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## Ethics...

Continued from Page 1

dent occurred because the operator had been working two shifts and was into his 19th hour of work. The informant said shop management knew and participated in the practice to allow selected workers extra hours without senior management's awareness. The worker said the scam stemmed from labor agitation and he feared violence if anyone found out he had informed.

Alice called the shop manager in, waved a paper around and told him she had an anonymous letter that said the case wasn't what had been reported. The lie about the letter was Alice's method of protecting the informant's identity.

All the candidates decided that the lie was unnecessary. Most felt that Alice could have protected the informant but still confronted the shop manager.

"I think she was right to bring

the issue forward, but I don't feel she acted appropriately," Sturgulewski said.

"The lie was totally unnecessary. She had other ways to go forward without lying," Halford said.

Toffler said she figured the candidate's responses to the accident dilemma would be easy to gauge.

"I knew on the first case nobody would say she did the right thing by lying," Toffler said.

Campbell said that Alice "ought to look for a new job. ... It sounds to me like the attitude of that company is terrible."

The second dilemma was a little tougher. The manager of a large bank described an employee, a Cambodian immigrant, as a hard-working, lovely person - an ideal employee. Except she was caught forging 10 extra days of jury duty. That was because, the employee said, her boss harassed her on the job because of her race and difficulties with the language, making the work atmosphere unpleasant.

A subsequent investigation turned up his sexual harassment of other women in the office, although not the Cambodian woman. The boss was fired.

The question the manager faced was what to do with the woman who forged her jury form. A similar forgery on a time card had resulted in another employee, with an already poor record, being discharged.

All but Lindauer said they would not fire the woman. Most said they would reprimand her and make her pay back any wages from the 10-day period.

"If you let someone get away with a forgery like this, even though you know why you do this, on the work floor the discussion's going to be that so and so admittedly forged it, somebody else got fired for doing that," he said.

He said regardless of the reason, the woman effectively stole 10 days wages from the company.

Dimple-Shah!  
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DAILY NEWS



ETHIXCALIBUR - THE SWORD IN THE STONE

# Tough code of ethics

WHEN IT comes to legislative ethics, the safe bet to make is this: Alaska's lawmakers will find that the 31 days remaining in this 1990 session are simply not enough to properly consider all the ramifications of the 87-page proposal designed to clean up their act.

It's not that they are indisposed, you understand, to a rigid code of mandated ethical standards. It's just more likely they will kill this proposal with kindness — and say it should be taken up another year.

Too bad, too. The fact is there is much to recommend about this package drafted by the Josephson Institute for the Advancement of Ethics, under a \$70,000 contract approved by the Senate — which perhaps got more than it bargained for in the recommendations.

The fact is, though, that many in leadership positions in both the Senate and House reacted positively to the proposals — and urged their colleagues to join in supporting passage of legislation to put the recommendation into effect.

And even those who object to high legislative pay, and we count ourselves among them, might well accept the proposed \$40,000 annual salaries — if the legislators agree to go along with the other restrictions outlined in the recommendations.

The truth is that many already make more than \$40,000 a year — inflating their \$20,140 annual salaries by collecting endlessly from funds which pay each of them \$55 for every day they can concoct a reason to say they are doing legislative business.

**THIS PACKAGE**, if adopted, would eliminate these per diem payments, and in the process strike down a lot of other benefits and perks with which legislators now enrich themselves — either while they are in office or immediately after they depart.

For example, legislators would be barred from serving as legislative lobbyists for a year after they end

their terms.

They would be prohibited from holding any campaign fund-raising activities anywhere during the course of a legislative session. No campaign funds could be converted to personal use and no post-election fund-raising activities would be allowed to retire campaign debts. In other words, candidates would have to live within their campaign budget — or finance any deficits at the end of the campaign from their own pockets.

The proposals also would extend to lobbyists and to members of the legislative staff — preventing the former from serving as campaign officers or fund raisers for candidates, and making the latter guilty of unethical acts if they perform or fail to report improper personal or professional requests by legislators.

**THE WHOLE** operation would be under the scrutiny of a nine-member independent Ethics Commission, none of whom would be active legislators. The commission would have broad powers — real powers, up to and including the authority to recommend the expulsion of a legislator found guilty of severe violations of the ethics code.

Is it necessary to go that far? The institute's president, Michael Josephson, in Juneau to speak for his proposals, summed it up this way: "If there was any question before our study as to the image of the Alaska Legislature, such questions have been firmly put to rest. Quite frankly, it is in very sad shape."

It needs to be noted that no other state — and no other political jurisdiction, for that matter — has in place such an extensive and binding code of ethics.

It has often been said that you can't legislate ethics. But this proposal goes a long way toward trying to do the job. If it is adopted in total, says Mr. Josephson, "it will be far and away the finest, most comprehensive in the United States."

But it may be more than Alaska's legislators are willing to swallow.

## What others say

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# Legislators told to start over on ethics

## Image too bad for a quick fix

By DAVE PATRICK  
Times Juneau Bureau

JUNEAU — The image of the Legislature is in such bad shape nothing short of a rewrite of its code of conduct will infuse active, ethical leadership, said ethics expert Michael Josephson.

"What people have suspected is very true. The reputation of the Legislature is bad," Josephson said. The consultant unveiled an 87-page ethics reform bill to legislators Monday.

He wants the code of conduct package passed as is, left largely

untouched by lawmakers who have less than six weeks to finish their work. Josephson said Alaska could establish itself as the model for ethics laws governing public officials.

The Alaska Legislative Ethics Act of 1990 would establish a citizens ethics commission, plug campaign financing loopholes, restrict lawmakers' outside income and give legislators a pay raise.

Legislators would no longer investigate each other under the See Ethics, back page

## Ethics

Continued from page A-1

Josephson proposal. A nine-member citizens legislative ethics commission would be formed by appointments from various bodies of government, including the Legislature, Governor and Supreme Court. Ethics hearings would be public if probable cause was found that a violation occurred.

