

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

4038 SJUD UNIFORM RULES: PROPOSED CHANGES 818

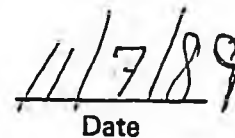


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Signature of Camera Operator


Date

UNIFORM

RULES:

PROPOSED

CHANGES

SUMMARY OF RECOMMENDATIONS

1. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee.
2. A simple "bill content" rule is needed to define "germane" and prevent bill "piggybacking" from occurring. The rule should read: "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title."
3. The public should be informed of the standing committee meetings and their agendas at least five days prior to the meeting.
4. The House and Senate Finance Committees should meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation.
5. Precise procedures for standing committees are vital. Fiscal impact statements and legislative intent should be included with all bills. The committee report should include one of three recommendations from each member. - "Do pass", "do pass as amended", or "do not pass".
6. No interim committees should be provided except those authorized by the state constitution, or either or both houses jointly may by resolution or statute, provide for the appointment of interim committees.
7. The legislative session should be limited to 120 days. Any extension beyond that time should require a 2/3 vote of both houses and include a "limited call" provision. The extension should be for a specific number of days.
8. There should be a limitation on the number of consecutive terms for legislators. Our recommendation: Two 4-year terms for Senators, and four 2-year terms for representatives. Possible to alternate houses every 8 yrs.
9. A Code of Ethics should be added to the Uniform Rules. A disciplinary mechanism should be established to deal with alleged violations.
10. A simple precise procedure is needed in awarding legislative professional service contracts.

If you have any questions concerning these recommendations, or if you wish to know the names of your legislators, please call Jan Bomhoff, 243-1099, or Jan Faiks, 344-0454.

Please help us. Your opinion really does count. - Thank you.

RECEIVED
FEB 17 1981

FREE

Federation's Role in our Enterprise Economy

February 10, 1981

The Honorable Pat Rodey
Pouch V
Juneau, Alaska 99811

RECEIVED

Dear Pat:

FEB 18 1981

Thank you for sharing your ideas and time with the four members of the GFWC Anchorage Anchorage FREE Committee. We enjoyed lunch very much and it was especially nice to be able to use your office as "home base".

We are totally dedicated to legislative reform; after talking with sixteen senators during our first trip to Juneau, we were encouraged that some changes in the legislative process will be made.

We neglected to talk with you about our specific recommendations; we are very interested in your comments on each point. Would you sponsor or co-sponsor some of the recommendations for us? We are available to testify at committee hearings on the general concept of legislative reform or on the specific bills which have already been filed.

We look forward to working with you. We will return to Juneau in March and hope to talk with you again.

Sincerely,

Legislative Study Committee

Jan Faiks
Jan Faiks, Chairman

Jan Bomhoff
Jan Bomhoff, Vice-Chairman

Barbara Pargeter
Barbara Pargeter, Member

Lee Chmelik
Lee Chmelik, Member

P.O. Box 4-2955

99509

• Anchorage, Alaska •

A committee of the Anchorage Woman's Club

Women's nation digest

By TERRY CARR
Daily News reporter

1/12/81

Legislators should be limited in the number of terms they can serve, the conference committee procedure need reform and a code of ethics should be adopted by the legislature according to a General Federation of Women's Clubs study.

The study, conducted by the federation's Anchorage FREE Committee, suggests that legislative sessions be limited to 120 days, with a two-thirds vote of both the House and Senate needed for extension. The group also contends that the legislature should adopt specific professional service contracting procedures.

The committee's recommendations, released on the eve of the legislative session beginning today, are aimed at correcting some of the shortcomings of the legislature.

"While monitoring the activities of the Alaska State Legislature, it has

Fire kills 29

KEANSBURG, N.J. — Searchers found five more bodies Sunday in the rubble of the Beachview Rest Home fire, bringing the confirmed death toll to 29. Authorities planned to resume their search today for another elderly resident still missing.

Gunman shot

LOS ANGELES — A gunman killed by a Special Weapons and Tactics Squad sharpshooter as he walked from a motel with several hostages was the first such death in 6½ years of dangerous confrontations by the elite SWAT team, police said.

The last fatal encounter was the unit's fiery gun battle with the Symbionese Liberation Army in May 1975.

The shooting Saturday ended a 13½-hour-long standoff between police and two armed men and left Anthony



Handshake with a Klans

Soroptimist International of Anchorage, Alaska

NORTHWESTERN REGION

Soroptimist International of the Americas, Inc.

P O BOX 561
ANCHORAGE ALASKA 99510

WHEREAS Soroptimist International of Anchorage strongly supports open government particularly in the legislature,

THEREFORE

Soroptimist International of Anchorage supports and urges adoption by the legislature of the Ten (10) point legislative reform recommendations outlined in the General Federation of Women's Clubs Anchorage FREE Committee Report, Part I, dated January 5, 1981. The reform recommendations are attached.

Adopted by the Soroptimist International of Anchorage on the 8th day of April, 1981.

Dorothy K. Carter
President, Soroptimist International
of Anchorage

SUMMARY OF RECOMMENDATIONS

The following points summarize the conclusions of this study:

- I. Two consecutive conference committees should be appointed, deliberate in good faith, and be unable to reach a compromise before granting powers of free conference to a third committee. Free conference powers would be granted for those specific areas of disagreement only. Non-germane amendments and sections would be prohibited. All conference or free conference bills should be printed and placed on legislators desks twenty-four hours prior to voting. All budget related conference committee meetings should be open to the public. (pp. 6-9)
- II. A simple "bill content" rule is needed to define "germane" and prevent bill "piggybacking" from occurring. The rule should read, "No bill shall be passed by either house containing more than one subject, which should be clearly expressed in the title." (pp. 10, 11)
- III. The public should be informed of the standing committee meetings and their agendas at least five days prior to the meeting. (pp. 12, 13)
- IV. The House and Senate Finance Committees should meet jointly for the purpose of holding public hearings or considering any proposed or pending legislation. (pp. 14, 15)
- V. The procedures of the standing committees are vital to the quality of legislation. Precise procedures involving a majority of the committee working in the open would serve to maintain and improve the integrity of the committee system. Fiscal impact statements and legislative intent should be included with all bills. The committee report should include one of three recommendations from each member - "do pass", "do pass as amended", or "do not pass". (pp. 16-18)
- VI. No interim committees should be provided except those authorized by the state constitution, or either or both houses jointly may by resolution or statute, provide for the appointment of interim committees. (pp. 19, 20)

- VII. The legislative session should be limited to 120 days. Any extension beyond 120 days should require a 2/3 vote of both houses and include a "limited call" provision. The extension itself should be for a specific number of days. (pp. 21, 22)
- VIII. In order to encourage the concept of a citizen legislature, there should be a limitation on the number of consecutive terms a Representative and Senator may serve. The recommendations are two 4-year terms for a Senator and four 2-year terms for a Representative. An individual could prolong his years of service by alternating legislative houses every eight years. (pp. 23, 24)
- IX. A Code of Ethics should be added to the uniform rules. General aspects should include a definition of ethical conduct, conflict of interest provisions, responsibilities of legislative staff in relation to campaigning and privileged information, and a section dealing with compensation for services rendered. A disciplinary mechanism should be established to deal with alleged violations. (pp. 25-27)
- X. A simple, precise procedure is needed in the awarding of legislative professional service contracts. Requesting committees and legislators should follow specific procedures in requesting professional services. The Legislative Affairs Agency or other existing agency should have the authority to advertise, select and monitor all contracts. (pp. 28-30)

FREE

Federation's Role in our Enterprise Economy

March 14, 1981

MAR 19 1981

Senator Pat Rodey
Pouch V
Juneau, Alaska 99811

RECEIVED

Dear Senator Rodey:

The FREE Committee is encouraged that the Senate has formed an Ad-Hoc Committee to study and suggest changes in legislative procedures. We thank you for the opportunity to appear at the committee's first meeting to present our suggestions. Forming this committee is an important first step toward eliminating the abuses which have occurred in the legislature. We are anxious to learn the specific assignments chosen by the committee members, and would appreciate this information as soon as it is available.

Members of the FREE Committee will attend the League of Women Voters Seminar on rule changes in late April. The additional input provided by this conference will be vital and will also serve to keep the issue before the legislature.

Our primary concern at this time relates to the possibility that no substantial rule changes will be made this session. Since no changes have occurred since 1977 and the public is urging that alternatives be found, we feel the credibility of the legislature will suffer if this does not happen.

We will see you again when we return to Juneau in April. In the meantime, call us if we can be of help.

Very truly yours,

Legislative Study Committee

Jan Faiks
Jan Faiks, Chairman

Jan Bomhoff
Jan Bomhoff, Vice Chairman

P.O. Box 4-2955
~~1539 West Ninth Avenue~~ • Anchorage, Alaska 99501 • ~~272-5015~~

A committee of the Anchorage Woman's Club

**THE
CONSTITUTION OF THE STATE OF ALASKA
ARTICLE I
DECLARATION OF RIGHTS**

SECTION 1. This constitution is dedicated to principles that all persons have a natural right to life, liberty, the pursuit of happiness, the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the state.

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the whole people.

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

SECTION 4. No law shall be made respecting the establishment of religion, or prohibiting the exercise thereof.

SECTION 5. Every person may freely speak, write, and publish on all subjects, being liable for the abuse of that right.

SECTION 6. The right of the people peaceably to assemble, and to petition the government, shall never be abridged.

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and equal treatment in the course of the legislative process and executive investigations shall not be infringed.

SECTION 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the time of war or public danger, when the right may be waived by the accused. In all other cases the prosecution shall be by information. A grand jury shall consist of at least twelve persons, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall not be suspended.

SECTION 9. No person shall be put in jeopardy of life or limb for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

SECTION 10. Treason against the state consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve persons, who the legislature may provide for a jury of not more than twelve nor less than six persons, not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for offenses when the proof is evident or the presumption great; to be confronted

with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II

THE LEGISLATURE

SECTION 1. The legislative power of the State is vested in the legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the

district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of senators, four years. One-half of the senators shall be elected every two years. (*Exercising its authority under this section the legislature has provided that legislative terms begin on the second Monday in January; See AS 24.05.080.*)

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, lieutenant governor, or member of Congress. This section shall not apply to employment by or election to a constitutional convention. (The above Constitutional Amendment was approved by the voters of the State August 25, 1970. The words secretary of state were changed to lieutenant governor.)

