6. (AS 24.60.035) Substantively identical to House, except that House disallows using, in a legislative race, money raised during session under letter of intent to become a candidate for unspecified office.
*Sec. 4. Employee candidacies. (AS 24.60.033) Prohibits employee from becoming a candidate for the legislature while an employee.	No equivalent provision.
*Sec. 4. Whistle blowers. (AS 24.60.035)	No equivalent provision.
*Sec. 4. Open meetings law. (AS 24.60.037) Requires legislators to comply with open meetings law, thus making violation of that law a violation of ethics law.	No equivalent provision, although the committee is to comply except when required to keep something confidential. See bill sec. 18, AS 24.60.130(j).
*Sec. 4. Discrimination prohibited. (AS 24.60.039) Violation of AS 18.80.220 would be treated as violation of chapter under AS 24.60.130.	*Sec. 21. Provides special grievance procedure for employee or former employee alleging violation of AS 18.80.220. Not identical, but similar to House.

Conf Com

*Sec 1.
Same
as House
Sec 2*

*Same
as House*

*Sec 3.
Page 5, line
15 ref to
Uniform Rule
Added*

*Sec 4
Same
as House*

*Sec 4
Same as
House*

*Sec 4
Same as
House*

*Sec 4
Page 6,
lines 15-
20 added*

*Sec 4
Same
as House*

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 5. State contracts or leases. (AS 24.60.040) Extends the prohibition against being a party to certain state contracts or leases to members of the immediate family of legislators and legislative employees.	Does not change current law.
*Sec. 6. State programs and loans. (AS 24.60.050) Rewrites the current law to conform to the format of the House bill. Makes minor changes in reporting dates. Adds provision relating to improper influence to obtain benefit or loan.	Does not change current law, although improper influence is covered under general provisions describing prohibited conflicts of interest in bill sec. 5, AS 24.60.030(a)(2).
*Sec. 7. Disclosure of confidential information. (AS 24.60.060)	*Sec. 5. AS 24.60.030(a)(4) as enacted in sec. 5, is substantively similar to the House amendments to AS 24.60.060. The Senate bill repeals AS 24.60.060.
*Sec. 8. Close economic associations. Amends AS 24.60.070 to make all disclosures go to the committee in the first instance. The committee forwards them to the house for inclusion in the journal.	Does not change current law.
*Sec. 9. Adds subsections to AS 24.60.070 requiring disclosures to be detailed and defining close economic association.	*Sec. 7. Adds subsection to AS 24.60.070 requiring disclosures to be detailed. Does not define close economic association.
*Sec. 10. Gifts, basic prohibition. (AS 24.60.080(a))	*Sec. 8. Identical.
*Sec. 11. Gifts, listing of exceptions. (AS 24.60.080(c))	*Sec. 9. Identical except that House limits (c)(5) to members of the immediate family.
*Sec. 12. Disclosure of gifts. (AS 24.60.080(d))	*Sec. 10. Identical except that House has all disclosure to committee in first instance.

Conf Comm

*Sec 5.
Same as
House*

*Sec 6
Same as
House*

*Sec 7
Same as
House*

*Sec 8.
Same as
House*

*Sec 9
Same as
House*

*Sec 10
no change*

*Sec 11
no change*

*Sec 12
Page 10
line 10
deletes
"or (4)"
changes
language
lines 13-2:
adds line
30 + 31*

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 13. Gifts from foreign governments. (AS 24.60.080(f))	*Sec. 11. Identical.
*Sec. 14. Earned income and honoraria. (AS 24.60.085)	*Secs. 5 and 12. Almost identical substantively. Income limit is in AS 24.60.030(3) (sec. 5). The honoraria restriction is in AS 24.60.085 (sec. 12).
*Sec. 15. Nepotism. (AS 24.60.-090(a)) Amends existing law to clarify and also prohibit paid or volunteer work for ethics committee by a relative. In sec. 43, two subsections of AS 24.60.090 are repealed as they are no longer needed.	*Sec. 13. Identical except does not prohibit "free" work for committee. Does not repeal any provisions, as Senate approach does not remove the need for them.
*Sec. 16. Representation. (AS 24.60.-100) Amends current law to provide for disclosure directly to the committee.	*Sec. 14. Prohibits representation for compensation before a state agency, board, or commission, or an officer or employee thereof.
*Sec. 17. Status of committee. (AS 24.60.130(a))	*Sec. 15. Identical.
*Sec. 18. Membership of committee. (AS 24.60.130(b)) Changes makeup of committee. One less legislator from each house; two more public members. Requires one of each house's members to be from minority caucus if there is one.	Does not change current law.
*Sec. 19. Political makeup of committee. (AS 24.60.130(c)) Limits public members to only one former legislator and only two from same party (no longer need to address party of legislative members, as that done in (b), above).	Does not change current law.

Conf Com

no change

*sect 14
no change*

*sect 15
no change*

*sect 16
Page 121
Lines 7-9
added*

*sect 17
no change*

*sect 18
same as
House*

*sect 19
same as
House*

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 20. Officers of committee. (AS 24.60.130(d)) Provides for vice-chairs of subcommittees and that officers may not be legislators.	Does not change current law.
*Sec. 21. Committee staff and support. (AS 24.60.130(f)) Restricts other activities of any committee employee or contractor. Directs LAA (Council) to provide staff, office, and equipment support. Addresses budget.	Does not change current law.
*Sec. 22. Term of office. (AS 24.60.130(g)) Makes public members' terms 3 years. Provides for holdover of public member until successor appointed and ratified.	*Sec. 16. Identical except no provision for holdover.
*Sec. 23. Quorum. (AS 24.60.130(i)) Changes quorum to reflect change in makeup of committee.	*Sec. 17. Changes quorum to require one fewer legislator and one more public member.
*Sec. 24. Miscellaneous committee matters. (AS 24.60.130(j)-(m))	*Sec. 18. Adds (j) and (k), identical to House version. Does not add (l) or (m), dealing with meetings and members' other activities, respectively.
*Sec. 25. Outside activities of committee staff & public members. (AS 24.60.134) Restricts political activities of and bans lobbying by, public members and committee staff and contractors.	No equivalent provision, although general restrictions on conflicts of interest would cover some of this.
*Sec. 26. Informal advice. (AS 24.60.158) Authorizes informal advice. Sets out caveats in connection with it.	No equivalent provision.
*Sec. 27. Advisory opinions. (AS 24.60.160)	*Sec. 19. Identical.

Conf Comm

*Sect 20
Same as
House*

*Sect 21
Same as
House*

*Sect 22
Page 13
lines 23-27
Changed*

*Sect 23
no changes*

*Sect 24
added
Page 14
lines 23-25*

*Sect 25
Same as
House*

*Sect 26
Same as
House*

*Sect 27
no change*

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 28. Use of information. (AS 24.-60.165) Bars committee from using information submitted with request for advice to bring complaint against the person.	No equivalent provision.
*Sec. 29. Proceedings. (AS 24.60.170)	*Sec. 20. Identical except that in the House version, the substance of subsection (l) is found in sec. 30, (m) is in sec. 31, and (q) is in sec. 7, albeit in each case the substance is in a different form in the House version.
*Sec. 30. Violations by legislators. (AS 24.60.174)	In AS 24.60.170(l), bill sec. 20, with less detail.
*Sec. 30. Violations by employees. (AS 24.60.176)	In AS 24.60.130(m), bill sec. 20, with less detail.
*Sec. 30. Actions by the Attorney General. (AS 24.60.178) Authorizes AG to bring independent actions for violations of AS 24.60.	No equivalent provision, although AG may already possess this power under existing statutory or common law.
*Sec. 31. Financial disclosure. (AS 24.-60.200 - 24.60.260) Substitutes disclosure under these provisions for current APOC disclosure by legislators and certain high-level legislative staff.	Does not change current law.
*Sec. 31. Legal defense and election challenge funds. (AS 24.60.300)	No equivalent provision.
*Sec. 31. Definitions. (AS 24.60.990) The existing definitions for AS 24.60 are repealed and replaced by these, more extensive, definitions.	No equivalent provision.
*Secs. 32 - 36 and 40 - 42. Conforming amendments relating to change of disclosure from APOC law to AS 24.60.	No equivalent provision.