The commission could recommend fines of up to \$5,000 for each offense. A range of actions also could be recommended from the expulsion of a legislator to voiding legislation resulting from violators. The appropriate house of the Legislature would

approve the recommendations and could change the sanctions. Josephson said, legislators should be paid \$40,000 as recommended in 1989 by the State Officer's Compensation Commission. Legislators are currently paid \$22,140 per year but average "in the low \$30,000 range," due to per diem payments and other expenses, Josephson said.

The California attorney, citing an "insiders" survey of nearly 100 legislators and opinion makers in Alaska, found that lawmakers were overworked and underpaid.

In exchange for the salary increase, interim per diems, or payments to lawmakers between legislative sessions would be eliminated. The current interim per diem rate was up to \$50 per day. Senate leaders hired the

"The per diem is demeaning, and it invites every which way of fraud and abuse," said the consultant. Leaders of both Houses said the pay increase could distract attention from the higher priority of passing ethics legislation this session.

"My main concern is that some legislators will use the increase to vote against the package. They'll use it as a red herring," said Senate President Tim Kelly, R-Anchorage. "I don't think the pay issue will emerge from committee," said House Speaker Sam Cotten, D-Eagle River.

The non-profit Josephson Institute for the Advancement of Ethics was hired by the Senate in 1989 for \$70,000. While most legislators gave

nationally known ethics expert following a leak in February of a Senate Ethics Committee investigation of Sen. Al Adams, D-Kotzebue. The ethics panel last year dismissed a complaint against Adams citing statutes of limitations.

Published reports presented a damaging account of Adams' business dealings on the North Slope, portraying the ethics committee action as bound up in dates and technical procedures. Adams continues to deny any wrongdoing.

The reform package also calls for increased regulation of legislators, their employers, legislative staff and lobbyists, requiring increased financial disclosure and stringent restrictions on fund-raising. While most legislators gave

the overall ethics package good reviews, some questioned the language as being vague and overbroad. Legislators also were skeptical of the package being accepted wholesale.

Josephson warned legislator not to "mongrelize" the ethics reform. Sen. Tim Kelly put bill drafters to work later in the session, predicting they would arrive in committee within 48 hours.

House Speaker Sam Cotten, aware of the Senate's fast-track schedule for the legislation, said it would get a similar reception among representatives. "I don't want to walk away from the end of the session with Senate passage of the bills sitting there. That's not a good image," Cotten said.

## Ethics report suggestions

### ASSOCIATED PRESS

JUNEAU — Here are highlights of recommendations from the ethics report and legislation proposed to the Alaska Legislature by the Josephson Institute for the Advancement of Ethics:

- Ban use of state property and staff for campaign purposes.
  - Require legislative staff to refuse to perform improper tasks.
  - Ban improper requests of legislative staff, and form a grievance procedure to protect employees.
  - Require legislators' outside compensation to be commensurate with services performed to avoid exploiting office for private gain.
  - Ban lobbyists from serving as campaign officers or fundraisers for legislative candidates.
  - Limit legislators' ability to serve as advisers and consultants for pay.
  - Ban privately paid travel worth more than \$100, even if for legislative purposes.
  - Require legislators and their employers to file sworn reports on the precise nature and amount of their duties and compensation.
  - Provide protection for "whistle-blowers."
  - Prohibit legislators and their aides from representing any person or entity in a legal action against the state or before any state agency, board or commission.
  - Require mandatory and annual ethics classes for legislators, staff and lobbyists.
- Form an independent ethics commission, without active legislators, to investigate and rule on legislative ethics complaints. The commission would replace the Legislative Ethics Committee.
  - Allocate money for legislative staff, equipment and travel allowances equitably, based on the needs of official business rather than status in the power structure.
  - Change the legislative rules and policies that allow committee chairmen to have undue control over the legislative process.
  - Increase legislative pay to \$40,000 a year and eliminate per diem payments during sessions and for days worked between sessions, and increase lawmakers' travel allowance by providing for two paid trips to the legislator's home district during the session.
  - Increase the legislators' office reimbursement from \$4,000 to \$6,000, but allocate it as an allowance for actual office expenses rather than as personal income that can be used for anything.
  - Ban lobbying for one year after serving in the Legislature.
  - Ban fund-raising anywhere during legislative sessions.
  - Ban post-election fund-raising to retire campaign debts.
  - Ban conversion of campaign surpluses to personal cash.
  - Limit carryover of excess campaign money to \$2,500 for House seats and \$5,000 for Senate seats.

# Any harm in a tiny fib at a political slumber party?

Government. Honesty. The two words cancel each other out in the minds of civic-oriented Alaskans because of deceit and corruption.

That could change in Alaska if Michael Josephson has his way. The California ethics consultant is trying to sell the legislature an 87-page bag of goods that would provide a new conduct code to govern politicians' actions.

The Alaska Legislative Ethics Act of 1990 would establish a citizens ethics commission, plug campaign financing loopholes, restrict lawmakers' outside income and stop legislators from investigating each others' actions.

All of this comes as a great breath of fresh air.

I'm tired of lies and deception not only in government, but throughout society. The American public seems to

Times  
Columnist



Jeff Houck

be lowering their standards on how much deception they'll accept, so much so that fibbing is saturating everything we do.

Need proof? Check out these lightweight "white lie" excuses that are used with heavyweight frequency:

"No, thanks. I gave at the office."

"The check is in the mail."  
"Your car will be ready tomorrow."  
"You may already be a winner."  
"This offer will not be repeated."  
"It'll only hurt a little bit."  
"This can be assembled in minutes."  
"I'll have your daughter home by midnight."

Chances are, you've come in contact with these lines at one time or another. They immediately signal an alarm that tells you that something's just not right.

We even create devices like the answering machine that help us lie better.

How many times have you called a friend only to hear, "Sorry, I'm not home right now . . ." Then, as you leave your message, your friend mysteriously appears on the other end of the line.