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

SECTION 8. The legislature shall convene each year on the fourth Monday in January, but the month and day may be changed by law. (*Exercising its authority under this section, the legislature has provided that it shall convene on the second Monday in January; See AS 24.05.090.*)

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjournment and either house certifies the disagreement to the governor, he may adjourn the legislature.

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other

interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

SECTION 12. The houses of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriations bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

SECTION 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, become law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills become law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

SECTION 20. All civil officers of the State

chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

SECTION 10. The commission or judicial qualifications shall consist of nine members, as follows: one justice of the supreme court, elected by the justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court; two members who have practiced law in this state for ten years, appointed by the governing body of the organized bar, and two persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law. *(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. Section 10, Article IV, pertaining to Incapacity of Judges was repealed.)*

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

SECTION 13. Justices, judges, and members of the judicial council and the commission on judicial qualifications shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State. *(The above Constitutional Amendment was approved by the voters of the State August 27, 1968. The words "and the commission on judicial qualifications" were incorporated in this Section.)*

SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.

SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at the pleasure of the supreme court and to supervise the administrative operations of the judicial system. *(The above Constitutional Amendment was approved by the voters of the State August 25, 1970. The amendment substituted "the pleasure of the supreme court" for "his pleasure" in the last sentence.)*

ARTICLE V

SUFFRAGE AND ELECTIONS

***SECTION 1.** Every citizen of the United States who is at least eighteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions. *(The above Constitutional Amendment was approved by the voters of the State August 25, 1970. It changed the voting age from nineteen years to eighteen years and deleted the sentence: "A voter shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability.")*

SECTION 2. ~~No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored.~~ No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law. *(Exercising its authority under this section, the legislature has provided that the date of general election is the Tuesday after the first Monday in November in every even-numbered year; See AS 15.15.020.)*

ARTICLE VI

LEGISLATIVE APPORTIONMENT

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

SECTION 2. Members of the senate shall be

*See amendment at end of constitution



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of State
Legislatures**

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President
Richard S. Hodes
Majority Leader, Florida
House of Representatives

Executive Director
Earl S. Mackey

MEMORANDUM

TO: Ethics, Elections and Reapportionment Committee
FROM: Andrea Wollock *afw*
DATE: July 17, 1981
RE: Legislative Ethics Project

As promised, enclosed are:

- 1) the Florida legislative ethics case study;
- 2) a list of additional states and their ethics provisions from which to select additional case study states; and
- 3) the list of questions used for the Florida interviews.

Mark Herron of Florida has developed a longer background paper. I will have copies available at the Annual Meeting in Atlanta, July 27-31, 1981. If you will not be at the Annual Meeting and would like a copy of his paper, please contact me.

I hope to see you in Atlanta.

AW/js

*12/27/81
Anch Daily News*

Emphasis on ethics after Hohman case

"This whole thing puts a bad image on the legislature as a group," said Sen. Bill Ray, D-Juneau.

"This is a serious charge that he has been convicted of and it reflects badly on the entire body," said Sen. Arliss Sturgulewski, R-Anchorage.

Right they are. The two veteran Alaska legislators were discussing the Christmas Eve conviction of Sen. George Hohman and its implications for the Alaska Legislature.

They correctly spotlight a heightened public concern for ethics in government in the wake of Sen. Hohman's trial — a concern that should be answered by forthright action to establish an ethics code and a means for enforcing it. Alaskans deserve no less from their elected representatives as they observe the spectacle of oil revenue billions passing swiftly through the state treasury.

Sen. Hohman's guilt or innocence has little to do with the issue. His conviction quite properly will be appealed, and Alaskans must trust in proper judicial proceedings to assure justice in the case. He surely deserves fair treatment by his colleagues and the public while the appeal proceeds.

What the heavily-publicized trial does, however, is to emphasize an issue that has smoldered since the Hohman allegations first surfaced. The Alaska Legislature has no clear guidelines for censuring its members for abuse of the public trust. A district may recall its legislator under a lengthy and difficult recall procedure, and the legislative body involved apparently may censor or expel a member on its own initiative.

But as Senate President Jalmar Kerttula said Thursday, the legislature has never before experienced such a situation — and knows "neither the avenues available to us nor the mechanics involved."

It is high time they did. The legislature needs firm ethical guidelines under the rule of law. Those guidelines must reflect a higher standard of behavior than criminal statutes, because legislators obviously must uphold a higher standard of behavior under the public trust. The public, moreover, needs confidence that such guidelines are operational as the legislature's decisions take on greater import under the press of state revenues and intensified lobbying.

The public should demand it, our legislators should accomplish it and legislative conduct should reflect it.

FLORIDA ETHICS CASE STUDY

INTRODUCTION

In Columbus, Ohio on May 1 and 2, 1981, the NCSL Ethics, Elections and Reapportionment Committee decided to proceed with an ethics project, to include case studies from various states. The case studies are, by committee direction, to include conflict of interest and financial disclosure provisions in an attempt to evaluate the effectiveness of state ethics laws.

The committee assigned NCSL staff the task of completing the first case study, a pilot from which the committee can learn how best to conduct the remainder of the studies. Florida was chosen as the subject for the pilot study.

The choice of Florida was appropriate for a number of reasons. First, ethics legislation was first enacted in Florida in 1967, thus presenting sufficient experience to facilitate a review and analysis. Second, Florida's ethics laws have been amended over the years in response to changing demands and expectations.

NCSL staff traveled to Florida and interviewed eight individuals, including legislators, legislative staff, lobbyists and one former legislator (now a lobbyist), some of whom support the ethics law and some of whom oppose it. The persons interviewed were:

Larry Gonzalez, Executive Director, Florida Commission on Ethics

Former Senator Ken Plante, now a lobbyist with his own firm, Ken Plante,
Doug Bruce and Associates

Representative Dick Batchelor

Senator Jack Gordon

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Representative Dick Batchelor

Senator Jack Gordon

Peter Butzin, Executive Director, Florida Common Cause

Jon Shebel, Associated Industries of Florida

Sally Monroe, Senate Minority Counsel

Sylvia Alberdi, Staff Director, Senate Judiciary (Civil) Committee

Special thanks to Mark Herron, Staff Director of the Florida House Select Committee on Reapportionment and a member of NCSL's Ethics, Elections and Reapportionment Committee, who provided NCSL with thorough background information, some of which is included in this study. Mark's complete background paper will be made available to any committee member requesting it.

LEGISLATIVE HISTORY

An ethics law was originally passed in Florida in 1967, when the legislature enacted a statute prohibiting officials from engaging in activities which created conflicts of interest. The law was seen more as a policy statement than an act with any enforcement authority. A Code of Conduct was provided to suggest standards of conduct for public officials. The act required financial disclosure only when an official owned ten percent or more of business entities transacting business with the state. However, despite the act's broad, fairly loose requirements, early in the 1970's a number of statewide officials were accused of wrongdoing and resigned rather than risk impeachment. A state commissioner of education, supreme court justice, insurance commissioner and U.S. Senator were all implicated in separate scandals, all financially oriented and all in violation of the existing reporting or conflict of interest laws.

In 1974, in the wake of Watergate, the Florida legislature enacted a stricter ethics law in an attempt to create greater public confidence in

elected officials. The new law established the Florida Commission on Ethics and required public officials to file statements of financial interest. The law strengthened the previously adopted Code of Conduct to prohibit a public official from owning more than ten percent interest in any business entity doing business with a state agency. In addition, the public official cannot accept any employment that might create a conflict of interest. Those persons included in the requirements of the 1974 law, which was strengthened by further amendments in 1975, were: local officers, state officers, specified employees and candidates for state and local office. Specific dollar amounts were not required on the financial disclosure forms filed by the officials. The disclosure statement comprised five categories of information:

- (1) All sources of income exceeding five percent of gross income received by the officer or for his use or benefit;
- (2) All sources of income to a business entity exceeding ten percent of its gross income, if the official had a material interest in the entity, and received an amount from the business entity which was both more than ten percent of his gross income and more than \$1,500.00. (This is the secondary source provision.)
- (3) The location and description of all Florida real estate excluding residences and vacation homes, in which the official has a more than five percent interest, and a general description of any intangible personal property which is more than ten percent of the official's total assets.
- (4) The source of any gifts in excess of \$400.00 except gifts from family members or gifts received by bequest or devise;
- (5) Every debt greater than the official's net worth.

Source: "Constitutional Limitations on Florida's Financial Disclosure Laws," 31 University of Florida Law Review 877 (1979)

To achieve still a stronger disclosure law, Governor Reuben Askew in 1976 led the drive to place an initiative amending the Florida Constitution on the

November election ballot. The stated purpose of the initiative, later dubbed the "Sunshine Amendment," was to ensure that public officials and state employees do not enrich themselves at public expense. Some supporters of the Sunshine Amendment maintain that the Governor spearheaded the initiative drive because he was frustrated in his attempts to have the legislature pass a stronger financial disclosure law. Opponents, however, counter with the theory that the Governor championed the ethics initiative because he was miffed with the legislature for refusing to confirm a gubernatorial appointment. Whatever the reason, Askew's petition drive was highly successful, and the measure passed by a four-to-one margin, giving Florida one of the strictest financial disclosure provisions in the nation and marking the only time the Florida Constitution has been amended through initiative.

The Sunshine Amendment is narrower in coverage than the 1974 ethics law, specifying coverage only of constitutional officers and statewide elected officials. The amendment does provide, however, for additional offices to be included as determined by statute. The disclosure provisions of the amendment are more stringent than the 1974 law.

Four basic differences between the 1974 statute and the Sunshine Amendment are cited in the 1979 University of Florida Law Review article. They are:

- (1) the \$1,000 minimum threshold of the amendment as compared to the five percent of gross income or proprietary interest of the statute, (2) the amendment's requirement that the amount of the income or asset to be disclosed as compared to the statute which does not require dollar amounts, (3) the amendment's requirement of a net worth statement which is not required by the statute, and (4) the amendment's allowing the filing of a federal income tax return as an alternative to the source disclosure requirement, whereas the statute provides no such alternative.

Neither the statute nor the constitutional amendment requires disclosure by spouses of state officials.