Conf Comm

*Sec 28
same as
House*

*Sec 29
no change*

*Sec 30
same as
House*

*Sec 30
same as
House*

*Sec 30
same as
House*

*Sec 31
same as
House*

deleted

*same as
House*

*same as
House*

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 37. Immunities. (AS 24.40.010) Amends law to include statements relating to legislative intent within protection of legislative immunity.	No equivalent provision.
*Sec. 38. Prohibited conduct by lobbyists. (AS 24.45.121(a))	*Sec. 1. Identical, except that Senate includes certain loans and campaign contributions within prohibited acts. (See page 2, lines 15 - 18 of CS-SB 185(JUD) am)
*Sec. 39. Prohibited lobbying by former legislators. (AS 24.45.121(c))	*Sec. 2. Identical but does not expressly allow volunteer or representational lobbying.
*Sec. 43. Repealers.	*Sec. 24. Fewer provisions are repealed because scope of Senate bill is narrower.
*Sec. 44. Committee Appointments.	*Sec. 25. Substantively identical insofar as staggering of terms is concerned.
*Sec. 45. Transitional provisions relating to violations and proceedings.	No equivalent provision.
*Sec. 46. Makes Act effective the first day of the 18th legislature.	No equivalent provision.
No equivalent provision.	*Sec. 22. Restrictions on former legislators and former employees. (AS 24.60.200) Bars certain representation of others for one year after leaving legislature or employment.

Conf Com
sec 37
Deleted

Sec 38
same as
House
drafted
letter of
intent

sec 39
same as
House

Sec 22
same as
Senate

If I may be of further assistance, please advise.

DRD:gc
 92-331.glc



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

State Capitol
Juneau, AK 99801-1182

Mr. President:
Mr. Speaker:

The Conference Committee considering:

CS FOR SENATE BILL NO. 185(JUD) am

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

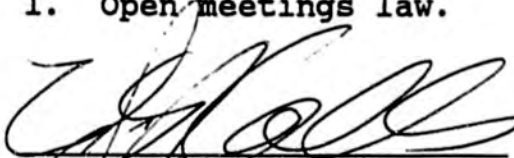
and

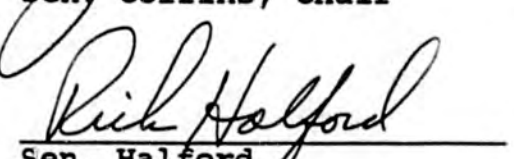
2d HOUSE CS FOR CS FOR SENATE BILL NO. 185(STA) am H

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and providing for an effective date."

requests limited powers of free conference on the following bill section:

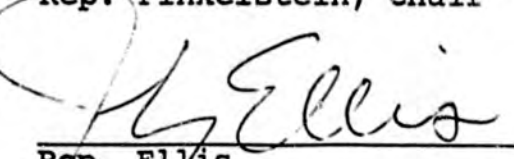
1. Open meetings law.

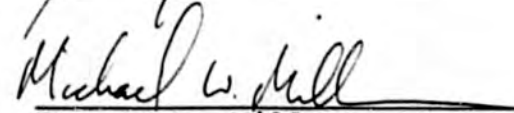

Sen. Collins, Chair


Sen. Halford


Sen. Zharoff


Rep. Finkelstein, Chair


Rep. Ellis


Rep. M.W. Miller

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 6, line 15, after "law).":

Insert "The committee shall develop guidelines [consistent with AS 44.62.310 - 44.62.312] for the application of this section to the legislature. The guidelines must permit closed caucuses and private, informal meetings or conversations between legislators in which political strategy is discussed. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 6, line 15, after "law).":

consistent with AS 44.62.310 - 44.62.312

Insert "The committee shall develop guidelines^A for the application of this section to the legislature. The guidelines must permit caucuses and informal meetings or conversations between legislators in which political strategy is discussed. ~~The guidelines may not permit closed meetings not otherwise permitted under AS 44.62.310(c) in which a commitment, vote, or final disposition is made on a motion or proposal that is to be officially acted upon by the legislature or a committee, subcommittee, or another entity of the legislature.~~ In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO: CSSB 185

Page 6, line 15, after "law)":

Insert "The committee shall develop guidelines for the application of this section to the legislature. The guidelines must permit caucuses and informal meetings or conversations between legislators in which political strategy is discussed. [The guidelines may not permit closed meetings not otherwise permitted under AS.62.310(c) between legislators who comprise a quorum of a house, committee, subcommittee or other entity of the legislature, in which a commitment, vote, or final disposition is made on a motion or proposal that is to be officially acted upon by the house, committee, subcommittee or other entity of the legislature.] In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.



Alaska State Legislature

Official Business

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

May 6, 1992

Mr. President:
Mr. Speaker:

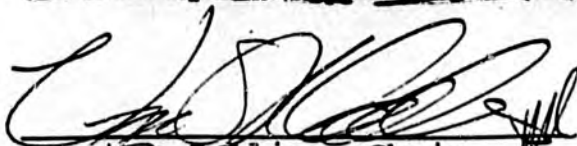
The Conference Committee considering:

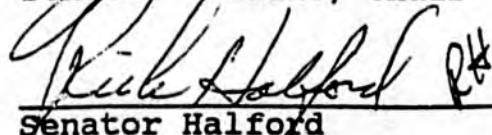
CS FOR SENATE BILL NO. 185(JUDICIARY) am
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

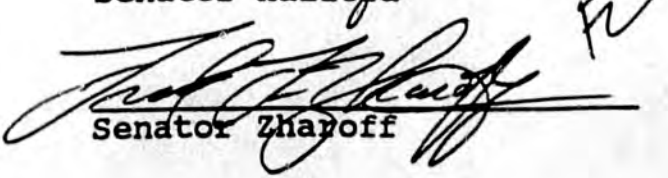
and 2d HOUSE CS FOR CS FOR SENATE BILL NO. 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

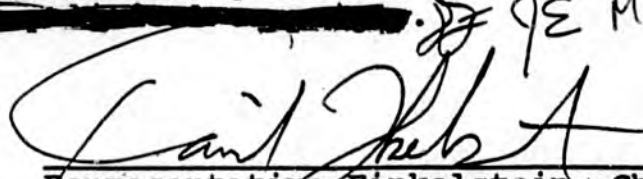
requests limited powers of free conference on the following bill sections:

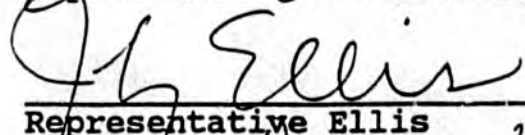
1. The taking or withholding of official action by a legislator or employee.
2. Disclosures of gifts not connected with a person's legislative status.
3. Definition of "family" for purposes of provisions relating to gifts.
4. Representation of others for compensation.
5. Members of the Select Committee on Legislative Ethics.

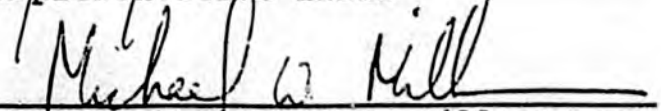

Senator Collins, Chair


Senator Halford


Senator Zharoff


Representative Finkelstein, Chair


Representative Ellis


Representative M. W. Miller

JE M.W.M.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 10, line 5:

Delete "Each gift"

Insert "A gift under (c)(4) of this section [EACH GIFT]"

Page 10, line 7, after "committee.":

Insert "Gifts under (c)(6) of this section shall be disclosed to the committee annually on or before April 15 of the following calendar year.

and need to include the value of the gift
amount over \$250.00 if the value exceeds
\$250.00.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 21, line 3:

Delete "(A)"

Page 21, lines 4 - 6:

Delete "; or

(B) \$10,000 per year and is received from a family member of recipient"

NOTE: THE ADOPTION OF THIS AMENDMENT DOES NOT REQUIRE LIMITED POWERS OF
FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: CCSSB 185

Page 10, line 5:

Delete "Each gift"

Insert "A gift under (c)(4) of this section [EACH GIFT] "

Page 10, line 7, after "committee.":

Insert "Gifts under (c)(6) of this section shall be disclosed to the committee annually on or before April 15.