"I was in the bathroom," the person claims.

The lie continues.

Deception has become so prevalent that we have a difficult time believing someone when they say they're telling the truth.

Consider what happened during the last presidential campaign. New York Gov. Mario Cuomo was touted as the possible presidential candidate for the Democratic Party. When he said he had no intention of running, the press refused to take no for an answer. The dialogue went something like this:

"Are you going to run, Governor?"

"Nope."

"Are you sure?"

"I'm sure."

"Are you sure you're sure?"

See Houck, back page

# Houck

Continued from page B-1

"I said I was sure."

"Cross your heart and hope to die?"

"Stick a needle in my eye."

This went on for the better part of two years and, amazingly enough, Cuomo kept his word and didn't run. He said he didn't want to put stress on his family. But when it became too late to enter the race, the press started wondering what Cuomo was hiding.

Toss in a public servant like Washington, D.C., Mayor Marion Barry into the equation and your head really starts swimming.

The man has been raising

questions since 1981, when he allegedly was seen doing drugs at a D.C. club opening. Two years later, a woman named Karen Johnson, with whom Barry has admitted to having an affair, went to jail on contempt of court charges rather than testify on how she supposedly bought drugs for him. When he was called to testify, he repeatedly denied drug abuse.

When the FBI allegedly caught him in January smoking crack on camera, Barry entered a drug rehab center and admitted that he abused prescription drugs. He couldn't admit to smoking crack because he might perjure himself.

Who, besides the liar, is the main victim of all of this? The children who listened to down-to-earth "Say No To Drugs" speeches while their mayor was

probably flying high; the high schoolers learning about American government while the country's prominent leaders admit lying to Congress; the young adults who don't care about casting their votes because they don't know what the truth is.

Politics in The Last Frontier is just as confusing and Josephson's proposals for wiping the smudge from Alaska government probably won't get very far. After all, no one wants to police their own slumber party.

But eventually, the party will be over for the few public officials who are too busy serving the private good.

Someone will have to clean up the mess from the party. Hopefully, the citizens of Alaska won't be caught holding the sleeping bag.

Garcia

Svobodny said Garcia had written three letters threatening to

just 10 days before Arima was murdered

# METRO

FRIDAY  
SECTION B April 13, 1990

## ACLU director criticizes ethics proposal

By DAVID POSTMAN  
Daily News reporter

JUNEAU — The proposed overhaul of Alaska's legislative ethics code is probably unconstitutional and raises serious questions about First Amendment and privacy rights of lawmakers, their

staffs and lobbyist, according to the head of the Alaska Civil Liberties Union.

Janie Bollenbach, executive director of the ACLU, said the proposed ethics code steps on civil liberties as it tries to regulate when campaign funds can be raised,

who can raise them, and who can sleep with whom.

"Any proposal to regulate political activity must be scrutinized very carefully to avoid excessive state intervention," Bollenbach told the House State Affairs

Committee Wednesday night.

Part of the problem, he said, is that the proposal is moving too fast.

"Very often constitutional rights suffer when things rapidly progress in the legislature, particularly when

you're talking about very broad powers regulating the political process," he said.

The ethics rewrite was drafted by Michael Josephson, the head of a California ethics institute hired by the state Senate. The bill makes massive changes in the way

lawmakers do their business, both in and out of the Capitol, and creates a powerful, independent commission to enforce the new rules. It is being considered by committees in the House

Please see Page B-3, ACLU



## State fights Kwethluk hunt ruling

By CRAIG MEDRED  
Daily News reporter

The state of Alaska has decided to fight a federal judge's emergency ruling that the village of Kwethluk in southwest Alaska was entitled to kill some of the animals in the depleted Kilbuk caribou herd.

"We're concerned with the precedent of having courts decide how Alaska should conserve and manage its fish and game," Gov. Steve Cowper said in a prepared statement late Wednesday. "This is a dangerous precedent that we've got to stop now."

Cowper Press Secretary David Ramseur said Thursday the state considers the decision by U.S. District Court Judge H. Russel Holland a significant violation of state's rights.

The Kwethluk hunt is now almost over, but Assistant Attorney General Lance Nelson said the state will still ask Holland for a formal ruling in the case. A report of the





kay m. levine

## TROUBLESHOOTER

**ORANGE WALLS COST INNOCENT RENTER:** I rented an apartment managed by Fortune Management. I moved out last September. When I got my security deposit back, they had reduced it by \$50 for two walls in the living room that were painted orange. Those walls were orange when I moved in. I wrote to Fortune in January and again at the end of March. There's been no response. — R.C., Tenakee Springs

You probably have your check by now. You didn't have proof about the orange walls in the form of a pre-rental checklist, but Suzanne Taplin, company vice president, had seen the apartment before you moved in. She remembered the orange walls. Taplin said she'd make sure you got the money right away.

Before Taplin called me, I spoke to Teresa Rogeness, who manages the property you occupied. She had your January letter, but said responding to it wasn't a very high priority with her. Taplin said that attitude doesn't reflect policy at Fortune.

Other readers might note that this renter's problem points up the advisability of using a checklist to note existing flaws. If something as obvious as orange walls can become a point of dispute, imagine the grief you could have over something subtler, like scotch marks on the kitchen counter.

**EQUIVOCATING HAS ITS PLACE:** I have an old "beater" of a car that uses regular gas. I would prefer, for environmental reasons, to use unleaded. I always assumed I would damage my engine if I did so. I have asked a couple of mechanics if it is alright to use unleaded in my truck and have gotten different answers from each. Perhaps you can come up with a definitive answer? — J.T.

Sorry. The most definite answer I can give you is that if you don't pull a trailer or do anything else that would put a heavy load on the car you can probably use unleaded most of the time without harming the vehicle. The two experts I contacted advised using a tank of leaded gas to every five or six tanks of unleaded.