Five state senators filed suit in 1977, challenging the financial disclosure provision on the contention that their right to privacy had been violated. The U.S. District Court of the Northern District of Florida ruled against the senators, who then appealed their case to the Fifth Circuit Court of Appeals (Plante, v. Gonzalez), arguing that the financial disclosure requirement not only violated their federally protected right to privacy but did not bear a rational relationship to any legitimate state interest. The Appeals Court, while agreeing that the senators' privacy interests are protected by the U.S. Constitution, nevertheless upheld the state financial disclosure law. The senators ultimately appealed to the U.S. Supreme Court, which refused to hear the case.

ADMINISTRATION AND ENFORCEMENT

Florida's experience with administering and enforcing the ethics law and Sunshine Amendment has been handicapped by unclear powers of the Commission on Ethics, by some perceived loopholes in the legislation, and by a mix of opinions on whether the commission or the legislature should be in the forefront of ethics enforcement.

The Florida Commission on Ethics has investigatory powers where a specific complaint is filed. The commission can recommend action, but has no prosecuting authority. The final determination as to conflicts of interest rests with the legislature, according to one strong supporter of the present law.

An independent ethics commission is seen by both supporters and opponents of the present system as a means of assisting the legislature in improving its image. Some of the opponents, however, contend that the commission should be a closely-monitored quasi-judicial tribunal, not a "witch-hunting" body separate from the other three branches of government. The argument here is that the Commission on Ethics has attained too much independence. On the other side of the issue, some commission supporters want to eliminate the requirement that the commission receive its appropriation from the legislature to obtain greater independence for the commission.

The Sunshine Amendment has never been fully implemented, providing specific powers to the commission. Shortly after the amendment was passed, the legislature passed implementing legislation, but Governor Askew vetoed it as not strong enough. The legislature has not enacted any similar bill since that time. Some opponents believe that the commission has no authority to develop disclosure forms without specific statutory authority. As a result of the absence of implementing legislation, the courts continually have been asked to resolve the issues of responsibility and powers of the commission. The Plante case, according to one commission supporter, conceded to the commission the authority to investigate but not the ability to reach any conclusion.

Nearly all of those interviewed for the case study agreed that legislators should in fact be concerned with reinstilling confidence in the legislative institution by showing the public that disciplinary action will be taken by the legislature against its own members. Even those who had supported the Sunshine Amendment and the concept of an independent commission felt that the legislature should have the opportunity to judge its members, especially since

Florida has such a strong tradition of viewing a public office as a public trust.

They cite the case of state Senator Ralph R. Poston, Sr., who was accused of using his position to obtain business for a firm in which he had an interest. A complaint was filed against him with the Commission on Ethics, which conducted an investigation and sent its findings to the President of the Senate. The Senate Judiciary (Civil) Committee held hearings and recommended censure to the full Senate. The Senate concurred with the committee decision. In the following election, Senator Poston was defeated in his bid for re-election. This has been the only violation of the ethics law or the Sunshine Amendment involving disciplinary action since the amendment was passed.

It also proves, supporters of legislative involvement maintain, that the voters should serve as the final judge of what behavior is permissible for a public official.

Some loopholes and weaknesses in the ethics law (a combination of the 1974 ethics law and the Sunshine Amendment) have yet to be resolved. For instance, one section of the law denies pension rights to a public official found guilty of an ethics offense. This provision may be unconstitutional. Business associates and spouses need not file disclosure statements, so a public official could transfer all assets to his or her spouse. Because of the overlap in some provisions of the two disclosure provisions, some public officials must file two financial disclosure forms, one to satisfy the 1974 ethics law and one to comply with the 1976 Sunshine Amendment.

A further weakness exists in the gift standard, which some people feel is unnecessarily vague. The provision does not define the worth of intangible

gifts, and the commission has no ability to prosecute alleged attempts to influence a public official through gifts. The gifts merely have to be reported by the officeholder.

Interviewees on both sides of the issue do agree that the formal powers of the ethics commission should be strengthened, though they do not agree on the method for giving the independent body more substantive powers. Some maintain that the commission should have both investigating and prosecuting authority, affording the commission greater independence than presently exists. Others feel that adding auditing powers to the commission's responsibilities will serve a useful purpose.

PRESS AND PUBLIC AWARENESS

One result of enactment of ethics laws in Florida is increased public and press interest in the issue. The public and the press, with the increased awareness fostered through the Sunshine Amendment, can more easily hold their elected officials accountable for their behavior. Some of those interviewed felt that public officials and employees are now more careful in their behavior because the public is more aware of any impropriety. Florida's ethics provisions are seen as preemptive rather than regulatory, and, as one supporter noted, can therefore prevent conflicts because the public officials can use the law as a guidebook.

A few interviewees came down hard on members of the press, who, they say, have acted irresponsibly. Especially at first, they maintain, the press listed the richest and poorest legislators, describing some of their personal property in detail. Some legislators were afraid such publicity would encourage burglars and child kidnappings, but fortunately, none of that has occurred.

THE IMPACT ON OFFICEHOLDERS

The success of the Sunshine Amendment is difficult to assess because the symbolic effects of increased awareness are not easily measured. Most persons interviewed agreed that public officials are now more concerned with the appearance of a possible conflict because they know the public will be informed of it. Some interviewees believe that holding public office means giving up some degree of private rights to personal privacy, but others maintain that some public officials may obscure personal financial disclosure data in order to protect their privacy, knowing there is little likelihood of being caught.

Surprisingly, near unanimity prevailed on the issue of disclosure of personal effects, and whether full disclosure of assets, including dollar amounts, is necessary to have an effective disclosure law. Most of those interviewed felt that net worth should be an adequate means of making public officials accountable to the public.

Major disagreement exists, though, as to whether strict ethics laws discourage capable candidates from seeking public office. Former Senator Ken Plante is often cited as an example of a highly competent legislator who gave up his seat rather than disclose total assets from his family's business. Plante, however, maintains that he would have retired anyway and that financial disclosure was by no means the entire reason for his leaving the legislature. When he decided not to run again, Plante contacted 25 people in his district, all of whom he considered capable of being good legislators. He hoped to convince one of them to seek his legislative seat. Most of the 25 declined to run, citing the hesitancy to devote as much time as is necessary

and the additional reluctance of filing financial disclosure. Plante feels that poorly written ethics laws may in fact keep good candidates from running for office.

Two additional state senators were cited by one interviewee as having left the legislature because of the strict ethics provisions.

CONCLUSIONS

Most complaints about Florida's ethics provisions arise from the financial disclosure requirements. Opponents of the present system do not necessarily advocate the elimination of disclosure but seek less detail in the items to be disclosed. Most persons interviewed agreed on the following:

- Changes are needed to specifically delineate the powers of the commission, even though these alterations are more difficult to enact because the Sunshine Amendment is in the constitution.
- Public awareness has been heightened by the passage of the Sunshine Amendment.
- Enforcement procedures have not been well-defined.
- Disclosure provisions are too detailed.
- A dual system of enforcement, including both legislative ethics committees and an independent ethics commission, is needed.

NCSL

Ethics, Elections and Reapportionment Committee

ETHICS CASE STUDY

QUESTIONS

For the purposes of this case study, we are primarily interested in the provisions of your ethics law pertaining to conflict of interest and financial disclosure.

1. Should legislatures be concerned with regulating the behavior of their members?
2. What events (if any) led to the passage of your ethics law?
3. What was the goal of the ethics law?
4. Has the law accomplished its goals? If not, why not? If so, in what way? (It is possible that certain specific provisions of the law have succeeded in meeting their stated goals. If you feel this is so, please explain which provisions you feel have succeeded.)
5. Do you think legislatures can effectively regulate their own conduct through legislative ethics committees? If not, are independent ethics commissions the appropriate means of administering the ethics law?
6. Would you favor stronger ethics laws than presently exist in Florida? If so, what provisions would you advocate strengthening?
7. Would you favor more flexible ethics laws? If so, in what way?
8. Do you feel strict ethics laws discourage capable people from seeking public office?

POSSIBLE STATES FOR ETHICS CASE STUDIES

ALABAMA

Committee Contact: Representative Shelby Ward

CONNECTICUT

Committee Contacts: Representative Joe Walkovich;
Senator Amelia Mustone

KANSAS

Committee Contact: Representative Norman Justice

MARYLAND

Committee Contacts: Delegate Donald B. Robertson;
Delegate Helen Koss

MINNESOTA

Committee Contact: Janet Lund

NEVADA

Committee Contact: Senator Jean Ford

NEW JERSEY

Committee Contact: Sam Alito

NORTH DAKOTA

Committee Contact: Senator Raymon Holmberg

OHIO

Committee Contacts: Bob Shapiro;
Edith Woodward

(over)

POSSIBLE STATES FOR ETHICS CASE STUDIES

OKLAHOMA

Committee Contact: Lee Slater

VIRGINIA

Committee Contact: Joan Smith

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

FILERS

	Statewide Elected Officials	Legislators	Legislative Employees	Candidates for Election to State Office	Nominees for Appointment to State Office	Officers of State Agencies or Departments	State Employees	Judges	County Officials and/or Employees	Municipal Officials and/or Employees	Part-Time Members of Boards and Commissions (State)	Part-Time Members of Boards and Commissions (Local)	U.S. Senators or Congressmen	Other
ALABAMA	X	X	X	X	X	X	X	X	X	X	X	X		
CONNECTICUT	X	X				X								X
KANSAS	X	X	X	X	X	X	X		X	X	X			
MARYLAND	X	X	X	X		X	X	X			X			
MINNESOTA	X	X	X	X	X	X	X				X			
NEVADA	X	X		X	X				X	X				
NEW JERSEY						X	X							X
NORTH DAKOTA	X	X		X	X	X		X	X	X	X	X	X	X
OHIO	X	X	X	X		X	X	X	X	X	X		X	
OKLAHOMA	*													
VIRGINIA	X	X		X		X		X	X	X	X			

* No Response

(over)

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		RESTRICTIONS ON:											
		Use of Public Position to Obtain Personal Benefits	Giving Benefits to Influence Public Officials and/or Public Employees	Use of Confidential Information	Public Officials Entering into Public Leases or Contracts	Post-Governmental Employment	Receipt of Gifts by Public Officials	Public Officials Representing Clients Before Public Bodies	Receipt of Fees and Honorariums by Public Officials	Nepotism	Competitive Bidding	Public Officials' Outside Employment or Business Activities	Other
ALABAMA		X	X	X	X	X	X	X		X	X	X	
CONNECTICUT		X	X	X	X		X	X	X	X		X	
KANSAS		X	X	X	X	X	X	X	X				
MARYLAND		X	X	X		X	X	X	X	X	X	X	X
MINNESOTA													
NEV/DA		X	X	X			X	X		X	X		
NEW JERSEY		X	X	X		X	X	X		X	X	X	X
NORTH DAKOTA		X	X	X	X	X	X	X	X	X	X	X	
OHIO		X	X	X	X	X	X	X	X			X	
OKLAHOMA	*												
VIRGINIA							X				X		