A M E N D M E N T

OFFERED IN THE CONFERENCE COMMITTEE

TO:

CSSB 185

Page 6, line 15, after "law).:

Insert "The Committee shall develop guidelines for the application of this section to the legislature. The guidelines must permit closed caucuses and private, informal meetings or conversations between legislators in which political strategy is discussed. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds that a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation."

NOTE; THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE CONCERNING APPLICABILITY OF THE OPEN MEETINGS LAW.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

BY SENATOR COLLINS

TO: 2d HCS CSSB 185(STA) am H

Page 22, lines 1 through 15:

Delete all material.

*Amendments Identified
at 5/4/92 meeting*

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

BY SENATOR COLLINS

TO: 2d HCS CSSB 185(STA) am H

Page 25, line 30 through 26, line 10:

Delete all material.

Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 5, line 7, after "(3)":

Insert "unless required by the Uniform Rules of the Alaska State Legislature,"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF
FREE CONFERENCE.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 10, line 8, after "receives":

Insert "relating to gifts under (c)(4) of this section"

Page 10, line 9, after "journal":

Insert ". Disclosures relating to gifts under (c)(6) of this section shall be maintained, but are confidential and may only be used by the committee and its employees and contractors in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosures become part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosures"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 10, line 11:

Delete "a new subsection"

Insert "new subsections"

Page 10, after line 16:

Insert a new subsection to read:

"(g) In this section, "immediate family" has the meaning given in AS 24.60.990 and includes the grandparent of a person."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 11, line 22, after "journal":

Insert "A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity of the legislative branch"

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 13, lines 5 - 7:

Delete "Each public member serves for a three-year term. A public member whose term has expired continues in office until a successor has been appointed and ratified."

Insert "Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the person's appointment, whichever is earlier."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185(STA) am H

Page 14, after line 2:

Insert a new subsection to read:

"(n) In this section, "minority organizational caucus" means a group of legislators who have organized and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate."

NOTE: THE ADOPTION OF THIS AMENDMENT WOULD REQUIRE LIMITED POWERS OF FREE CONFERENCE.



Official Business

Alaska State Legislature

State Capitol

Juneau, Alaska 99801-1182

LETTER OF INTENT

BY THE CONFERENCE COMMITTEE ON SB 185

It is the intent of the Legislature that the provisions of AS 24.45.121(a)(8) only prohibit lobbyists from serving in roles in legislative campaigns involving active fundraising, such as the role of campaign manager or director, campaign or deputy campaign treasurer, member of a finance or fundraising committee, or host of a fundraising event, and from collecting or distributing campaign contributions to legislative campaigns. It is further the intent of the Legislature that the provisions of AS 24.45.121(a)(8) do not cover lobbyists' spouses or family members, prohibit attendance at candidate fundraising events or prohibit candidate recommendations to the clients of lobbyists. Lobbyists are free to individually support candidates of their choice and make personal campaign contributions, or serve as campaign volunteers.

Sen. Collins, Chair

Rep. Finkelstein, Chair

Sen. Halford

Rep. Ellis

Sen. Zharoff

Rep. M.W. Miller



Official Business

Alaska State Legislature

State Capitol

Juneau, Alaska 99801-1182

LETTER OF INTENT

BY THE CONFERENCE COMMITTEE ON SB 185

It is the intent of the Legislature that the provisions of AS 24.45.121(a)(8) only prohibit lobbyists from serving in roles in legislative campaigns involving active fundraising, such as the role of campaign manager or director, campaign or deputy campaign treasurer, member of a finance or fundraising committee, or host of a fundraising event, and from collecting or distributing campaign contributions to legislative campaigns. It is further the intent of the Legislature that the provisions of AS 24.45.121(a)(8) do not prohibit lobbyists from discussing or recommending fundraising support with their clients or others.

Sen. Collins, Chair

Rep. Finkelstein, Chair

Sen. Halford

Rep. Ellis

Sen. Zharoff

Rep. M.W. Miller

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 10, 1992

SUBJECT: Questions Regarding SB 185 Raised by Susan Burke

TO: Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

You have asked that I review a letter from Susan Burke that was received by Senator Zharoff. I have done so.

Legislative employees. I believe that Ms Burke has read too much into the definition of "legislative employee," and, at the same time, not read quite enough. First, the definition exempts employees whose duties are incidental and removed from the policy side of legislative functions; the committee is authorized to designate further exemptions.

Second, the definition requires "regular or substantial" personal services; it has always been the assumption that the inclusion of independent contractors and consultants is intended to cover the group of individuals who perform services for a member or committee that are essentially full-time, but are not under a contract of employment because of personal considerations (e.g. PERS status, tax considerations, etc.). I don't believe that anybody has read this definition as including attorneys retained to represent the legislature in a specific case. An attorney permanently retained, or retained to advise a committee during a session would, of course, be covered. If the conferees desired to clarify this matter, under appropriate limited powers they could change "regular or substantial" to "regular and substantial." (The Senate version did not define employees.)

Lobbyists. Even assuming that Ms Burke's concerns about due process are valid, there is nothing the conference committee can do about the problem without disbanding and asking the presiding officers to appoint new conferees as a free

Senator Virginia Collins
May 10, 1992
Page 2

conference committee. The questioned language was identical in both houses (as was the entire paragraph in which it appears), and is not within the jurisdiction of the present conference committee. I note that this language has been in the Senate's version since early last session. There is nothing in our file that suggests that the language has been questioned before now.

DRD:lmb:mi
92-114.lmb

LAW OFFICES
GROSS & BURKE
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

AVRUM M. GROSS
SUSAN A. BURKE

(907) 588-2777

May 8, 1992

RECEIVED MAY 8 1992

Hon. Fred Zharoff, Senator
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Re: Senate Bill 185 - Legislative Ethics

Dear Senator Zharoff:

You have asked me to take a brief look at 2d HCS SSSB 185 (STA) am H, which deals with legislative ethics, and advise you whether I think there are any constitutional problems with any of the provisions of the bill. I have read through the bill, and there are two provisions that in my view may have some constitutional problems. First, I think that application of certain provisions of the bill to non-policy making legislative employees (including certain independent contractors) may violate those employees' rights to petition their government. Second, I think that there may be some fundamental due process issues raised by what I find to be fairly vague provisions dealing with fund raising. Time constraints prevent me from going into an exhaustive analysis of these issues; however, I can give you at least a thumbnail analysis.

1. Non-policy making employees.

The bill currently defines a "legislative employee" to include all persons employed by the legislature, regardless of whether the employee's job duties involve or even remotely affect the development of legislative policy. The bill currently prohibits all "legislative employees" from participating in certain political action, including administrative action. There may well be a legitimate interest in prohibiting legislators and policy level legislative employees from dealing with the executive branch on matters dealing with their personal financial business (that is, the wish to avoid even the appearance of using one's position for personal gain). I question, however, whether there is any legitimate State interest in prohibiting a clerical employee from dealing with the executive branch in matters affecting the employee's personal financial interests.

The same is true for certain kinds of independent contractors -- specifically, attorneys who are representing the legislature in litigation. My own law firm, for

Hon. Fred Zharoff, Senator
May 8, 1992
Page -2-

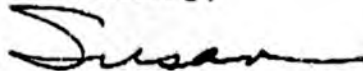
instance, has represented the Senate in litigation brought by the Anchorage Daily News (open meetings) and has defended an individual legislator in a civil rights suit arising from actions taken by the legislator in the course of legislative confirmation of executive appointments. Attorneys in that kind of situation are not advising the legislature on matters of future policy, but are representing the institution concerning situations that occurred in the past. I see no reason why the attorney should be prohibited from participating in legislative, administrative or political action.

2. Due Process Concerns.

Section 33 of the bill adds a provision to the list of prohibited activities for lobbyists -- specifically, a provision dealing with fund-raising activities on behalf of a legislative campaign. Since engaging in any of the named activities carries a criminal penalty, due process requires that the law clearly state what conduct is in fact prohibited. Many of the activities included in the new provision pose no problems in terms of clarity. It is fairly clear, for example, what constitutes serving as a campaign manager or director; campaign or deputy campaign treasurer of a campaign finance or fund-raising committee. I have no idea, however, what is intended to be included in the phrase "or otherwise actively engage in . . . fund-raising activity." If there is some specific activity other than serving in the positions listed that should be prohibited, then the legislation should clearly describe that activity. If the concern is that the lobbyist will be a member of a campaign finance "team," but use a title other than the ones listed, then the legislation can make that clear without using such a vague "catch-all" phrase.