I took your question to Max Morley, who teaches mechanics at UAA, and to Scotty Dawkins, an auto buff and investigator for the state Consumer Protection Section. Here's the deal: The minute quantities of lead in gasoline serve as an engine lubricant, unlikely as that may sound. Hardened valve seats and other modifications protect new cars from the vehicular self-destruction that would ensue without the lead. Some older cars, especially foreign ones, have the kind of parts that can withstand the rigors imposed by unleaded gas. Many older cars do not have the right kind of parts. Even they may survive with unleaded gas if the engine is not subjected to hard use and if they get a tank of leaded gasoline pretty frequently.

You have to know your piston skirts from your aluminum cylinder heads to talk about this in any more detail and I used up my quota of mechanic talk when I said "valve seats." So I'll stop here. Morley suggested checking the public library to see if articles written about the virtues of leaded and unleaded gas provide the make and model of older cars that can handle unleaded gas. If you can't find anything, you'll have to just take your chances or keep looking for a mechanic who can tell you for sure whether your car needs leaded gas some of the time.

Just learned there's no government agency to help with landlord-tenant disputes? Write the Troubleshooter at P.O. Box 149001, Anchorage, 99514-6001.

# Health experts think ash fou

By STEVE RINEHART  
Daily News reporter

Redoubt's volcanic ash may be to blame this week for the highest dust levels ever recorded by the city's air-quality monitors, health officials said.

There is so much dust in the air — 72 percent above the federal limit at one recording station — that the city issued a health advisory Thursday, warning people who have chronic lung ailments such as asthma or emphysema to avoid exposure.

Spring is usually a dusty time in Anchorage. The ice melts off the streets, exposing tons of sand spread during six months of skid control. After a few days of dry weather,

traffic begins kicking up clouds, said Steve Morris, air-quality manager for the city Department of Health and Social Services.

So, what's different this year? "Common sense would say that ash is part of it," Morris said.

Anchorage was dusted lightly with volcanic ash at least twice after Redoubt began erupting in December.

Morris said he plans to have some samples collected from air monitors chemically analyzed, a process that probably will take about three weeks.

Dr. Jennifer Christian, city medical officer, said there is debate about how much long-term physical harm dust causes. But in people with very sensitive respiratory systems it can cause

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## ACLU: Director criticizes the proposed ethics code

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and Senate and next week is expected to be referred to a special joint committee on ethics.

In an interview Thursday, Bollenbach said he is most concerned about the part of the bill that would regulate personal relationships between lobbyists and either lawmakers or legislative employees.

The bill says legislators and their employees must report any "close personal relationship" with a lobbyist to the Legislative Ethics Commission. That includes a "special relationship ... which creates strong bonds of loyalty, friendship and/or love" that could cause a conflict of interest, according to the bill.

The ethics commission can keep the disclosure confidential, make it public or "order some restriction in the activities."

Bollenbach said that goes too far.

"It appears to give powers to the Legislative Ethics Commission to regulate personal relationships," he said. "That directly violates the rights of privacy and freedom of association."

Josephson was traveling Thursday and could not be reached for comment.

Bollenbach also worries about new restrictions on political fund raising included in the proposal.

Josephson wants to ban lobbyists from raising money for political candidates. They could still contribute personal funds, but could not be involved in soliciting funds.

"All citizens have the right to organize peaceful political activity," Bollenbach said. "If you're not actually giving money, the

ability to organize fund raising is critical to the democratic process and to restrict it is directly in violation of the Constitution."

He also said the state should not try to restrict when a candidate can raise funds — Josephson proposes fund raising begin no sooner than one year before an election — or if the money is "reasonable and necessary to advance the interests of the campaign," as proposed in the bill.

"This language, on first blush, could be used to harass organizers of small minority or unpopular campaigns," he said. "And regulating the appearance of campaign funds is a frightening prospect forcing the state to judge the highly subjective appearance of constitutionally protected activity and political fund raising."

Two lawmakers taking key roles in the campaign to pass Josephson's bill said Thursday they were not too concerned with Bollenbach's testimony.

"I believe we can craft a system that isn't going to have any severe civil liberty problems," said Rep. David Finkelstein, D-Anchorage, one of the bill's top supporters in the House.

Finkelstein said the proposal "is not a radical departure from our current system" and that with a few technical changes it can be made to work.

On the Senate side, Sen. Jan Faiks, R-Anchorage, said the bill should not be changed just to assuage the ACLU's fears.

"I wouldn't weaken it," she said. "They can do whatever they want but I don't think we should take that into consideration."

## TODAY'S NEWS

ALASKA PUBLIC OFFICES COMMISSION  
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THE PROPOSAL EVALUATION COMMISSION  
Room 229 of the Alaska Office Building  
for proposal for professional auditing

## Job Corps d more money

By ROSANNE PAGANO  
The Associated Press

The state needs to contribute at least another \$1 million if the proposed \$12 million Job Corps training center in Palmer is to be built, according to the director of the federal training program.

Peter Rell advised the state last week that money already committed to the project was not enough.

But state authorities say scaled-back construction plans and a few million dollars may be enough to move the project along.

Gov. Steve Cowper's administration says it already has begun talks with legislators from the Matanuska-Susitna Borough, to see if additional money may be allocated from the region's capital budget.

Spokesman David Ramseur said Cowper also is looking for items to delete. For instance, Ramseur said,

## KWETHLUK: C

Continued from Page B-1

"People are really happy that a decision's been made to let people who need meat have it," Max Angellan, a lifelong resident of the village, said after Holland ruled in the community's favor.

The Board of Game had recognized that an emergency situation existed in the village, but decided efforts to rebuild the Killbuck herd were more important. The herd dipped to fewer than 150 animals in 1995, but has increased to approximately 1,400 since a moratorium on hunting was imposed.