* No Response

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		FINANCIAL DISCLOSURE REQUIRED													
		Income Tax Returns (State or Federal)	Sources of Income	Sources of Income of Business if Partner or Shareholder	Investments	Real Estate Interests	Offices and/or Directorships	Creditor Indebtedness	Leases or Other Contracts with Public Agencies	Gifts	Compensated Representation Before Public Agencies	Fees or Honorariums	Reimbursement of Travel Expenses by Private Sources	Professional or Occupational Licenses Held	Deposits in Financial Institutions
ALABAMA			X	X	X	X	X	X	X		X		X		X
CONNECTICUT			X	X	X	X						X			
KANSAS			X	X	X	X	X			X	X	X			
MARYLAND					X	X	X	X	X			X	X		
MINNESOTA			X	X	X	X						X			
NEVADA			X			X		X							
NEW JERSEY			X			X	X	X	X	X	X	X	X	X	X
NORTH DAKOTA			X	X	X	X	X	X	X		X		X		
OHIO			X			X	X	X		X	X	X			
OKLAHOMA	*														
VIRGINIA						X	X				X				

* No Response

(over)

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

		FINANCIAL DISCLOSURE REQUIRED (contd.)																		
		Cash Surrender Value of Insurance																		
ALABAMA		Private Employer or Nature of Outside Employment	X																	
CONNECTICUT		Professional Services Rendered	X																	
KANSAS		Identification of Trusts by Trustee				X														
MARYLAND		Identification of Trust Interests by Trustee	X			X														
MINNESOTA		Identification of Trusts by Beneficiary				X														
NEVADA		Identification of Trust Interests by Beneficiary				X														
NEW JERSEY		Names of Immediate Family Members	X																	
NORTH DAKOTA		Financial Interests of Official's/ Employer's Spouse and Dependents				X														
OHIO		Other				X														
OKLAHOMA	*	Value of Interests																		
VIRGINIA		Actual Amounts																		
		Categories of Amounts																		X
		Other																		X

* No Response

CONFLICT OF INTEREST (ETHICS) AND
PERSONAL FINANCIAL DISCLOSURE

	REVIEW OF FILINGS				Approximate Number of Filings Annually	Available to the Public	Agency Publishes Summary of Data Disclosed					
	All Reports	Randomly Selected Reports	Reports About Which Complaints Are Filed	Other								
ALABAMA		D	D		21,000	X						
CONNECTICUT					340	X						
KANSAS	D				4,300	X						
MARYLAND	D			F	13,000	X						
MINNESOTA			D		1,150	X						
NEVADA												
NEW JERSEY	D				700	X						
NORTH DAKOTA												
OHIO	D	D	D	D	7,000	X						
OKLAHOMA	*											
VIRGINIA												

* No Response
D = Desk Audits
F = Field Audits

Source: The Blue Book, Council on Governmental Ethics Laws

1 IN THE SENATE

BY DANKWORTH AND RAY

2 SENATE CONCURRENT RESOLUTION NO.20
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

Proposed by

5 Proposing amendments to the uniform
6 rules to limit amendment of bill
7 title.

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

9 * Section 1. Rule 23(c) of the Uniform Rules of the Alaska State Legisla-
10 ture is amended to read:

11 (c) If a committee has more than one bill on the same subject or
12 if it finds it necessary to revise a bill substantially, it may report
13 out a substitute bill and recommend that the substitute be accepted for
14 second reading in the place of the original bill. A committee substi-
15 tute that contains a change in the bill title or an amendment to a bill
16 reported by a committee that requires a change in the bill title (other
17 than a clerical or technical change) requires an affirmative vote of
18 two-thirds of the house. A committee of the second house may not report
19 out a committee substitute for a bill or an amendment to a bill that
20 requires a change in the title of the bill (other than a clerical or
21 technical change) as adopted in the house of origin. Substitute bills
22 are duplicated and distributed when they are reported out by the commit-
23 tee. Committee substitute bills carry a notation of the source or
24 sponsor of the original bill in the manner prescribed by the drafting
25 manual unless the sponsor objects to his or their name so appearing.

26 * Sec. 2. Rule 34 of the Uniform Rules of the Alaska State Legislature
27 is amended to read:

28 RULE 34. AMENDMENT. No motion or proposition on a subject shall
29 be admitted under color of amendment if the subject matter is different

1 from that under consideration. A motion or proposition for an amend-
2 ment that requires a change in the title of a bill (other than a
3 clerical or technical change) requires an affirmative vote of two-
4 thirds of the house. A motion or proposition on a subject that re-
5 quires a change in the title of the bill as enacted in the house of
6 origin other than a clerical or technical change is not in order in
7 the second house. No amendment may be considered by the house unless
8 submitted in writing and read aloud by the clerk or secretary. Amend-
9 ments offered by a committee shall be included in its written report
10 and attached to the original bill. A bill in second reading is subject
11 to amendment and is treated section by section. No amendment may be
12 made to a bill in its third reading but the bill may be returned to
13 second reading by a majority of the membership of the house for the
14 purpose of specific amendment. Except as provided in this rule, a [A]
15 title may be amended or a change of sponsor made in third reading or
16 after passage by majority vote, but same must be accomplished before
17 the measure acted upon has been enrolled. When amendments to the body
18 of a bill affect the numbering of sections, or passage or failure of
19 the effective date clause affects the title, the clerk or secretary may
20 accomplish the necessary changes without formal motion, and such changes
21 shall be noted in the journal. Resolutions may be amended in the same
22 manner as a bill.

23 * Sec. 3. Rule 40 of the Uniform Rules of the Alaska State Legislature
24 is amended by adding a new subsection to read:

25 (b) An amendment to a bill introduced in the other house is not
26 in order if the amendment requires a change of the bill title other
27 than a clerical or technical change. The title of a bill may not be
28 changed other than by a clerical or technical change except by an
29 affirmative vote of two-thirds of the house of origin.

1 * Sec. 4. Rule 41 of the Uniform Rules of the Alaska State Legislature
2 is amended by adding a new subsection to read:

3 (c) The report of a Committee on Conference with powers of free
4 conference or a Committee on Free Conference that requires a change in
5 the title of a bill other than clerical or technical changes requires
6 an affirmative vote of two-thirds of the house of origin.

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Original sponsor: Rules Committee

Offered: 4/27/81
Referred: Rules

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

2d CS FOR HOUSE BILL NO. 154 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to financial disclosure; and provid-
ing for an effective date."

7

8

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

9

* Section 1. AS 39.50.030(a) is amended to read:

10

(a) Each statement shall be an accurate representation of the
financial affairs of the public official or candidate and shall contain
the [SAME] information [FOR EACH MEMBER OF HIS FAMILY, AS] specified in
11 (b) of this section [,] to the extent that it is ascertainable by the
12 public official or candidate. An asset or liability under \$500, house-
13 hold goods, and personal effects need not be identified.

14

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* Sec. 2. AS 39.50.030(b) is amended by adding new paragraphs to read:

17

(9) the name of a person known by the public official or
candidate to have been a lobbyist during the preceding calendar year
who entered into a contract to purchase goods or services

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(A) in excess of \$100 from a

21

(i) sole proprietorship owned by the public offi-
cial or candidate;

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(ii) partnership in which the public official or
candidate is a general partner;

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(B) in excess of \$1,000 from a person who is a general
partner of a firm of which the public official or candidate is a
general partner; or

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(C) in excess of \$100 from a corporation over 50 percent
of the stock of which is owned by the public official or candidate;

29

1 (10) the name of a person from whom the public official or
2 candidate received during the preceding calendar year

3 (A) a gift of cash in excess of \$100;

4 (B) a single gift other than cash having a reasonable
5 value in excess of \$100;

6 (C) gifts other than cash having an aggregate reason-
7 able value in excess of \$250;

8 (11) the name of a person known by the public official or
9 candidate to have been a lobbyist, or a contractor or vendor who does
10 business with the state, or an employee of the state during the preced-
11 ing calendar year who is

12 (A) a general partner, officer, or director of a cor-
13 poration in which the public official or candidate is a general
14 partner, officer, director, or employee, with a description of the
15 legislative or administrative matters which were the object of the
16 activity of the lobbyist, the contractor or vendor who does
17 business with the state, or employee of the state; or

18 (B) a spouse, child, mother or father, brother or
19 sister of the public official or candidate.

20 * Sec. 3. AS 39.50.030 is amended by adding new subsections to read:

21 (d) A campaign contribution reported by a public official or
22 candidate under AS 15.13 does not need to be reported under this sec-
23 tion.

24 (e) A gift from a spouse, child, mother or father, brother or
25 sister, grandparent, or grandchild does not need to be reported under
26 this section.

27 * Sec. 4. Information that is required to be reported under the amend-
28 ments to AS 39.50.030 enacted in this Act need not be reported in a state-
29 ment due under AS 39.50 on or before December 31, 1982.

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* Sec. 5. This Act takes effect January 1, 1982.

House votes 1

By The Associated Press

The House voted 22-15 in favor of a bill on Tuesday which would expand the amount of information on financial disclosure statements they must file.

However, another bill in a reform package backed by House Democrats, which would alter legislative contracting procedures was stalled on the House floor by a series of proposed amendments.

Beginning next January, the disclosure bill (CSHB154 Rules) would require public officials

and candidates to file Commissionings. The name of \$100 worth of goods owned by an official from a partner or to be reported.

Rep. Dick Rane of reconsideration may come up for

The measure also gifts, from non-fa

Programs and projects are piling up at the Capitol doorstep at a rate six times as fast as the rate oil money piles up in state coffers. This session alone, spending proposals totalling more than \$36 billion have stacked up -- with more to come

Formerly, Alaska was on the poor-state's diet. There was only so much money to go around, so only the programs that were really needed got funding, and the state budget stayed lean and within reason.