I hope this answers your questions. Let me know if I can be of further assistance.

Sincerely,



Susan A. Burke

SAB:ps

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

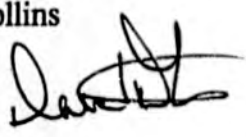
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 4, 1992

SUBJECT: Ethics Legislation (2d HCS CSSB 185(STA) am H)

TO: Representative David Finkelstein
Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

In the process of preparing a sectional analysis of the ethics bill I discovered a provision that should be amended in the event you seek limited powers of free conference. In the House version of the bill's amendments to AS 24.60.030 (conflicts of interest), paragraph (a)(4) addresses the misuse of legislative employees. I am certain that everybody has intended that the provision apply to all legislative employees, not just those defined for the bill.

In the original Josephson draft, and in many subsequent drafts, the term "legislative employees" was defined to include everybody, while those we now define as employees were described as "legislative assistants." The provision that is now found at AS 24.60.030(a)(4) formerly applied to all employees, not just assistants. A simple amendment would solve the problem.

DRD:pl
92-321.plm

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

April 29, 1992

SUBJECT: Comparison of House and Senate Ethics Bills (2d HCS CSSB 185(STA) am H and CSSB 185(JUD) am)

TO: Senator Virginia Collins

FROM: David R. Dierdorff 
Revisor of Statutes

The purpose of this memo is to allow you to compare the House version of SB 185 (2d HCS CSSB 185(STA) am H) with the version that passed the Senate (CSSB 185(JUD) am). The memo does not purport to offer a detailed description of the provisions of either bill; it is designed only to provide a guide to the similarities and differences.

At the outset it should be noted that the two bills are organized differently. The House version places all of the amendments to the legislative ethics law (AS 24.60) in the front section of the bill and then sets out the conforming and other amendments to other provisions of law. In the Senate version, the bill sections are organized in the numerical order of the AS sections amended.

Another difference between the two is that the House version makes the ethics law applicable to all legislative employees except certain employees performing primarily ministerial or supportive functions (see Sec. 24.60.990(10) on page 23, lines 20 - 26, for definition) and the Senate version retains the current practice of making applicability hinge on salary level, lowering the threshold, however, from Range 18 to Range 15. Consequently, many of the changes to current law found in the House version do nothing more than change "person to whom this chapter applies" to "legislator or legislative employee." In the Senate version, because current law is retained, these changes were not required.

In the table that follows, "no equivalent provision" means that the Senate bill does not contain a provision that addresses the issue.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 1. Findings and Purpose. (AS 24.60.010)	*Sec. 3. Identical.
*Sec. 2. Applicability. Amends AS 24.60.020(a) to conform to definition of "legislative employee" and add public members. Amends AS 24.60.020(b) to clarify relationship to other laws.	*Sec. 4. Amends AS 24.60.020(a) only. House covers all legislative employees with some exceptions. Senate covers only Range 15 & higher. Both cover public members of committee.
*Sec. 3. Conflicts of interest. (AS 24.60.030) Casts the law in terms of prohibited conduct. Sets out more specific prohibitions than the Senate version.	*Sec. 5. Follows approach of current law by prohibiting "conflicts of interest" and then describing conduct that constitutes a conflict of interest.
*Sec. 4. Fund raising. (AS 24.60.031)	*Sec. 6. (AS 24.60.035) Substantively identical to House, except that House disallows using, in a legislative race, money raised during session under letter of intent to become a candidate for unspecified office.
*Sec. 4. Employee candidacies. (AS 24.60.033) Prohibits employee from becoming a candidate for the legislature while an employee.	No equivalent provision.
*Sec. 4. Whistle blowers. (AS 24.60.035)	No equivalent provision.
*Sec. 4. Open meetings law. (AS 24.60.037) Requires legislators to comply with open meetings law, thus making violation of that law a violation of ethics law.	No equivalent provision, although the committee is to comply except when required to keep something confidential. See bill sec. 18, AS 24.60.130(j).
*Sec. 4. Discrimination prohibited. (AS 24.60.039) Violation of AS 18.80.220 would be treated as violation of chapter under AS 24.60.130.	*Sec. 21. Provides special grievance procedure for employee or former employee alleging violation of AS 18.80.220. Not identical, but similar to House.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 5. State contracts or leases. (AS 24.60.040) Extends the prohibition against being a party to certain state contracts or leases to members of the immediate family of legislators and legislative employees.	Does not change current law.
*Sec. 6. State programs and loans. (AS 24.60.050) Rewrites the current law to conform to the format of the House bill. Makes minor changes in reporting dates. Adds provision relating to improper influence to obtain benefit or loan.	Does not change current law, although improper influence is covered under general provisions describing prohibited conflicts of interest in bill sec. 5, AS 24.60.030(a)(2).
*Sec. 7. Disclosure of confidential information. (AS 24.60.060)	*Sec. 5. AS 24.60.030(a)(4) as enacted in sec. 5, is substantively similar to the House amendments to AS 24.60.060. The Senate bill repeals AS 24.60.060.
*Sec. 8. Close economic associations. Amends AS 24.60.070 to make all disclosures go to the committee in the first instance. The committee forwards them to the house for inclusion in the journal.	Does not change current law.
*Sec. 9. Adds subsections to AS 24.60.070 requiring disclosures to be detailed and defining close economic association.	*Sec. 7. Adds subsection to AS 24.60.070 requiring disclosures to be detailed. Does not define close economic association.
*Sec. 10. Gifts, basic prohibition. (AS 24.60.080(a))	*Sec. 8. Identical.
*Sec. 11. Gifts, listing of exceptions. (AS 24.60.080(c))	*Sec. 9. Identical except that House limits (c)(5) to members of the immediate family.
*Sec. 12. Disclosure of gifts. (AS 24.60.080(d))	*Sec. 10. Identical except that House has all disclosure to committee in first instance.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 13. Gifts from foreign governments. (AS 24.60.080(f))	*Sec. 11. Identical.
*Sec. 14. Earned income and honoraria. (AS 24.60.085)	*Secs. 5 and 12. Almost identical substantively. Income limit is in AS 24.60.030(3) (sec. 5). The honoraria restriction is in AS 24.60.085 (sec. 12).
*Sec. 15. Nepotism. (AS 24.60.-090(a)) Amends existing law to clarify and also prohibit paid or volunteer work for ethics committee by a relative. In sec. 43, two subsections of AS 24.60.090 are repealed as they are no longer needed.	*Sec. 13. Identical except does not prohibit "free" work for committee. Does not repeal any provisions, as Senate approach does not remove the need for them.
*Sec. 16. Representation. (AS 24.60.-100) Amends current law to provide for disclosure directly to the committee.	*Sec. 14. Prohibits representation for compensation before a state agency, board, or commission, or an officer or employee thereof.
*Sec. 17. Status of committee. (AS 24.60.130(a))	*Sec. 15. Identical.
*Sec. 18. Membership of committee. (AS 24.60.130(b)) Changes makeup of committee. One less legislator from each house; two more public members. Requires one of each house's members to be from minority caucus if there is one.	Does not change current law.
*Sec. 19. Political makeup of committee. (AS 24.60.130(c)) Limits public members to only one former legislator and only two from same party (no longer need to address party of legislative members, as that done in (b), above).	Does not change current law.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 20. Officers of committee. (AS 24.60.130(d)) Provides for vice-chairs of subcommittees and that officers may not be legislators.	Does not change current law.
*Sec. 21. Committee staff and support. (AS 24.60.130(f)) Restricts other activities of any committee employee or contractor. Directs LAA (Council) to provide staff, office, and equipment support. Addresses budget.	Does not change current law.
*Sec. 22. Term of office. (AS 24.60.-130(g)) Makes public members' terms 3 years. Provides for holdover of public member until successor appointed and ratified.	*Sec. 16. Identical except no provision for holdover.
*Sec. 23. Quorum. (AS 24.60.130(i)) Changes quorum to reflect change in makeup of committee.	*Sec. 17. Changes quorum to require one fewer legislator and one more public member.
*Sec. 24. Miscellaneous committee matters. (AS 24.60.130(j)-(m))	*Sec. 18. Adds (j) and (k), identical to House version. Does not add (l) or (m), dealing with meetings and members' other activities, respectively.
*Sec. 25. Outside activities of committee staff & public members. (AS 24.-60.134) Restricts political activities of and bans lobbying by, public members and committee staff and contractors.	No equivalent provision, although general restrictions on conflicts of interest would cover some of this.
*Sec. 26. Informal advice. (AS 24.60.-158) Authorizes informal advice. Sets out caveats in connection with it.	No equivalent provision.
*Sec. 27. Advisory opinions. (AS 24.-60.160)	*Sec. 19. Identical.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 28. Use of information. (AS 24.60.165) Bars committee from using information submitted with request for advice to bring complaint against the person.	No equivalent provision.
*Sec. 29. Proceedings. (AS 24.60.170)	*Sec. 20. Identical except that in the House version, the substance of subsection (l) is found in sec. 30, (m) is in sec. 31, and (q) is in sec. 7, albeit in each case the substance is in a different form in the House version.
*Sec. 30. Violations by legislators. (AS 24.60.174)	In AS 24.60.170(l), bill sec. 20, with less detail.
*Sec. 30. Violations by employees. (AS 24.60.176)	In AS 24.60.130(m), bill sec. 20, with less detail.
*Sec. 30. Actions by the Attorney General. (AS 24.60.178) Authorizes AG to bring independent actions for violations of AS 24.60.	No equivalent provision, although AG may already possess this power under existing statutory or common law.
*Sec. 31. Financial disclosure. (AS 24.60.200 - 24.60.260) Substitutes disclosure under these provisions for current APOC disclosure by legislators and certain high-level legislative staff.	Does not change current law.
*Sec. 31. Legal defense and election challenge funds. (AS 24.60.300)	No equivalent provision.
*Sec. 31. Definitions. (AS 24.60.990) The existing definitions for AS 24.60 are repealed and replaced by these, more extensive, definitions.	No equivalent provision.
*Secs. 32 - 36 and 40 - 42. Conforming amendments relating to change of disclosure from APOC law to AS 24.60.	No equivalent provision.