A large and healthy Killbuck herd could support hunters from almost 20 villages in the Kuskokwim

## AKPIRG: Ailing government, utilities watchdog closes up shop

Continued from Page B-1

she said. "Basically, the organization has been operating by the skin of its teeth

tional organization fell through, but he would not say more because he still hopes to get the money.

Fleischer said AKPIRG has not lost its constituency

survey of bank interest rates has become sporadic. Bohl has been hired to continue the survey for the Daily News, said Business Editor Bill White

by the state of Alaska," he said.

But Bohl said AKPIRG's best days have passed, and it will fold.

"All of our money has

BOB CRAWFORD  
President

TOM GUSTAFSON  
Speaker

Tkpm6



THE FLORIDA LEGISLATURE  
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FACSIMILE COVER SHEET

DATE: 4/10/90 TIME: 2:01 (East)

TO: Dennis Burns

FROM: Steve Storting

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 3

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MEMORANDUM

TO: Dennis J. Burns, Aide  
FROM: Steve Stolting  
SUBJECT: Ethics Legislation  
DATE: April 9, 1990

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Here are my comments on the proposed ethics legislation you sent. Many provisions of the bill would be an improvement over what we have in Florida now. I have a couple general comments, and then I'll indicate specific sections where Florida differs significantly or about which I have concerns.

Florida's process is generally working well, with a large volume of inquiries, opinions and complaints. It has become apparent how difficult legislating ethics can be, since recently some pretty egregious cases have fallen outside the restrictions of the law. The legislature has been reluctant to fix some glitches in the ethics laws or give any additional discretion or authority to the Commission, and this has made our lives more difficult. However, from the clips I'll send you, some changes or additional restrictions may be on the way.

I see three general differences or concerns with the bill as compared to Florida. First, our laws apply to all public officers and employees of the State or any political subdivision (city, county, etc.). Second, the draft seems less concerned than Florida's law with giving too much power or discretion to the commission. Here, we cannot initiate the complaint or opinion process, selection of members is more limited, and there is no formal exemption process. Third, be very cautious when it comes to any restrictions on complainants or respondents publicizing information about their cases. Florida and several other states have had their confidentiality provisions declared unconstitutional where they were found to have penalized protected speech. I can send you an opinion on this if you'd like to see it. With regard to specific sections:

20.60.200- The selection process is more diverse than here, which tends to make the Commission more independent. We recently had a

situation where some feel the Governor declined to reappoint a member who voted against his interests on an opinion, and then the opinion was reconsidered and changed.

20.60.204- Allowing the LEC to decide whether to issue an opinion can help manage workload and avoid issuing formal opinions on clear questions. In Florida, opinion issuance is mandatory on request.

20.60.204(h)- Our opinion process is entirely public, and this causes problems where individuals are seeking guidance for situations in which they are already involved. A determination of conflict in an opinion could then lead to a complaint filed with the Commission against that individual. Florida has a very broad public records law which applies to these requests, although as in the bill our complaint process and records are confidential through a probable cause determination.

20.60.205- The exemption process could be very useful. Florida doesn't have one due to the concern with giving the Commission too much discretion or authority. However, I don't see granting this power as politicizing the Commission, and exemptions would avoid some of the de minimus cases or bizarre results that occur sometimes. Instead, our Commission has had to invent a legal rationale for distinguishing certain cases using Section 112.316, Florida Statutes, which has been applied like a statutory exemption provision.

20.60.210- The complaint process looks very much like Florida. The range of penalties, the attorney's fees provision, and the confidentiality provision are more explicit and easier to apply than Florida's.

20.60.220- An Assistant Attorney General acts as our Advocate (prosecutor) because there is a concern that he be independent of the adjudicator (Commission). Would LEC staff prosecute cases before the hearing board? Also, the confidentiality provision at (e) does not contain any penalty or specify what "knowingly and improperly" is. Do they intend the penalties in 20.60.214 to apply? Section 112.317(6), Florida Statutes, which provided criminal penalties for disclosure, was struck down by the federal court as violative of the First Amendment rights of a complainant (in that case, a newspaper) to print information about complaints they had filed. It seems that through the provision in the draft bill, they are trying to keep some restriction on dissemination of information about a complaint without running into constitutional problems.

I also have sent some additional materials which will give you some general background on Florida. If there is anything else I can do or you have any questions, please let me know.

MEMORANDUM

TO: Dennis J. Burns, Aide  
FROM: Steve Stolting  
SUBJECT: Ethics Legislation  
DATE: April 11, 1990

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In reflecting on the bill a little further, four additional points came to mind which you may want to consider. First, it seems like a complex and potentially costly way to govern the conduct of comparatively few people. The Florida Commission and procedures are comparable but have jurisdiction over many times that number. (all officers and employees of the state, counties, cities, and other political subdivisions, excepting judicial officers).

Second, even though the Florida Commission's jurisdiction is more expansive, the two groups we don't hold hearings concerning are legislators and impeachable officers. On those groups, we only make a determination of probable cause and then forward our finding to the legislature for action governed by the rules of the respective house. Traditionally, there have been relatively few complaints against legislators, and those have resulted in very few findings of probable cause. In addition, it is expressly provided that the conduct of legislators and legislative employees also shall be governed by the ethical standards in the rules of the respective house. See Sections 112.324(3) and 112.3141(2), Florida Statutes.

Third, there is no mention in the materials provided of appeal rights for persons found in violation. In Florida, a determination of the Commission is considered "final agency action" under our administrative procedures act (Chapter 120, Florida Statutes) and provides an appeal right to our state appellate court. What rights respondent's have in this regard should be addressed, as well as any potential workload this may represent.

Fourth, the materials you have provided to me establish the Commission. This is not where the glitches and problems arise. Rather, the code of conduct which will be applied is where implementation and interpretation questions would arise which may make enforcement difficult. If you would like me to have a look at the specific provisions of the code, I'd be glad to.