Now, the budget has ballooned like a fat man on a cream-pie binge. State salaries, subsidies and give-aways have turned the Legislature into a one-stop shopping center for everything from

Expanded reform bill passes House

By JON MATTHEWS
Daily News reporter

JUNEAU — A bill expanding the financial disclosure requirements of elected officials passed the state House Tuesday. But another part of a Democratic reform package bogged down under minority criticism that the measure would change very little.

Backed by the House majority Democrats, the disclosure bill passed on a vote of 22-15 with little debate.

The measure (HB154) would require public officials and can-

didates to disclose the name of lobbyists who spend more than \$100 at a business owned by the officials. Disclosure also would be required if a lobbyist bought more than \$1,000 in goods or services from an official's business partner.

All gifts to officials worth more than \$100 also would have to be reported under the measure, unless the gifts are from family members.

Fairbanks Libertarian Dick Randolph, however, left the door open for a possible second vote on the bill today.

Another measure that Democrats argue would clean up legislative contract procedures bogged down under a pile of proposed amendments from Republicans and Libertarians. A vote on the bill was put off until today.

Rep. Hugh Malone, D-Kenai and chairman of the Legislative Council, said the bill would open up and improve the legislature's contracting methods, which have come under sharp criticism in past years.

The bill (HB156) would require, in some instances, a

written request for proposals for legislative contracts over \$5,000, and also requested from firms for contracts over \$1,000.

But minority House members argued the measure allows too many exceptions to those proposed rules.

Rep. Rick Halfon, Anchorage, argued that one major change proposed by minority members, which would require a written request for proposals before us is at all signifi-

6

Bradley
4-28-81

ETHICS

Original sponsor: Rules Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 153 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing standards of conduct for public
7 officials; relating to the responsibilities of the
8 Alaska Public Offices Commission; and providing for an
9 effective date."

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

11 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that it is
12 essential in the conduct of public business that state officials and state
13 employees hold the respect and confidence of the people. State officials
14 and state employees need to avoid conduct which violates the trust that the
15 people have placed in them or which creates a justifiable impression among
16 the public that the public trust is being violated. To ensure and preserve
17 public confidence, persons serving in government should have the benefit of
18 specific standards to guide their conduct. In order to strengthen the faith
19 and confidence that the governmental process reflects the will of the people
20 and that each state official considers and makes decisions affecting the
21 public according to the best interests of the public, AS 39.49 is enacted in
22 sec. 2 of this Act.

23 * Sec. 2. AS 39 is amended by adding a new chapter to read:

24 CHAPTER 49. STANDARDS OF CONDUCT.

25 Sec. 39.49.010. GIFTS. A public official may not solicit or
26 receive, directly or indirectly, a gift, whether in the form of money,
27 service, or benefit, under circumstances which he knows are intended to
28 influence the performance of official action or as a reward for official
29 action.

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1 Sec. 39.49.020. ABUSE OF OFFICE. (a) A public official may not
2 use or attempt to use his position to

3 (1) seek employment or contract for services for himself or
4 a member of his household;

5 (2) solicit or accept compensation for the performance of
6 official duties or responsibilities for himself or others except as
7 provided by law;

8 (3) use state or municipal time, equipment, or facilities
9 for private or business purposes for himself or others;

10 (4) use state or municipal time, equipment, or facilities
11 for political or campaign purposes;

12 (5) solicit, sell, or engage in a financial transaction with
13 a subordinate or a person or business which the public official inspects
14 or supervises;

15 (6) use information which is classified confidential by law
16 for personal gain or in a manner not connected with the performance of
17 official action.

18 (b) The provisions of (a)(3) or (4) of this section do not apply
19 to an elected public official.

20 Sec. 39.49.030. CONFLICT OF INTEREST. (a) A public official may
21 not take official action which he knows or has reason to know would
22 affect

23 (1) a business or property in which the public official has
24 a financial interest; or

25 (2) a business or property for which the public official
26 acts as legal counsel, advisor, consultant, or representative.

27 (b) A public official who is unable to disqualify himself in an
28 action described in (a) of this section or whose participation is
29 necessary in order to constitute a quorum for official action does not

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1 violate (a) of this section if he has complied with AS 39.50.020.

2 (c) A public official may not acquire a financial interest in a
3 business which he believes or has reason to believe may be directly
4 involved in official action he may take.

5 (d) Except as provided in this section, a public official of the
6 state may not assist a person or business before a state agency for
7 contingent compensation in a transaction involving the state. A public
8 official who is a member of the legislature or employed in the legis-
9 lative branch of the state government may not assist a person or busi-
10 ness before a state agency for compensation. A public official who is
11 a member of the governing body of a municipality or an employee of a
12 municipality may not assist a person or business before the municipal
13 governing body or an agency of the municipality for compensation.

14 (e) A public official of the state may not assist a person or
15 business for compensation to secure passage or defeat of a bill or
16 appropriation or to obtain a contract, claim, transaction, or proposal
17 in which he has participated or will participate as a public official
18 of the state. A public official of the state may not assist a person
19 or business for compensation on the bill, contract, claim, transaction,
20 or proposal before the legislature or state agency.

21 (f) A public official of the state may not assist a person or
22 business before a state agency for compensation on a bill, contract,
23 claim, transaction, or proposal involving official action by the state
24 agency over which the public official of the state has authority.

25 (g) A public official does not have a financial interest in
26 official action under this section if no benefit or detriment accrues
27 to him beyond that which accrues uniformly to the members of the pro-
28 fession, occupation, or group affected by the official action.

29 (h) A former public official may not

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1 (1) assist a person or business for compensation on matters
2 in which he participated as a public official;

3 (2) use information which is classified as confidential by
4 law for personal gain;

5 (3) within 12 months after termination of employment assist
6 a person or business for compensation on matters involving official
7 action by the state agency or a municipality of the state with which he
8 was employed.

9 Sec. 39.49.040. ACTION ON CONFLICT. (a) A public official who
10 in the discharge of official duties or responsibilities is required to
11 take official action prohibited by this chapter

12 (1) shall prepare a statement describing the matter requir-
13 ing official action and the nature of the conflict of interest with
14 respect to the official action; and

15 (2) shall deliver copies of the statement to the commission
16 and to his immediate superior or to the governor.

17 (b) On receipt of a statement prepared under (a) of this section,
18 a public official's superior or the governor shall assign the matter to
19 a public official who does not have a conflict of interest.

20 (c) The governor and a public official who has no superior complies
21 with this section if the statement described in (a)(1) of this section
22 is delivered to the commission. A public official who is a member of
23 the governing body of a municipality shall also state the conflict to
24 the governing body.

25 (d) The executive director of the commission shall review any
26 statement filed under (a) of this section. If an opinion is prepared
27 under AS 15.13.032(a)(1), the executive director of the commission
28 shall provide the public official with the opinion.

29 Sec. 39.49.050. CONTRACTS VOIDABLE. (a) In addition to any

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1 other penalty provided by law, a contract entered into by the state or
2 a municipality of the state in violation of this chapter is voidable by
3 the state or a municipality of the state.

4 (b) In an action to void a contract entered into by the state or
5 a municipality of the state in violation of this chapter, the interests
6 of innocent parties who may be damaged by the action shall be con-
7 sidered and the action to void the transaction must be brought within
8 60 days of a determination of a violation of this chapter.

9 Sec. 39.49.060. VIOLATION. The attorney general or the municipal
10 attorney may recover the compensation received by a person as a result
11 of a violation of this chapter by a public official or former public
12 official. An action under this section shall be brought within two
13 years of the violation.

14 Sec. 39.49.070. DISCIPLINARY ACTION FOR VIOLATION. The appoint-
15 ing authority may discipline, reprimand, put on probation, demote,
16 suspend, or discharge an appointed public official found to have
17 violated a provision of this chapter.

18 Sec. 39.49.900. DEFINITIONS. In this chapter,

19 (1) "business" means a corporation, partnership, or sole
20 proprietorship carrying on a business whether or not operated for
21 profit;

22 (2) "commission" means the Alaska Public Offices Commission
23 established under AS 15.13.020;

24 (3) "compensation" means money, a thing of value, or economic
25 benefit conferred on or received by a person in return for services
26 rendered or to be rendered by himself for another;

27 (4) "controlling interest" means an interest in business
28 which is sufficient in fact to control whether the interest is greater
29 or less than 50 percent;

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1 (5) "employment" means services performed for compensation;

2 (6) "financial interest" means an interest held by an indi-
3 vidual or a member of his household which is

4 (A) an ownership interest in a business;

5 (B) a creditor interest in an insolvent business;

6 (C) employment;

7 (D) prospective employment for which negotiations have
8 begun;

9 (E) an ownership interest in real or personal property;

10 (F) a loan or other debtor interest;

11 (G) a directorship or officership in a business;

12 (7) "member of his household" means

13 (A) a person who is the spouse, child, ward, or parent
14 of a public official; or

15 (B) the child, ward, or parent of the spouse of a
16 public official, and who shares the common residence of a public
17 official; or

18 (C) a person who is the child, ward, or parent of a
19 public official or of the spouse of a public official, and over
20 whose financial affairs and holdings the public official has legal
21 or actual control, whether or not they share a common residence;

22 (8) "municipality" includes

23 (A) a city or borough of any class;

24 (B) a municipality unified under AS 29.68.240 - 29.68.-
25 440;

26 (C) a school district or a regional educational attend-
27 ance area;

28 (9) "official action" means a decision, recommendation,
29 approval, disapproval, or other action, including inaction, which

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1 involves discretion;

2 (10) "public official" means a member or employee of the
3 legislature, the governor and lieutenant governor, appointed officers
4 and employees of a state agency, elected and appointed officers and
5 employees of a municipality of the state, and a person under a personal
6 services contract to a state agency or to a municipality of the state;

7 (11) "state agency" means a department, board, board of
8 regents, commission, council, committee, institution, office, corpora-
9 tion, authority or organization in the executive or legislative branch
10 of the state government, and includes the University of Alaska and
11 public corporations having a separate and independent legal existence;

12 (12) "state or municipal time" means the regular work hours
13 established by or under law, regulation, ordinance, or collective
14 bargaining agreement for public officials.

15 * Sec. 3. AS 15.13.020 is repealed and reenacted to read:

16 Sec. 15.13.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
17 Alaska Public Offices Commission is established in the Department of
18 Administration. The commission consists of five members.

19 (b) The governor shall appoint two members of the commission from
20 each of the two political parties whose candidates for governor received
21 the highest and the second highest number of votes at the most recent
22 preceding general election at which a governor was selected. The fifth
23 member of the commission shall be appointed without regard to party
24 affiliation.