HOUSE BILL PROVISIONS	SENATE BILL PROVISIONS
*Sec. 37. Immunities. (AS 24.40.010) Amends law to include statements relating to legislative intent within protection of legislative immunity.	No equivalent provision.
*Sec. 38. Prohibited conduct by lobbyists. (AS 24.45.121(a))	*Sec. 1. Identical, except that Senate includes certain loans and campaign contributions within prohibited acts. (See page 2, lines 15 - 18 of CS-SB 185(JUD) am)
*Sec. 39. Prohibited lobbying by former legislators. (AS 24.45.121(c))	*Sec. 2. Identical but does not expressly allow volunteer or representational lobbying.
*Sec. 43. Repealers.	*Sec. 24. Fewer provisions are repealed because scope of Senate bill is narrower.
*Sec. 44. Committee Appointments.	*Sec. 25. Substantively identical insofar as staggering of terms is concerned.
*Sec. 45. Transitional provisions relating to violations and proceedings.	No equivalent provision.
*Sec. 46. Makes Act effective the first day of the 18th legislature.	No equivalent provision.
No equivalent provision.	*Sec. 22. Restrictions on former legislators and former employees. (AS 24.60.200) Bars certain representation of others for one year after leaving legislature or employment.

If I may be of further assistance, please advise.

DRD:gc
 92-331.glc

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LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 7, 1992

SUBJECT: Options Available to the Conference Committee on SB 185
under Rule 42

TO: Senator Virginia Collins

FROM: David R. Dierdorff *Dez*
Revisor of Statutes

You have asked for a brief summary of the options available to the conference committee on the ethics bill. The committee has adopted eight amendments, two of which (C.1 and C.2) did not require limited powers of free conference, and six of which (C.10, C.11, C.13, C.14, C.15, and C.16) were adopted under your limited powers.

The powers of a conference committee are set out in Uniform Rule 42(a), which provides in part:

If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. (Emphasis added)

Essentially, the conference committee may only incorporate, or fail to incorporate, into a bill a provision that was adopted by one or the other body. It may not change or delete sections of the bill that are identical in both the House and Senate versions because identical sections do not constitute amendments to the bill. *Have to be identical with respect to the effect of the House or Senate provision*
The same subsection of the Uniform Rule addresses the powers of a conference committee with limited powers of free conference by providing: *per Tam-Cook*

If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report

Senator Virginia Collins
May 7, 1992
Page 2

to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. (Emphasis added)

Once again note that the conference committee is focusing on differences between the House passed version and the Senate passed version of the bill. Provisions that are identical do not constitute amendments and are, therefore, beyond the jurisdiction of the conference committee. However, if limited powers are granted as to a provision that the two bill versions treat differently, a conference committee may make any change to that provision. It need not, in short, accept the House or Senate version, but may come up with a new alternative, as you have done.

To look at a specific example, the House version of SB 185 includes, as a part of sec. 31, provisions that govern reporting financial information to APOC. The Senate version does not include any of those provisions. The conference committee may accept all of them, reject all of them, or accept only a portion of them.

In the context of that part of sec. 31 that was the subject of yesterday's discussion, it is our opinion that the conference committee could delete all of Sec. 24.60.200(4) (page 20, line 31 - page 21, line 6, draft CCSSB 185 dated 5/6/92) or only Sec. 24.60.200(4)(B) (page 21, lines 5 - 6). The reason is that the material deleted constitutes a coherent unit added by the House that was not in the Senate bill. By like measure, the conferees could agree to delete all of sec. 31 (leaving, of course, Sec. 24.60.990 containing the definitions). All of this can be done without seeking further limited powers. If you wish to rewrite Sec. 24.60.200(4), that would require seeking limited powers, as these gift provisions are not the ones for which limited powers were granted yesterday.

If I can be of further assistance, please advise.

DRD:gc
92-361.glc

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(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

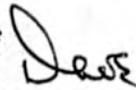
240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 6, 1992

SUBJECT: Definition of "Immediate Family" for consideration by the conference committee on SB 185

TO: Senator Virginia Collins
Representative David Finkelstein

FROM: David R. Dierdorff 
Revisor of Statutes

I have rewritten amendment 7-LS0799\C.12 to incorporate the thoughts generally expressed in this morning's meeting. Please note that I have set out for your information the definition of "immediate family" as it applies to the rest of AS 24.60. An option that was discussed, allowing the committee to develop the definition, would require an amendment to page 9, line 28, so that that line would read:

(5) gifts from the immediate family, as that term is defined by the committee,
of a person; or

Alternatively, amendment C.12 could be revised to read:

(g) In this section, "immediate family" has the meaning given in policies adopted by the committee.

DRD:gc
92-357.glc

Enclosure

AMENDMENT

OFFERED IN THE CONFERENCE COMMITTEE

TO: 2d HCS CSSB 185 (STATE AFFAIRS) am H

Page 10, line 11:

Delete "a new subsection"

Insert "new subsections"

Page 10, after line 16:

Insert a new subsection to read:

"(g) In this section, "immediate family" has the meaning given in AS 24.60.990(a)(5) and includes the grandparents, aunts, and uncles of a person, and also includes a person described in this subsection or AS 24.60.990(a)(5) who is related to the person by marriage."

NOTE: THE TEXT OF AS 24.60.990(a)(5) THAT DEFINES "IMMEDIATE FAMILY" IS SET OUT BELOW:

(5) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of a person;

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

May 6, 1992

SUBJECT: Areas in which to request Limited Powers of Free Conference
(2d HCS CSSB 185(STA) am H)

TO: Senator Virginia Collins
Representative David Finkelstein

FROM: David R. Dierdorff *Dez*
Revisor of Statutes

I believe that your request for limited powers of free conference should be listed as follows:

The conference committee requests limited powers of free conference on the following bill provisions:

1. The taking or withholding of official action by a legislator or employee.
2. Disclosures of gifts not connected with a person's legislative status.
3. Definition of "family" for purposes of provisions relating to gifts.
4. Representation of others for compensation.
5. Members of the Select Committee on Legislative Ethics.

lobbyists
6. participation in political campaign

You will note that my descriptions are more specific than the earlier draft list. I believe, however, that they fairly reflect the desires of the conferees.