Item 7



# American Civil Liberties Union

Alaska Civil Liberties Union -Legislative Committee-217 Second St. #26 Juneau, Alaska 99801

ALASKA CIVIL LIBERTIES UNION

Memorandum on HB 596

Date: April 13, 1990

Contact: Jamie Bollenbach, Exec. Director 276-2258  
Paul Grant, ACLU Attorney, Lobbyist 586-2701

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COMMENTARY: The Alaska Civil Liberties Union supports carefully-drafted ethics legislation that furthers responsibility, ethics, and openness in government. However, as currently written, HB 596 contains a number of provisions that violate the letter and/or spirit of free speech, free association, and privacy protections within the state and federal constitutions.

A bill of this complexity and importance cannot be hastily ushered through the legislative process and comply with the very principle of independent objective judgement it seeks to protect. We urge the Commission appointed to revise this bill to consider it with all deliberate speed.

Many of the provisions which currently raise serious constitutional questions could probably be achieved with thorough research and careful rewrites. In the comments below, we will often recommend a problematic section be dropped; this does not mean that the objective of the section is fatally flawed. A more specific and precise wording might accomplish the same end without endangering the constitution. Although we offer some revisions, only a much greater allotment of time and resources can ensure ethics legislation that is both effective and constitutional. ''

Section 21.61.040. Pg. 6 line 26 to Pg. 7 line 3.

We recommend these lines be deleted.

Reason: A principle of democratic government is that the people are free to elect legislators who do not believe in representative democracy, or who are loyal to parties, narrow constituencies, or other individual interests. Although as an ethic this section is laudable, it should not in anyway interfere with the right of the people to choose representatives.

Section 24.61.120. Pg. 9, lines 4 to 13.

This section should be rewritten as follows:

(line 5) legislators and legislative employees who receive an offer of anything of value which is clearly intended to sway legislative or administrative action shall firmly and unequivocally

Reason: The existing language is vague and forces legislators and employees to guess at meanings of offers under threat of civil penalty.

Section 24.61.140, Pg. 10

Line 16. The phrase "to influence the outcome of an election, or other purely political purpose." should be deleted.

Reason: Vague and overbroad. It may be impossible to fairly distinguish between appropriate political activity and electioneering; the section also tends to put the LEC in the position of being a censor of political materials.

Line 19-21. The phrases "political party activities," and "or other partisan or political activities" should be deleted.

Reason: Vague and Overbroad. The evil the bill seeks to correct is use of government resources for electioneering and unofficial business, but the broad existing language may allow the state to interfere in entirely legitimate political activity. The First Amendment strongly protects political organizational activities.

Line 22 (subsection (d))

Subsection (d), Pg. 10, line 22 through Pg. 11 line 10 should be deleted and replaced with new language authorizing a mailing by the LEC or APOC to constituents that includes the information referred to by the existing language, or funding for constituent newsletters should be changed to preclude state control of these newsletters.

Reason:

The existing requirements put in place a principle of control of constituent newsletters by persons other than the legislator. An analogy may be made to college student newspapers; although they may be publicly-funded, censorship of the content or even mandatory statements in these newspapers would violate the First Amendment; on the other hand, this is obviously not true for publications by

other government agencies. The language does not call for censorship, but does establish the precedent of close oversight with possible penalties. Excessive scrutiny alone can chill a willingness to speak freely.

We suggest that the state could simply publish the information itself and mail it to constituents without endangering the spirit of free speech, and would contribute to the spirit of open government in the process.

Pg. 11, Lines 15-18

The standard "intended to influence the outcome of an election" should be deleted or carefully redrafted.

Reason: Vague and Overbroad. Almost any public statement or action by a legislator or legislative employee might be construed to be "intended to influence the outcome of an election." Without a tighter standard, the review process of the use of public time and other resources could become abusive. The ACLU believes that f) (2) (lines 23-29) provides adequate protections.

Pg. 12, lines 1-12

These provisions should be deleted or carefully redrafted.

Reason: Soliciting contributions and campaign materials are protected speech. Some state government buildings, particularly the Capitol, may be considered to be "public forums." If so, speech cannot be regulated for its content, only for reasonable "time, place, and manner" restrictions. And because this is a criminal violation, the prospect of the police obtaining a court order to listen in on legislators' phone conversations or opening their mail is not too farfetched.

Sec.24.61.180

Pg. 14, lines 17-18

These lines should be deleted.

Reason: This would directly regulate the content of protected political messages and may violate the First Amendment.

Sec. 24.61.190

Pg. 15, lines 9-18

These lines should be deleted.

Reason: This section directly prohibiting political activity even on one's own behalf violates the spirit and letter of the First Amendment, and/ or the free speech provisions of the state constitution. In particular, it could be interpreted to prevent a legislative employee from acting as a legislator even if elected. We believe this section to be facially invalid under the state constitution.

Section 24.61.200

Pg. 16, lines 7-9.

We disagree with the premise that fundraising is "purely an incident" of the democratic system, and request that this be changed to reflect that private political fundraising is legitimately part of our constitutional system.

Section 24.61.205

Pg. 17, lines 13-14, should be deleted.

Reason: The state has no ability to fairly determine what a "reasonable and necessary" campaign expense is, and the attempt to regulate this could easily be used to harass minority or unpopular campaigns.

Pg. 17, lines 17-20

The phrase " in a way that would create in the mind of a reasonably objective observer that the funds are" should be deleted and the sentence rewritten to read "Funds may not be used for the personal financial benefit of the candidate, the candidate's immediate family, or another person."

Reason: Original language vague and overbroad.

Sec.24.61.230

Pg. 21, line 15-18

Delete lines 15-18 after the phrase "concerns, grievances, and ideas.

Reason:

Page 21, lines 19-29, Pg. 22, line 1

Change to read "a legislator may not, directly or through others acting on their behalf, make favorable consideration of

persons or causes dependent on a citizen's direct willingness to provide funds for a campaign contribution, funds for another cause favored by the legislator, or other items of value."