25 (c) Terms of office of the members of the commission date from
26 February 1 of the year of their appointment. The term of office of a
27 member of the commission is five years and until a successor is ap-
28 pointed and qualifies. A commission member may not serve more than one
29 term.

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1 (d) A member of the commission and its executive director may not

2 (1) have been a member of the previous legislature or have
3 been a declared candidate for a federal, state, or municipal elective
4 position within the two years before nomination;

5 (2) be an officer of a political party, political committee
6 or group;

7 (3) permit their names to be used or make a contribution in
8 support of or in opposition to a candidate for governor, lieutenant
9 governor, a member of the legislature, for municipal office or for a
10 proposition or question that appears on a ballot in the state including
11 the ballot of a municipality;

12 (4) participate in an election campaign or participate in or
13 contribute to a political party; or

14 (5) lobby or employ a lobbyist.

15 (e) Members of the commission receive compensation of \$50 a day
16 while attending commission meetings and are entitled to travel expenses
17 and per diem authorized by law for members of boards and commissions
18 under AS 39.20.180.

19 (f) The commission members shall elect a presiding officer.
20 Three members of the commission constitute a quorum. A vacancy does
21 not impair the powers of the remaining members of the commission to
22 exercise the powers of the commission.

23 (g) A vacancy on the commission shall be filled by the governor
24 within 30 days of the occurrence of the vacancy. The member appointed
25 shall serve for the remaining term of his predecessor.

26 * Sec. 4. AS 15.13 is amended by adding a new section to read:

27 Sec. 15.13.022. OFFICES OF THE COMMISSION. (a) The commission
28 shall establish an office in each senate district in the state. Each
29 office shall keep on file for public inspection copies of the reports

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1 filed with the commission under this chapter by candidates for state-
2 wide office and by candidates for legislative office in that district.
3 The offices shall maintain the forms and pertinent material necessary
4 for candidates to comply with this chapter.

5 (b) Reports required by this chapter shall be filed by candidates,
6 groups, and individuals directly with the commission's central office.
7 The commission shall insure that copies of reports by statewide and
8 legislative candidates in each senate district are forwarded promptly
9 to the appropriate regional office.

10 (c) If a municipality contains more than one election district,
11 only one commission office shall be established in the municipality.

12 (d) The commission shall insure that copies of reports filed by
13 candidates for municipal office are made available for public inspec-
14 tion in the municipality.

15 * Sec. 5. AS 15.13.030 is repealed and reenacted to read:

16 Sec. 15.13.030. DUTIES OF THE COMMISSION. (a) The commission
17 shall

18 (1) develop and provide all forms for the reports and state-
19 ments required to be made under this chapter, AS 24.45, AS 39.49 and
20 AS 39.50;

21 (2) prepare and publish a manual setting out uniform methods
22 of bookkeeping and reporting for use by persons required to make reports
23 and statements under this chapter, AS 24.45, AS 39.49, and AS 39.50 and
24 otherwise assist candidates, groups, and individuals in complying with
25 the requirements of this chapter, AS 24.45, AS 39.49, and AS 39.50;

26 (3) receive and hold open for public inspection reports and
27 statements required to be made under this chapter, AS 24.45, AS 39.49,
28 and AS 39.50 and, upon request, furnish copies at cost to interested
29 persons;

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1 (4) compile and maintain a current list of all filed reports
2 and statements;

3 (5) prepare a summary of reports filed with the commission
4 and make copies of a summary available to interested persons at cost;

5 (6) notify, by registered or certified mail, all persons who
6 are delinquent in filing reports and statements required to be made
7 under this chapter, AS 24.45, AS 39.49, or AS 39.50;

8 (7) examine, investigate and compare reports, statements and
9 actions required by this chapter, AS 24.45, AS 39.49, and AS 39.50 and
10 report to the attorney general the names of persons or groups which the
11 commission has substantial reason to believe have violated this chapter,
12 AS 24.45, AS 39.49, or AS 39.50;

13 (8) prepare and publish an annual report to the legislature
14 concerning the activities of the commission, the effectiveness of this
15 chapter, AS 24.45, AS 39.49, and AS 39.50, their enforcement by the
16 attorney general, and recommendations and proposals for change;

17 (9) adopt regulations necessary to implement and clarify this
18 chapter, AS 24.45, AS 39.49, and AS 39.50, subject to the provisions of
19 the Administrative Procedure Act (AS 44.62).

20 (b) The commission may delegate to the executive director powers
21 and duties given it by AS 15.13.032; it may not delegate to the execu-
22 tive director the power to issue a determination under AS 15.13.034(e)
23 or 15.13.036.

24 (c) The commission, a commissioner, the executive director, or an
25 employee authorized by the commission may administer oaths, certify to
26 all official acts, and issue subpoenas, subpoenas duces tecum, and
27 other process to compel the attendance of witnesses and the production
28 of testimony, records, papers, accounts and documents in an inquiry,
29 investigation, hearing or proceeding before the commission. The com-

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1 mission, a commissioner, or the executive director may petition a court
2 of this state to enforce its subpoenas, subpoenas duces tecum and other
3 process.

4 * Sec. 6. AS 15.13 is amended by adding new sections to read:

5 Sec. 15.13.032. POWERS OF COMMISSION. (a) The commission shall
6 administer this chapter, AS 24.45, AS 39.49, and AS 39.50 and may

7 (1) issue an advisory opinion under AS 15.13.034(b) on the
8 request of a public official or former public official as to whether
9 stated facts and circumstances may constitute a violation of this
10 AS 39.49; if an advisory opinion is not issued within 30 days after the
11 request is filed with the commission, the public official or the former
12 public official may consider that the facts and circumstances stated in
13 the request do not constitute a violation of AS 39.49; the advisory
14 opinion issued or considered issued is binding in a subsequent charge
15 concerning the public official or former public official who sought the
16 advisory opinion and acted in reliance on it unless material facts were
17 omitted or misstated in the request;

18 (2) in its discretion issue an advisory opinion upon the
19 request of any person if the commission determines that the request
20 states a matter of general applicability or first impression under
21 AS 39.49; the advisory opinion shall be based on facts and circumstances
22 stated in the request and may not be used as a substitute for a com-
23 plaint charging a violation of AS 39.49 under (4) of this subsection;

24 (3) issue a determination under AS 15.13.036;

25 (4) accept or initiate charges concerning a violation of a
26 law administered by the commission, initiate investigations, and hold
27 hearings;

28 (5) subpoena witnesses, administer oaths, and take testimony
29 relating to matters before the commission and require the production

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1 for examination of books or papers relating to a matter under investi-
2 gation by the commission;

3 (6) publish summaries of advisory opinions issued under
4 AS 15.13.034(b) and determinations issued under AS 15.13.036 with dele-
5 tions in the summary to prevent disclosure of the identity of a person
6 involved in an advisory opinion or determination;

7 (7) distribute its publications without cost to the public
8 and initiate programs to educate the public and public officials regard-
9 ing the laws enforced by the commission.

10 (b) The commission may authorize its executive director to issue
11 an opinion under (a)(1) or (a)(2) of this section.

12 (c) A charge may be accepted by the commission and a charge may
13 be initiated by the commission on a violation of AS 39.49 no later than
14 one year after termination of employment by a public official. This
15 subsection does not prevent a proceeding against a person who by fraud
16 prevents discovery of a violation of AS 39.49.

17 Sec. 15.13.034. COMPLAINT PROCEDURES. (a) A charge concerning a
18 violation of a law administered by the commission must be in writing
19 and signed by the complainant under oath. A charge initiated by the
20 commission must be signed by three members of the commission. The
21 executive director shall notify each person against whom a charge is
22 filed and afford the person an opportunity to explain the conduct
23 stated to be a violation. The executive director shall investigate
24 charges involving a violation of AS 39.49 on a confidential basis.

25 (b) The executive director may render an opinion to the public
26 official charged with a violation under (a) of this section. If the
27 opinion indicates a probable violation, the person charged with a
28 violation may request a determination from the commission or comply
29 with the opinion. If the person charged fails to comply with the

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1 opinion or if the executive director determines by competent and sub-
2 stantial evidence that a violation of this chapter has occurred, a copy
3 of a complaint shall be served on the person. The person has 20 days
4 after service to reply to the complaint.

5 (c) Upon service of a complaint under (b) of this section, the
6 commission shall set a time and place for a hearing with notice to the
7 complainant and the person charged with a violation.

8 (d) Each party may have an opportunity to (1) be heard, (2)
9 subpoena witnesses and require the production of books or papers relat-
10 ing to the proceedings, (3) be represented by counsel, and (4) have the
11 right of cross-examination. The hearings shall be held under AS 44.62.
12 A witness shall testify under oath. The commission is not bound by the
13 strict rules of evidence but the commission's determination must be
14 based on competent and substantial evidence. Testimony and evidence
15 taken at the hearing shall be recorded.

16 (e) A determination of the commission regarding a violation shall
17 be approved by three members of the commission. A determination is
18 public information

19 Sec. 15.13.036. DETERMINATIONS. (a) When the commission, after
20 hearings under AS 15.13.034(c), determines that there is sufficient
21 cause to believe that a public official removable only by impeachment
22 has committed a wilful and not inadvertent violation of a provision of
23 AS 39.49, it shall issue a determination and refer the determination to
24 the senate for proceedings under art. II, sec. 20 of the state consti-
25 tution. The determination shall contain a statement of the facts
26 constituting the violation.

27 (b) When the commission determines after hearings under AS 15.-
28 13.034(c) that there is sufficient cause to believe that a public
29 official other than a public official removable only by impeachment has

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1 committed a wilful and not inadvertent violation of a provision of
2 AS 39.49, it shall refer

3 (1) to the governor a determination concerning a public
4 official in the executive branch;

5 (2) to the proper presiding officer of the legislature or to
6 both presiding officers of the legislature a determination concerning a
7 public official in the legislative branch; or

8 (3) to the chairman of the Board of Regents a determination
9 concerning a public official in the University of Alaska.

10 (c) Any action of the governor, legislature, or chairman of the
11 Board of Regents in response to a determination of the commission is
12 public information.