DRD:gc
92-354.glc

CSSB 195(Fin)

The Finance Committee has considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 195
(Finance)

"An Act making an appropriation to the Department of Health and Social Services, division of public health, for the Alaska AIDS program; and providing for an effective date."

Recommending do pass (9): Adams (Chairman), Pourchot, Swackhammer, Boyer, Rieger, Frank, Wallis, Brown, Davis

No recommendation (1): Larson

The House Health, Education & Social Services Committee Letter of Intent (page 1404) was attached.

CSSB 195(Fin) was referred to the Rules Committee for placement on the calendar.

CSSB 201(SA)

The Finance Committee has considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 201
(State Affairs)

"An Act relating to the local agricultural and fisheries product preference; and providing for an effective date."

and recommends it be replaced with:

HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE
SUBSTITUTE FOR SENATE BILL NO. 201 (State Affairs)
(page 1404)

Recommending do pass (11): Adams (Chairman), Pourchot, Larson, Goll, Swackhammer, Boyer, Rieger, Frank, Wallis, Brown, Davis

CSSB 201(SA) was referred to the Rules Committee for placement on the calendar.

SB 237

The Judiciary Committee has considered:

SENATE BILL NO. 237

"An Act providing that assistance to authorities to detect, apprehend, or prosecute other persons is conduct constituting a mitigating factor in criminal sentencing."

Recommending do pass (4): Sund (Chairman), Navarre, Barnes, Gruenberg

SB 237

No recommendation (1): Cotten

SB 237 was referred to the Rules Committee for placement on the calendar.

SB 290

The Resources Committee has considered:

SENATE BILL NO. 290

"An Act relating to supplying false information on fish tickets."

Recommending do pass (6): Herrmann (Co-chairman), Springer, Hoffman, Davidson, Shultz, Navarre

SB 290 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEESHCS SB 131(Fin)

The Conference Committee considering:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 131
(Finance)

"An Act regulating the sale and use of TBT-based marine antifouling paints and coatings; and providing for an effective date."

and

SENATE BILL NO. 131 amended
(same title)

requests limited powers of free conference on the following specific points:

1. Section 1 requiring a statement on a commercial fishing vessel license form that the vessel is not painted with TBT paints or otherwise in violation with this act.
2. Exemption for lower outboard drive units.
3. Definition of number of days a foreign vessel is exempted from act.

The request was signed by Senators Zharoff, Eliason and Duncan and Representatives Sund, Davidson and Pearce.



Official Business

Alaska State Legislature

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

Agenda

May 6, 1992

Conference Committee Meeting

CSSB 185(JUD) am and 2d HCS CSSB 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists and to the Select Committee on Legislative Ethics; and providing for an effective date

1. Call To Order.
2. Explanation of Amendments by Dave Dierdorff, Revisor of Statutes.
3. Questions by committee members.
4. Discussion of subject areas for limited powers of free conference.
5. Motion to adopt request for limited powers of free conference.
6. Adjourn



Official Business

Alaska State Legislature

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

May 6, 1992

Mr. President:

Mr. Speaker:

The Conference Committee considering:

CS FOR SENATE BILL NO. 185(JUDICIARY) am

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

and 2d HOUSE CS FOR CS FOR SENATE BILL NO. 185(STA) am H

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

requests limited powers of free conference on the following bill sections:

1. Prohibitions Related to Conflicts of Interest
2. Restrictions on Fund Raising
3. Open Meetings Law
4. Gifts
5. Representation
6. Select Committee on Legislation Ethics
7. Definitions
8. Lobbyists
9. Reports of Financial and Business Interests

Senator Collins, Chair

Representative Finkelstein, Chair

Senator Halford

Representative Ellis

Senator Zharoff

Representative M. W. Miller



Official Business

Alaska State Legislature

State Capitol

Juneau, Alaska 99801-1182

TO: All Interested Persons

FROM: Sen. Virginia Collins
Rep. David Finkelstein

DATE: May 5, 1992

The Conference Committee on SB 185 (legislative ethics) will meet on May 6, at 8:00 am in the Beltz room of the Capitol. This meeting will be open to the public.

For more information, please call our offices.



Official Business

Alaska State Legislature

SENATE

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

Agenda

May 4, 1992

Conference Committee Meeting

CSSB 185(JUD) am and 2d HCS CSSB 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists and to the Select Committee on Legislative Ethics; and providing for an effective date

1. Call To Order
2. Introduction of Conference Committee Members
3. Sectional Overview by Lave Dierdorff, Revisor of Statutes
4. Questions
5. Adjourn

FISCAL NOTE

No. 4STATE OF ALASKA
1992 LEGISLATIVE SESSIONBill Version: 2nd HCSCSSB 185
(H) Publish Date: 4/23/92 (STA)Revision Date: _____
Title: "An Act relating to conduct of legislators,
legislative employees,...on Legislative Ethics."
Sponsor: Senate Spec. Comm. on Ethics Reform
Requestor: House State AffairsDepartment Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & SubcommitteesCOMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative ServicesPhone: 465-3850
Date: 3/24/92Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs AgencyDate: 3/24/92

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

COMMITTEE COPY

Page 1 of 1



Alaska State Legislature

Official Business

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

May 6, 1992

Mr. President:

Mr. Speaker:

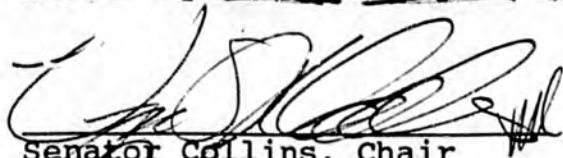
The Conference Committee considering:

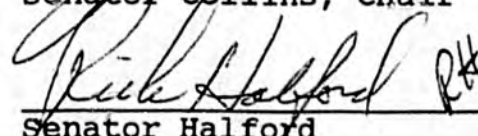
CS FOR SENATE BILL NO. 185(JUDICIARY) am
"An Act relating to conduct of legislators, legislative
employees, former legislators, former legislative employees,
and lobbyists, and to the Select Committee on Legislative
Ethics."

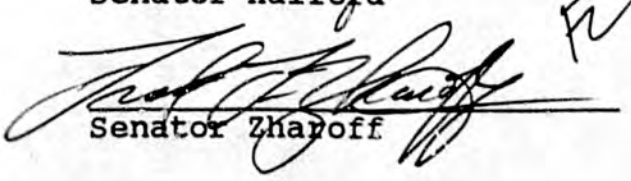
and 2d HOUSE CS FOR CS FOR SENATE BILL NO. 185(STA) am H
"An Act relating to conduct of legislators, legislative
employees, former legislators, former legislative employees,
and lobbyists, and to the Select Committee on Legislative
Ethics."

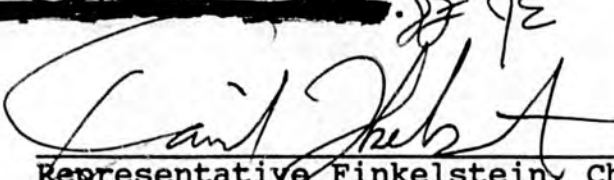
requests limited powers of free conference on the following bill
sections:

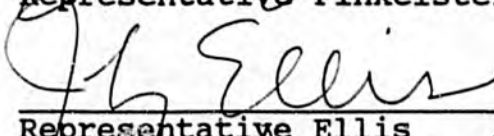
1. The taking or withholding of official action by a legislator or employee.
2. Disclosures of gifts not connected with a person's legislative status.
3. Definition of "family" for purposes of provisions relating to gifts.
4. Representation of others for compensation.
5. Members of the Select Committee on Legislative Ethics.