Reason:

Section 24.61.240 Pg. 22 line 20 to Pg. 23 line 20

Delete entire section as an unconstitutional interference in the right to free association and free organizational political activity.

Reason: Fundraising is protected First Amendment activity.

Section 24.61.250 Pg. 23

Delete the phrase "social and political" from line 25 to read as amended: "...by scrupulously seeking to avoid financial relationships and transactions..."

Reason:

Section 24.61.260 Pg. 24

Delete the phrase "or personal" from line 20 to read as amended "...has a financial relationship with other persons..."

Reason:

Sec 24.61.240. pg 22. line 20 to page 23. line 20

This section should be deleted or heavily revised.

Reason: Because fundraising is protected First Amendment activity, a direct limitation on when fundraising can be conducted may violate the First Amendment.

The ACLU understands the motivation for limiting fundraising and potential conflicts of interest, but stresses that fundraising is not always a conflict of interest. A distinction should also be made between actual money changing hands and speech intended to raise money. Another problem is that, depending on the definition of "fund raising activity," (line 1-2, pg 23) a candidate may be restricted from participating in legitimate political activities only marginally related to fundraising. This proposal may reduce potential conflicts of interest, but it definitely restricts otherwise legitimate political activity.

This raises particularly complex First Amendment issues, and should receive a full review from the Department of Law.

Sec 24.61.250. pg 23. line 25.

The words "social and political" should be deleted, with the line to read "seeking to avoid financial relationships."

Reason: Vague and overbroad.

Sec. 24.61.275. pg 26. line 8 to pg 27. line 6.

Sec. 24.61.300. pg 27. line 26 to pg 29. line 20.

These sections should be deleted in their entirety.

Reason: The attempt to not only disclose but regulate (pg 29, line 1) the personal social, political, and romantic relationships of legislators, legislative employees, and lobbyists goes far beyond the legitimate realm of regulation to reach deep into the private lives of politically active citizens. These sections are not only unconstitutionally vague and overbroad, but clearly violate privacy and free association rights. This section is also very susceptible to oppressive use against unpopular legislators, employees or lobbyists.

It should be stressed that lobbyists are also subject to the same disclosure and restriction in this bill. Because a lobbyist is defined in Alaska as someone who does more than four hours of attempting to influence legislative action a month, virtually anyone who is politically active would come under severe scrutiny by the LEC. This section could put the LEC in a position even more powerful than the House Un-American Activities Committee. The potential for abuse vastly outweighs any possible gain from this

section.

Also, the prohibitions against lobbyists organizing fundraising events or serving as officers in campaign directly violates First Amendment and voting rights to participate in the electoral process. Such a system could easily have been used to keep civil rights candidates from election in the South by defining the most politically active as lobbyists, and then prohibiting them from helping to organize and fund campaigns.

Sec 24.61.310. pg 29 line 21. pg 30 line 2

This section should be deleted.

Reason: The prohibition against serving on Boards of Directors, particularly of politically active organizations, may violate the First Amendment

Sec. 24.61.350. pg 38. line 18 to pg 39. line 10.

This paragraph should be deleted or carefully rewritten.

Reason: This paragraph may interfere with free association and privacy rights and should be deleted.

Sec. 24.61.400. pg 45. lines 4-5.

The words "professional, and personal" should be deleted from this sentence to read "financial interests that are likely to." The standard "are likely to create in the mind of a reasonable objective person the belief that" should be changed to a more specific standard.

Reason: The standard "are likely to create in the mind of a reasonable objective person the belief that" is extremely vague; and the disclosure of all personal and even professional relationships that would meet that standard would interfere in free association and likely violate the privacy rights of individuals who have relationships with legislators or legislative assistants.

The potential lists of who meets this standard are enormous, and the potential abuse of this information great. Without a much tighter standard, the paperwork alone could be overwhelming.

Sec. 24.61.460. pg 51. lines 16-20

The phrase "or exercise leadership in a manner that is arbitrary, capricious, or in another way that is inconsistent with the spirit of representative democracy."

Reason: This section in general is inconsistent with the spirit of representative democracy that the government cannot require that... But it is... democracy that the... democracy, or an

particular political philosophy, be officially revered. The government may properly require adherence to rules of conduct, but cannot regulate opinions. Under this section, it appears that a legislator could be sanctioned for "violating the spirit of representative democracy" advocating another political philosophy on the floor.

Sec. 24.61.560, lines 4-5.

The phrase "withdrawal from specified relationships" is too broad a power and should be deleted, for reasons stated above. (See comments on Sec. 24.61.300.)

Sec. 24.61.730., Sec. 24.61.740., Sec. 24.61.750.

These courses are excellent ideas and should be offered, but the ACLU suggests that they not be made mandatory. Mandatory classes on specific points of law seem appropriate for legislators and legislative employees, but mandatory classes on principles of ethics approach the idea of mandatory political education as a test for office.

As for lobbyists, particularly volunteer lobbyists, a mandatory class tends to obstruct access to the political process. We recommend that the classes first be made voluntary.

COPY

Item 8

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 11, 1990

SUBJECT: Conflict-of-interest provisions of HB 596  
TO: Representative Mike Davis  
FROM: John B. Gaguine  
Legislative Counsel

You have asked for an analysis of the penalties for violation of the standard-of-conduct provisions in the proposed Legislative Ethics Act of 1990 (HB 596 on the House side). With a few exceptions, violation of all of those provisions carry possible civil penalties (recommended by the ethics commission but imposable only by the legislature) listed in AS 24.61.560(a), and ranging from minor sanctions such as disclosure orders or written reprimands to major ones such as heavy fines, expulsion, and repealing "tainted" legislation. In addition, many violations are also punishable criminally as class A misdemeanors.

The following is a list of the conflict-of-interest provisions that carry the possible civil sanctions listed in AS 24.61.560(a). When a provision is preceded by an asterisk, that provision also carries the criminal penalty.

\* 24.61.110. Improper benefit from performance of public duties.