13 Sec. 15.13.038. CIVIL PENALTIES. (a) The commission may assess
14 a civil penalty in an amount not to exceed twice the benefit determined
15 by the commission to have been obtained by a violation of this chapter,
16 AS 24.45, AS 39.49, or AS 39.50, or \$2,000, whichever is less, against
17 a public official.

18 (b) If the commission determines that a public official received
19 no economic benefit from a violation of this chapter, AS 24.45,
20 AS 39.49, or AS 39.50, it may assess a civil penalty not to exceed
21 \$2,000.

22 * Sec. 7. AS 15.13.122 is repealed and reenacted to read:

23 Sec. 15.13.122. LEGAL COUNSEL. (a) The attorney general is
24 legal counsel for the commission and shall advise the commission in
25 legal matters arising in the discharge of its duties and represent the
26 commission in actions to which it is a party.

27 (b) If, in the opinion of the commission, the public interest
28 warrants, the commission may request the chief justice of the supreme
29 court to appoint special counsel to represent the commission in a

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1 proceeding involving a law administered by the commission and to pursue
2 appropriate remedies including criminal prosecution.

3 (c) When the public interest warrants, the commission may employ
4 temporary legal counsel in matters in which the commission is involved.

5 * Sec. 8. AS 15.13.130 is amended by adding a new paragraph to read:

6 (8) "commission" means the Alaska Public Offices Commission.

7 * Sec. 9. AS 39.25.120(12) is amended to read:

8 (12) the executive director [AND STAFF] of the Alaska Public
9 Offices Commission;

10 * Sec. 10. AS 15.13.045 and AS 39.50.090(a) - (e) are repealed.

11 * Sec. 11. (a) AS 39.49 enacted in sec. 2 of this Act applies to the
12 conduct of a public official of the state after the effective date of this
13 Act. AS 39.49 applies to public officials of a municipality of the state on
14 and after July 1, 1982, unless the municipality adopts standards of conduct
15 for its public officials, submits the standards to the Alaska Public Offices
16 Commission, and the Alaska Public Offices Commission determines before
17 July 1, 1982, that the municipal standards of conduct are substantially
18 similar to the standards of conduct adopted in AS 39.49.

19 (b) The legislature does not intend that each municipality adopt a
20 code establishing standards of conduct as comprehensive as the standards of
21 conduct established in AS 39.49 enacted in sec. 2 of this Act. In deter-
22 mining whether a municipal code establishing a standard of conduct is sub-
23 stantially similar to the standards of conduct established in AS 39.49, the
24 Alaska Public Offices Commission shall consider the standards of conduct
25 established in the municipal code with reference to the size of the municipal
26 government and recent budgets of the municipality, procedures adopted by the
27 municipality for the regulation of fiscal procedures, and other matters
28 submitted to the commission by the municipality.

29 * Sec. 12. This Act takes effect July 1, 1981.

Alaska State Senate

JUNEAU, ALASKA 99811

M E M O R A N D U M

DATE: March 19, 1981
TO: Members, Senate Special Committee on Legislative Reform
FROM: Senator Rodey, Chairman *PRR*
RE: Legislative Reform

This is to formalize the arrangements agreed upon at our last committee meeting a week ago. At that time consensus was reached that the different areas of reform - and relevant bills and resolutions - should be divided up among the members of the special committee. The assignments are as follow:

Senator Kelly - length of session: SJR 6/HJR 12 *next session*
appropriations: SJR 20
legislative employees' salaries

Senator Fischer - ethics/APOC/financial disclosure:
SB 167/SB 175/HB 107/ HB 153/HB 154

Senator Ray - terms of legislators: SJR 9/ SJR 24
conference committees: SCR 1/HCR 3
bill content/germaneness

Senators Rodey & Bennett -
uniform rules changes: SCR 8
legislative procedures: HB 155
legislative contracts: HB 156
joint finance committee
public notice of committee meetings
establishment of interim committees
other miscellaneous: HJR 7/HJR 8/HB 109/HB 168

The idea is for members to review the proposals, collect the back-up and make recommendations to the full committee. I expect the committee to have completed its task by the end of April. In addition to informal meetings which may be called between now and then, the committee will be holding public hearings in Fairbanks on Saturday, April 11, and in Anchorage on Saturday, April 18. The League of Women Voters will also be conducting a conference on legislative reform on Saturday, April 25.

If there are any questions, please contact me. Thank you.

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

Alaska State Senate
JUNEAU, ALASKA 99811

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

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If there are any questions, please contact me. Than' you.

HOW HANDLE?

EFFECTIVE DATE?

STATEMENT OF PROBLEM?

LEAGUE OF 6 VOTERS - Conf: April 25th

ANCH. FREE COMMITTEE

POSSIBLE LEGISLATIVE REFORMS

- ① LIMIT ON # OF TERMS LEGISLATORS CAN SERVE NO!
- ② REFORM OF FREE CONFERENCE COMMITTEE PROCEDURES YES!
- ③ CODE OF ETHICS FOR STATE EMPLOYEES & STATE OFFICIALS
"COMMISSION ON GOVERNMENT ETHICS" NO!
- ④ LIMIT ON LENGTH OF LEGISLATIVE SESSIONS NO!
- ⑤ REFORM OF CONTRACTING PROCEDURES YES!
- ⑥ RESTRICT "PIGGYBACKING" YES!
- ⑦ COMMITTEE NOTICE YES!
- ⑧ PROHIBITION OF INTERIM COMMITTEES UNLESS AUTHORIZED YES!
- ⑨ MORE DETAILED FINANCIAL DISCLOSURE NO!
- ⑩ REFORM OF LEGISLATIVE COUNCIL - spending - staffing NO!
- ⑪ JOINT BUDGET/FINANCE COMMITTEE NO!

BILLS ALREADY INTRODUCED

- * HCR 3 : PROPOSING AN AMENDMENT TO THE UNIFORM RULES RELATING TO CONFERENCE COMMITTEES & FREE CONFERENCE COMMITTEES
- * HB 153 : AN ACT RELATING TO ETHICS IN GOVERNMENT & ESTABLISHING THE LEGISLATIVE COMMISSION ON GOVERNMENTAL ETHICS
- * HB 154 : AN ACT RELATING TO FINANCIAL DISCLOSURES
- * HB 155 : AN ACT RELATING TO LEGISLATIVE PROCEDURES
- * HB 156 : AN ACT RELATING TO LEGISLATIVE CONTRACTS
- * SB 90 : FREEDOM OF INFORMATION
- * SB 175 : AN ACT ~~THE~~ ^{ADOPTING} A CODE OF ETHICS FOR STATE OFFICIALS & STATE EMPLOYEES; ESTABLISHING A STATE ETHICS COMMISSION; REPEALING AS 39.50

LEGISLATIVE REFORM

① list subject areas

- FCC / appropriations / Joint Budget
- * contracting procedures
- germaneness / bill content
- * ethics
- financial disclosure / APOC
- * F. of Information
- * reg. open for initiation
- * spreading the power
- * review of the Agency
- * length of leg. terms
- * " " " session
- * committee procedures
- * public notice
- * interim committees / special committees

② location of activities

- constitution
- * uniform rules
- * statutes

③ timing

- RUC conference on April 25th
- * this session or next?

PATRICK RODEY
ANCHORAGE

601 W. 5TH AVE. SUITE 820
ANCHORAGE, ALASKA 99501

DURING SESSION

POUCH V
JUNEAU, ALASKA 99811

Alaska State Senate

JUNEAU, ALASKA 99811

M E M O R A N D U M

DATE: March 11, 1981
TO: Members, Senate Special Committee on Legislative Reform
FROM: Senator Rodey, Chairman
RE: Legislative Reform

As follow-up to our Monday night meeting, I propose the following plan of action:

- 1) Divide the work among the members - this will be done at our next special committee meeting.
- 2) Some proposals, such as SJR 20 relating to appropriations, can be handled through the legislative process as joint committee meetings with the special committee and the committee of referral.
- 3) Proposals which do not have a Senate committee referral will be addressed by the special committee.

I am anticipating, as a final work product, passage of some of the reform legislation by both bodies this session; establishment by policy of Senate leadership this session some of the ideas/proposals which may not be formally adopted until next session; and further study of some of the more complicated or controversial proposals during the interim.

Enclosed is a listing of the issues and bills relating to legislative reform, and copies of all the bills introduced to date.

I will be talking with you about the time and date for our next meeting.

cc: All Senators
House Majority Leader
House Minority Leader

PENDING LEGISLATION RELATING TO LEGISLATIVE REFORM

- SJR 6 Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.
- SJR 9 Proposing an amendment to the Constitution of the State of Alaska relating to the terms of legislators.
- SJR 20 Proposing an amendment to the Constitution of the State of Alaska relating to appropriations.
- SJR 24 Proposing an amendment to the Constitution of the State of Alaska relating to the terms and election of legislators.
- SCR 1 Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to conference committees and free conference committees.
- SCR 8 Proposing amendments to the uniform rules.
- SB 167 An Act relating to the Alaska Public Offices Commission; and providing for an effective date.
- SB 175 An Act adopting a code of ethics for state officials and state employees; establishing a State Ethics Commission; repealing AS 39.50; and providing for an effective date.
- HJR 7 Proposing an amendment to the Constitution of the State of Alaska relating to the qualifications of members of the legislature.
- HJR 8 Proposing amendments to the Constitution of the State of Alaska providing for the submission of constitutional amendments by initiative.
- HJR 12 Proposing amendments to the Constitution of the State of Alaska relating to legislative sessions.
- HCR 3 Proposing an amendment to the uniform rules relating to conference committees and free conference committees.
- HB 107 An Act requiring public officers and employees who engage in lobbying to comply with the Regulation of Lobbying Act (AS24.45); and providing for an effective date.
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- HB 153 An Act relating to ethics in government and establishing the Legislative Commission on Governmental Ethics; and providing for an effective date.

- HB 154 An Act relating to financial disclosure; and providing for an effective date.
- HB 155 An Act relating to legislative procedures; and providing for an effective date.
- HB 156 An Act relating to legislative contracts.
- HB 168 An Act relating to payment of legislative per diem; and providing for an effective date.