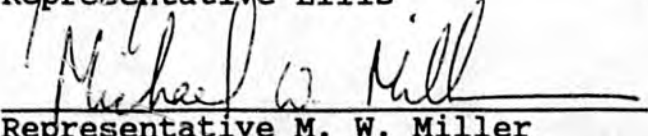

Senator Collins, Chair


Senator Halford


Senator Zharoff


Representative Finkelstein, Chair


Representative Ellis


Representative M. W. Miller



Official Business

Alaska State Legislature

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

Agenda

May 6, 1992

Conference Committee Meeting

CSSB 185(JUD) am and 2d HCS CSSB 185(STA) am H
"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists and to the Select Committee on Legislative Ethics; and providing for an effective date

1. Call To Order.
2. Explanation of Amendments by Dave Dierdorff, Revisor of Statutes.
3. Questions by committee members.
4. Discussion of subject areas for limited powers of free conference.
5. Motion to adopt request for limited powers of free conference.
6. Adjourn

bill contains a section which sets out an effective date shall also be noted in the title of the bill.

(g) A bill may be recommitted any time before passage.

COURSE OF BILLS

RULE 40. COURSE OF BILLS. When a bill has passed the house in which it originated and has been certified as properly engrossed by the clerk or secretary and photographed for duplication (if changes have been made), it shall be signed by the presiding officer and the clerk or secretary. The clerk or secretary shall transmit the original and committee copies of the bill on receipt to the other house. When the second house receives the message accompanying the engrossed bill and reporting its passage, the bill shall be read by the clerk or secretary for the first time and then referred by the presiding officer to one or more committees for subsequent action by that house.

AMENDMENTS IN OTHER HOUSE

RULE 41. AMENDMENTS IN OTHER HOUSE. (a) When a bill, resolution, or citation passed in one house is amended in the other house, the bill, resolution, or citation with certified amendments is returned to the house of origin requesting concurrence. The vote on concurrence in amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership in each house. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill or resolution enrolled for certification and transmittal to the governor.

(b) An amendment to a bill introduced in the other house is not in order if the amendment requires a change of the bill title other than a clerical or technical change.

(c) The house of origin may not vote on concurrence in amendments to an appropriation bill until at least 24 hours after the bill with amendments is delivered to that house. The chief clerk or secretary shall certify the time of delivery for recording in the journal.

CONFERENCE AND FREE CONFERENCE COMMITTEES

RULE 42. CONFERENCE AND FREE CONFERENCE COMMITTEES.

(a) If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. The vote on receding from amendments is taken by the calling of the roll and the recording of the yeas and nays in the journal. A house recedes from its amendments only by a majority vote of the full membership of the house. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Conference Committee. The committee meets when mutually agreeable to its members. If the committee reaches agreement on previously adopted amendments to a bill adopted by either house, the committee then submits an identical report to each house. The report is not subject to amendment in either house. If the report is adopted by each house the bill is enrolled, signed, and transmitted to the governor. If the members of the Conference Committee cannot agree on amendments, or if one or both houses refuses to adopt the committee report, the Conference Committee submits an identical written report to each house listing the specific points of disagreement for which the committee requests powers of free conference. The presiding officer of each house may then give limited powers of free conference only on the specific points listed. If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who served on a Conference Committee or a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same measure. The vote on adoption of a conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(b) A Free Conference Committee is appointed in the same manner as a Conference Committee and may suggest in its report any new amendments clearly germane to the question. When a majority of the membership of the committee from each house agrees on amendments, the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in each house, the bill is then ordered enrolled by its house of origin. If the members of a Free Conference Committee fail to agree on amendments or one or both houses refuses to adopt the free conference report, a second Free Conference Committee may be appointed, but no member of the first committee may be

reappointed. A free conference report on a measure other than an appropriation bill may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal. The vote on adoption of a free conference committee report is taken by the calling of the roll and the recording of the yeas and nays in the journal. Adoption requires a majority vote of the full membership of each house.

(c) A Conference Committee with limited powers of free conference or a Free Conference Committee may not include in its report on an appropriation bill an item which was not included in a version of that appropriation bill adopted in third reading by a house and the amount appropriated by an item may not exceed the higher amount appropriated by that item in a version of the bill adopted in third reading by a house. An item in an appropriation bill includes a line item, an allocation, and an appropriation. The report on an appropriation bill of a Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not be voted on by the house until at least 24 hours after the report is duplicated and delivered to the chief clerk or secretary of the house for distribution to each member. The chief clerk or secretary shall certify the time of delivery of the report for recording in the journal.

(d) Notwithstanding the provisions of (c) of this rule, a Free Conference Committee may consider and include in its report on an appropriation bill appropriations as requested by attached fiscal notes on new legislation and resolutions that have been passed by both houses.

(e) A Conference Committee, a Conference Committee with limited powers of free conference, or a Free Conference Committee may not adopt a report that requires a change in the title of a bill other than a clerical or technical change.

ENROLLMENT

RULE 43. ENROLLMENT. (a) When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the legislature, who, with the revisor of statutes, checks the bill before placement in final form according

Rec'd: _____ at _____
Office of Senate Secretary

CONFERENCE COMMITTEE REPORT

Date: _____

Mr. President:

Mr. Speaker:

The Conference Committee considered

CS FOR SENATE BILL NO. 185 (JUDICIARY) am

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics."

and

2d HOUSE CS FOR CS FOR SENATE BILL NO. 185 (STA) am H

"An Act relating to conduct of legislators, legislative employees, former legislators, former legislative employees, and lobbyists, and to the Select Committee on Legislative Ethics; and providing for an effective date."

recommends that:

be adopted.

☐ **Letter of Intent:** ☐ Senate ☐ House ☐ Conference Committee

☐ **Fiscal note(s):** ☐ Senate ☐ House

New **zero** fiscal note(s) attached from: _____

New fiscal note(s) attached from: _____

Senator Collins, Chair

Representative Finkelstein, Chair

Senator Halford

Representative Ellis

Senator Zharoff

Representative M. Miller

Return original to Senate Secretary's Office with Conference Bill.

SCOMM

82:2



Official Business

Alaska State Legislature

SENATE

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

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ORGANIZATION MEETING

- ITEM 1: HB 4 by Representative Finkelstein - Rewrite of Ethics statute
- ITEM 2: CSHB 451 (SA) by House State Affairs Committee 16th Legislature
- ITEM 3: STANDARDS OF CONDUCT HANDBOOK
- ITEM 4: GOGEL - MODEL CAMPAIGN FINANCE, ETHICS, AND LOBBYING REGULATION

2/7/91 -

Duncan - no problem with a committee bill -

Frost - likes the existing law -
likes the format the existing law
as a starting point -

- use the regular format -

- take good ideas and put into
our current law -

Collins - want to avoid the problems last
year

Frost - no problem with campaign financing -
- pay issue should not be in bill -

Duncan - most people would prefer not
to put pay issue in the bill -
are you seriously restricting what
legislators can do to earn a living
he thinks that campaign should be
separate piece of legislation -

Collins - a package of bill -
- compensation bill - should stand on own
merit
- campaign financing bill -

Frank - if we limit outcome income then
yes a pay raise -

- if you limit outside income - he thinks
is wrong - since you will only

Frank - focus on the guts of the issue

have staff in a work session
walk through the bill so that

- Thursdays 8:00 AM -

look at areas want to focus on -

Council on Governmental Ethics Laws

**A Model Law
for
Campaign Finance, Ethics, and Lobbying
Regulation**

Edward D. Feigenbaum
Model Law Committee Chair

Edited by

Edward D. Feigenbaum
Campaign Finance

John L. Larsen
Ethics

Betty J. Reynolds
Lobbying

Council on Governmental Ethics Laws

The Council on Governmental Ethics Laws (COGEL) is a professional organization for agencies and individuals with responsibilities in governmental ethics, elections, campaign finance, and lobby law regulation. COGEL's membership is drawn from federal, state, provincial, regional, and local governments.

COGEL provides a medium for exchanging useful information about significant developments and trends in governmental ethics, elections, campaign finance, and lobby laws. COGEL provides timely information to its membership through the biennial publication, Campaign Finance, Ethics, and Lobby Law Blue Book; its newsletter, the "COGEL Guardian"; and other information services.

An annual conference each Fall provides members and other registrants with the ability to learn about recent developments in law and technology, and to discuss emerging philosophical and administrative problems with counterparts from around the world.

For more information, please write:

*Staff Director
Council on Governmental Ethics Laws
Box 11910, Iron Works Pike
Lexington, Kentucky 40578-1910*

Council on Governmental Ethics Law

A Model Law for Campaign Finance, Ethics, and Lobbying

This model law for campaign finance, ethics, and lobbying was developed over a three-year period by a committee of the Council on Governmental Ethics Laws. The project involved hundreds of hours of work contributed by leading practitioners in the field, and reflects state of the art practice tempered by practical experience and a dose of reality.

This model is intended to be a guide for jurisdictions seeking to change their system of regulating governmental ethics and elections. We do not suggest that a jurisdiction adopt the model blindly, without consideration for how adoption would impact upon a myriad of other laws in the jurisdiction, but rather that a unit of government look to this model for advice as to how to navigate the often murky waters of reform.

This model is fully integrated. The drafters felt strongly that campaign finance, ethics, and lobbying regulation cannot be viewed in isolation, and therefore drafted this model with a comprehensive view in mind. Users are cautioned to fully think through potential implications that might result from adoption of separate pieces of this model, and to examine carefully the remainder of the model for an indication of how a given change might impact upon a different area of reform.

Many people contributed to the development of this model under the overall coordination of Ed Feigenbaum. **Betty Reynolds** (Oregon Government Ethics Commission), with the assistance of **Russ Sipes** (Common Cause/Indiana) directed preparation of the lobbying regulation section. **John Larsen** (Illinois State Board of Ethics) directed the preparation of the personal financial disclosure and conflict of interest section, assisted by **Roth Judd** (Wisconsin State Ethics Board), **Dan Mollway** (Hawaii State Ethics Commission), **Harriet McCullough** (formerly Chicago Board of Ethics), **Jane Ley** (U.S. Office of Government Ethics), **Carol Williams** (Kansas Public Disclosure Commission), **Maris LeBlanc McCrory** (Louisiana Supervisory Commission on Government Ethics), **John Hendricks** (Chicago Board of Ethics), **Gary Baker** (South Carolina State Ethics Commission), **John O'Donnell** (Maryland Ethics Commission), **Ron Crowe** (Mississippi State Ethics Commission), **Sheila D'Amico** (National Center for State Courts), **David Freel** (Ohio Ethics Commission), **Andy Crane** (Massachusetts State Ethics Commission), **Topf Wells** (Wisconsin Legislative Reference Bureau), **Mel Cooper** (Alabama State Ethics Commission), and **Larry Dwyer** (Illinois State Board of Ethics). The campaign finance section was prepared under the direction of **Ed Feigenbaum** (Indiana), and assisted by **Bob Stern** (California Commission on Campaign Financing), **Jeff Garfield** (Connecticut State Elections Enforcement Commission), **Barb Mason** and **Sharon Steward** (Illinois State Board of Elections), **Ray Wallace** (Kentucky Registry of Election Finance), **Kevin Kennedy** (Wisconsin State Elections Board), and **Don McTigue** (Ohio Secretary of State's Office). Additional assistance was provided at the Indianapolis (June 1989) and Chicago (February 1990) drafting sessions by **Ron Gould** (Elections Canada), and **John Manske** (Common Cause/Illinois).

Special thanks goes to drafting consultant **Brad King**, late of the Indiana Legislative Services Agency, for his assistance in promoting consistency and proper structure.

This project was presented to and approved by COGEL members under the chairmanship of **Steve Stover**, work proceeded under the chairmanships of **Fred Herrmann**, **Graham Johnson**, and **Ron Michaelson**, and concluded under the chairmanship of **John Surina**.

1 **§100 Campaign Finance Act**

2
3 This is the Campaign Finance Act.

4
5 **§102 Statement of Intent and Purposes**

6
7 **§102.01 Legislative Findings**

8
9 The legislature finds and declares the following:

10
11 (1) Monetary contributions to political campaigns are a legitimate form of participation in the American political
12 process, but the financial strength of certain individuals or organizations should not permit them to exercise a disproportionate
13 or controlling influence on the election of candidates.

14
15 (2) The rapidly increasing costs of political campaigns have forced many candidates to raise larger percentages of money
16 from interest groups with a specific financial stake in matters before the state government. This has caused the public
17 perception that votes are being improperly influenced by contributions. This perception is undermining the credibility and
18 integrity of the governmental process.

19
20 (3) Candidates are raising less money in small contributions and more money in large individual and organizational
21 contributions. This has created the public impression that the small contributor has an insignificant role to play in political
22 campaigns.

23
24 (4) High campaign costs are forcing officeholders to spend more time on fundraising and less time on public business.
25 The constant pressure to raise contributions is distracting officeholders from urgent governmental matters.

26
27 (5) Officeholders are responding to high campaign costs by raising large amounts of money in years in which a general
28 election is not held. This fundraising distracts them from important public matters, encourages contributions that may have
29 a corrupting influence, and gives incumbents an unfair advantage over potential challengers.

30
31 (6) The integrity of the governmental process, the competitiveness of campaigns, and public confidence in elective
32 officials are diminishing.

33
34 (7) Disclosure of contribution and expenditures is needed to maintain the integrity of the process.

35
36 **§102.02 Legislative Intent**

37
38 This Act is intended to serve the following purposes:

39
40 (1) To ensure that individuals and interest groups have a fair and equal opportunity to participate in the elective and
41 government processes.

42
43 (2) To reduce the influence of large contributors with a specific financial stake in matters before government, thus
44 countering the perception that decisions are influenced more by the size of contributions than the best interests of the people.

45
46 (3) To assist serious candidates in raising enough money to communicate their views and positions adequately to the
47 public without excessive expenditures or large contributions, thereby promoting public discussion of the important issues
48 involved in political campaigns.

49
50 (4) To limit overall expenditures in campaigns, thereby reducing the pressure on candidates to raise large campaign war
51 chests beyond the amount reasonably necessary to communicate with voters.

52
53 (5) To provide a neutral source of campaign financing by allowing individual taxpayers voluntarily to dedicate a portion
54 of their taxes to defray a portion of the costs of campaigns.

55
56 **Comment:**

57
58 *This provision is included in the event the state chooses to publicly finance campaigns for public office.*

59
60 (6) To increase the importance of smaller contributions.

61
62 (7) To eliminate fundraising except in general election years.

63
64 (8) To reduce the excessive fundraising advantages of incumbents, and thus encourage competition for elective office.

(9) To allow candidates and officeholders to spend a lesser amount of their time on fundraising, and a greater proportion of their time discussing important issues.

(10) To improve the disclosure of contribution sources in reasonable and effective ways.

(11) To ensure that serious candidates are able to raise enough money to communicate their views and positions adequately to the public, thereby ensuring promoting public discussion of the important issues involved in political campaigns.

(12) To help restore public trust in governmental institutions and the electoral process.

§104 Definitions

The definitions in this section apply throughout this Act.

§104.01 "Accounts receivable" means an unfulfilled pledge, subscription, agreement, or promise, whether or not legally enforceable, to make a contribution.

§104.02 "Ballot measure" means an initiative, referendum, recall, or any proposition or measure submitted to voters for their approval.

Comment:

Some states use special methods for retaining judges on appellate courts. States should carefully evaluate the provisions in this model law to decide whether such judicial retention elections should be within the scope of this definition, or should be treated in the same manner as a candidate election.

§104.03 "Candidate" means an individual who seeks nomination or election to elective office. An individual is a candidate when the individual:

(1) files a statement of candidacy or petition for nomination for office with the appropriate filing officer;

(2) is nominated for office by:

(a) a party at a primary;

(b) nominating convention; or

(c) petition for nomination;

(3) solicits or receives and accepts contributions, makes expenditures, or gives consent to an individual, organization, political party, or committee to solicit or receive and accept contributions or make expenditures to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when:

(a) the solicitation is made;

(b) the contribution is received and retained; or

(c) the expenditure is made; or

(4) is an officeholder who is the subject of a recall election.

Comment:

This section is intended to cover all persons who seek office at an election, regardless of the type of election by which the office is obtained. For example, a person seeking appointment by a political party caucus to fill a vacant office would be a candidate under this section. This definition also covers unannounced candidates who are accepting contributions or making expenditures in obvious furtherance of a candidacy. Write-in candidates who receive contributions or make expenditures will be required to file campaign statements.

§104.04 "Candidate committee" means the committee designated by a candidate to:

(1) promote the candidate's candidacy; and