TOPICS NOT YET ADDRESSED IN LEGISLATION

- * Bill content/germaneness
- * Joint Finance Committee
- * Public notice of committee meetings
- * Establishment of interim committees
- * Legislative staffing

SUMMARY

- * Length of session SJR 6/HJR 12
- * Terms of legislators SJR 9/SJR 24
- * Appropriations SJR 20
- * Conference Committees SCR 1/HCR 3
- * Uniform Rules changes SCR 8
- * Ethics/APOC/financial disclosure:
SB 167/SB 175/HB 107/HB 153/HB 154
- * Legislative procedures HB 155
- * Legislative contracts HB 156
- * Other miscellaneous HJR 7/HJR 8/HB 109/HB 168

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ALASKA STATE LEGISLATURE

PROPOSED AMENDMENTS

TO THE

-- UNIFORM RULES --

(As Adopted by the House & Senate Rules Committees
Meeting Jointly.)

MAY 29, 1981

THE CHANGES PROPOSED IN THE FOLLOWING RULES HAVE BEEN AGREED
TO AND ARE RECOMMENDED BY THE RULES COMMITTEES OF THE HOUSE
AND SENATE.

OK ✓

RULE 1. ORGANIZATION OF FIRST SESSION.

(a) At the time for convening of the first regular session of a legislature the lieutenant governor calls each house to order separately and calls the roll of members whose election has been certified. The lieutenant governor [HE] then administers the oath of office to the new members and, pending the election of temporary presiding officers, preserves order and decorum in the house.

(b) When the house by a majority vote of the full membership of the house [VOTE] selects a temporary presiding officer, the temporary presiding officer [HE] assumes the chair and the lieutenant governor withdraws. The temporary presiding officer [CHAIR] then calls for nominations for a permanent presiding officer and the nominee receiving a majority vote of [THE VOTES OF] the full membership of the house becomes the permanent presiding officer [ASSUMES THE CHAIR] for the two-year duration of the legislature. If a permanent presiding officer is not elected by the seventh legislative day, on the eighth legislative day the temporary presiding officer shall call for nominations for a permanent presiding officer from the floor. A roll call vote shall be taken on the persons nominated. Election of a permanent presiding officer requires a majority vote of the full membership of the house.

(a) To remove from the rule a reference to a sexually explicit pronoun.

(b) To remove from the rule references to sexually explicit nouns and pronouns, and to establish procedures for and clarify the vote procedures and requirements applicable to election of temporary and permanent presiding officers.

← SIGNIFICANT CHANGE

(c) Pending the organization of the house a secretary assigned by the Legislative Council assists the lieutenant governor and the temporary and permanent presiding officers in the performance of their duties.

(d) The Uniform Rules of the Legislature of the previous regular session or any authorized revision of those rules are used as the temporary rules until the Rules Committee reports on and the legislature in joint session adopts permanent uniform rules.

(e) The presiding officer shall announce, not later than the day following [HIS] election, the appointment of a Committee on Committees consisting of five members including the presiding officer [HIMSELF AS CHAIRMAN AND FOUR OTHER MEMBERS]. The presiding officer chairs the committee on committees. The committee is responsible for nominating the [CHAIRMEN AND] members of the standing committees as set out [FORTH] in Rule 20 and the member who is to chair each standing committee to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number and the minority is entitled to at least one seat on each standing committee. The report of the Committee on Committees is subject to approval by a majority vote of the full membership of the house.

(e) To remove from the rule references to sexually explicit pronouns, and to conform language used to standard legislative drafting practice.

OK ✓

RULE 2. ORGANIZATION OF SECOND SESSION.

The presiding officer of each [THE] house during the first regular session presides during the second regular session or any special session and administers the oath to any new members.

To clarify the rule.

OK ↙

RULE 3. LEGISLATIVE SESSION STAFF.

(a) Each house elects an internal administrative [ADMINISTRATION] officer (a Chief Clerk in the House and a Secretary in the Senate) to serve for the two-year duration of the legislature. The officer is nominated by the Rules Committee and elected by a majority vote of the full membership [MEMBERS] of the house. The Chief Clerk and Secretary are responsible for the selection and supervision of the staff of their offices and are subject to the direction of the presiding officer and Rules Committee according to law and legislative rule.

(b) The Rules Committee of each house is responsible for the selection and direction of the session staff assigned to each chamber (sergeant-at-arms and their assistants, pages and messengers) and is the source of approval for hiring session assistants for standing, [AND] special, and joint committees and caucuses and secretarial help to be assigned to individual members. The Rules Committees of the house and senate shall decide jointly and within the amount budgeted for session staff the compensation and conditions of employment of those working under their individual supervision. The director of administrative services of the Legislative Affairs Agency shall assist and make recommendations to the Rules Committees regarding staff compensation and related matters.

(c) The sergeant-at-arms shall attend all sessions of the house unless absent for the purpose of discharging the duties of the office. The sergeant-at-arms shall maintain

(a) To correct a reference and to clarify the vote requirement for election of the chief clerk and secretary.

(b) To bring session employees of joint committees under employment provisions generally applicable to session employees.

(c) To provide a description of the duties of the sergeant-at-arms.

OK ✓

RULE 4. DUTIES OF THE PRESIDING OFFICER.

The presiding officer of each house has the duties set forth in section 575, MASON'S MANUAL OF LEGISLATIVE PROCEDURE, 1979 edition, when not inconsistent with these Uniform Rules. In the absence of the regular presiding officer, the majority leader of the house serving ex officio as presiding officer pro tempore shall preside; except that the regular presiding officer may temporarily relinquish the chair to any member.

To specify use of the most recent edition of Mason's Manual applies to implement the Uniform Rules.

OK ✓

RULE 5. ADMINISTRATIVE SERVICES. The Legislative Council is responsible for providing administrative services necessary to the operation of the legislature through the Legislative Affairs Agency. The director of the division of administrative services has general supervision of the central fiscal, procurement, duplicating, distribution and mailing services. Official documents and items are duplicated only when submitted with a work order signed by a presiding officer, the person who chairs a committee [CHAIRMAN], or the chief clerk or senate secretary, or their authorized representatives. No requests for the duplication of personal or unauthorized items or items not accompanied by a work order signed by an authorized person may be accepted. The fiscal officer is responsible for the preparation of payroll, personnel and purchase documents and the immediate supervision of the distribution and mailing services.

To remove from the rule a reference to a sexually explicit pronoun.

OK ✓

RULE 6. EXPENDITURES. The annual budget for all legislative expenses is prepared by the Legislative Council and submitted to the Finance Committees. No legislator or employee may spend or obligate legislative money without the documents required by regulation from the legislative fiscal and certifying officers. No member may spend or obligate state funds for or on behalf of any committee unless authorized by the chairman of the committee with approval of the presiding officer of the house within the limits of available funds.

OK ✓

RULE 7. COMMUNICATIONS. Communica-
tions received by a house from the other
house or the governor are read by the clerk
or secretary and spread upon or paraphrased
in the journal. All other official com-
munications to a house are referred directly
by the clerk or secretary to the presiding
officer for [HIS] referral by the presiding
officer to a committee or to file. The
presiding officer may direct that the receipt
of a communication and the subject to which
it relates be noted in the journal.

To remove from the rule a reference to a
sexually explicit pronoun.

OK ✓

RULE 8. PRIVILEGE OF THE FLOOR. (a)

A member may request of the presiding officer [CHAIR] and receive with the consent of two-thirds of the members present the personal or special privilege of the floor. The request for the privilege and the substance of the [HIS] remarks of the member are not recorded in the journal.

(b) [(a)] Personal privilege is granted for making remarks affecting the rights, reputation and conduct of members in their respective capacities [CAPACITY].

(c) [(b)] Special privilege of the floor is used for: remarks on matters other than questions of personal privilege and the subject of special privilege to which a member rises must be stated before consent to proceed is given.

To revise the material into subsections in accordance with standard legislative drafting practice, and to remove from the proposed subsection (a) a reference to a sexually explicit pronoun.

OK ✓

RULE 9. JOURNAL. The journal of each house reports only the essential items of daily business: roll call votes, major motions, communications from the governor and the other house, brief or summary committee reports, and amendments. Detailed committee reports, exhibits, and miscellaneous communications ordered spread upon the journal by the presiding officer of the house shall be published in a supplement to the daily journal. The daily journal is to be prepared by the chief clerk or secretary in conformity with the legislative drafting manual and distributed to each member of the legislature on the following legislative day. Matter may be expunged from the journal with the approval of a majority of the full membership of the house if the motion to expunge is adopted prior to the end of the legislative day on which the journal report is approved.

To restate the vote required to expunge material from the journal.

OK ✓

RULE 10. DRAFTING MANUAL. The legislative drafting manual prepared by the enrolling secretary of the legislature and the revisor of statutes and adopted by the legislative Council is to be followed by all officers and employees of the legislature in the preparation, processing, and disposition of all legislative documents and records.

To conform the text of the rule to the actual practice now followed by the Agency; the provisions of the manual which outline bill drafting procedures and techniques are annually reviewed and revised as necessary by the revisor; those portions of the manual which describe the format for presenting bills and resolutions is the responsibility of the legal editor, who functions as the enrolling secretary in the final preparation of bills for submission to the governor.

OK ✓

RULE 11. ADMISSION TO FLOOR. (a) Except as provided in (b) - (d) of this rule, a [NO] person who is not a member of the house is not permitted on the floor of the house chamber while the house is sitting or in brief recess unless that person [HE] is a member of the other house or an officer or an employee authorized to be present by this rule or by the presiding officer.

(b) Each of the following may be admitted to a chamber:

(1) the chief clerk or secretary and members of the staff of that officer;

(2) the sergeant-at-arms and members of the staff of the sergeant-at-arms;

(3) a chaplain;

(4) pages and messengers.

(c) The house, by a majority vote of the members present, or the presiding officer of the house may admit a person to the chamber while the house is in session or in brief recess.

(d) Members of the press may be admitted to a chamber. However, members of the press, when admitted, may use only facilities provided at the rear of the chamber for press purposes, and may use only the perimeter aisles of the chamber for photographic purposes.

(a) To restate the rule in standard legislative drafting language, and to remove from the rule a reference to a sexually explicit pronoun.

(b) To describe the persons who may, by rule, be admitted to the chamber.

(c) To describe additional situations when a person may be admitted to a chamber while the house is in session or brief recess.

(d) To provide for admission of members of the press to the chamber, and establish reasonable limits on their presence.

(e) The presiding officer may extend the privilege of the floor to former legislators and distinguished visitors for the day but not for the purpose of discussion and debate. Only [NO ONE BUT] a member of the legislature may advocate or oppose passage of a bill or resolution in the chamber of the house while the house is in session.

(e) To clarify language used in the existing rule.