24.61.120. Duty to report improper offers.

\* 24.61.130. Misuse of state property and resources for private gain or personal advantage.

\* 24.61.140. Misuse of state property and resources for political purposes.

24.61.150. Obligation of subordinates to refuse to perform improper tasks.

\* 24.61.170. Use of nonpublic and confidential information for private gain.

Representative Mike Davis

Page 3

April 11, 1990

There are four provisions that carry only administrative sanctions under AS 24.61.560(b). Those sanctions are any sanction that could be imposed under section 560(a), except for fines and expulsion of a legislator or dismissal of an employee. These four provisions are:

24.61.430. Accountability: openness and oversight.

24.61.440. Accountability: self-policing, whistle blowing, and protection of whistle blowers.

24.61.450. Duty toward colleagues and subordinates.

24.61.460. Duty to advance principles of representative democracy.

Finally, AS 24.61.210 (Disbursement of surplus campaign funds) for some reason carries no sanctions for violations.

Incidentally, I have heard concerns expressed that the sanctions provisions, both civil and criminal, may cause problems in that they cover conduct that currently is the subject of more serious penalties that are provided in this bill. Thus, for instance, a violation of AS 24.61.110(b), an A misdemeanor, is also likely to be a violation of AS 11.56.110(a)(2), receiving a bribe, a B felony. It is certainly possible that a court might rule that the former statute supplants the latter, and that only a misdemeanor prosecution would be possible. Similarly, some of the ethics bill provisions that do not provide for criminal penalties may be read to supplant criminal statutes dealing with the same conduct, and thus preclude prosecution of that conduct.

Also, some of the statutes with criminal penalties are so vague that a prosecution could never be won or, worse, that prosecutions could be brought for political reasons. For example, AS 24.61.205(c) provides that campaign funds "may be used only as is reasonable and necessary to advance the interests of the campaign." Who is to say what is "reasonable and necessary?" I don't see anything to stop a governor from bringing a charge under this section against a senator who has blocked the governor's legislative agenda and who is running TV ads in a bid for reelection. I assume that the power would not be so abused, but the possibility of abuse should not even be present.

If I may be of further assistance, please advise.

JG:mi  
wkmi6/075

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

COPY Item 8

STATE OF ALASKA  
THE LEGISLATURE

FOUCHY - STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

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The following is a list of the conflict-of-interest provisions that carry the possible civil sanctions listed in AS 24.61.560(a). When a provision is preceded by an asterisk, that provision also carries the criminal penalty.

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\* 24.61.140. Misuse of state property and resources for political purposes.

24.61.150. Obligation of subordinates to refuse to perform improper tasks.

\* 24.61.170. Use of nonpublic and confidential information for private gain.

24.61.180. Misuse of title or prestige of office for private gain or personal advantage.

\* 24.61.190. Post-service restrictions to prevent misuse of public office by former legislators and legislative employees.

\* 24.61.205. Prohibited use of campaign funds.

\* 24.61.220. Payment of legal expenses; special expense funds.

\* 24.61.230. Improper coercion.

\* 24.61.240. Fund raising limitations.

24.61.290. Nepotism.

24.61.300. Restricted relationships: lobbyists, legislators, and legislative employees. (Violators are also subject to penalties of AS 24.45.)

24.61.310. Restricted relationships: board memberships.

24.61.320. Restricted financial interests.

24.61.330. Restricted activities as an attorney or representative.

24.61.340. Restricted transactions: interest in state contracts or leases.

24.61.345. Participation in general statewide programs permissible.

24.61.350. Restricted transactions: gratuities.

24.61.360. Restrictions on earned income: outside employment and honoraria.

24.61.370. Obligation to make all decisions on the merits: favoritism and patronage.

\* 24.61.380. Improper influence with the independent judgment of others on behalf of constituents.

24.61.420. Prohibited conduct relating to disclosures.

Representative Mike Davis  
Page 3  
April 11, 1990

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Also, some of the statutes with criminal penalties are so vague that a prosecution could never be won or, worse, that prosecutions could be brought for political reasons. For example, AS 24.61.205(c) provides that campaign funds "may be used only as is reasonable and necessary to advance the interests of the campaign." Who is to say what is "reasonable and necessary?" I don't see anything to stop a governor from bringing a charge under this section against a senator who has blocked the governor's legislative agenda and who is running TV ads in a bid for reelection. I assume that the power would not be so abused, but the possibility of abuse should not even be present.

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JG:mi  
wkmi6/075

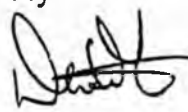
STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

COPY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465.3800

MEMORANDUM

April 11, 1990

**SUBJECT:** Potential Problems in CSSB 415(Judiciary)  
**TO:** Senator Jan Faiks  
Chair, Senate Judiciary  
**FROM:** David R. Dierdorff   
Revisor of Statutes

You have asked for a memo discussing problems we have noted in the Ethics Act. Our review of this bill has not been as thorough as we like. The items noted in this memo are those which were relatively obvious in a cursory reading of the bill. We have previously discussed the interaction of this bill with AS 15.13 and other election laws, and with AS 39.50. Dick Bradley should be consulted with respect to the election laws, and John Gaguine is reviewing the interaction with AS 39.50 as well as other aspects of this bill. I focused on criminal provisions and on drafting clarity in general. The Department of Law should be asked to review the criminal provisions to assure that all problems have been brought to light.

**Criminal Sanctions Generally.** Because of the extremely broad interpretation of legislative immunity in Alaska, it is unlikely that a criminal prosecution against a legislator for a violation of specific provisions of the Ethics Act under many circumstances could proceed. However, immunity does not prevent the legislature from punishing an errant member. If, however, a member resigned before being expelled, for example, there is probably little that could be done to bring the member to justice, either in the courts or in the legislature, unless the constitution was amended to

Senator Jan Faiks

Page 2

April 11, 1990

narrow immunity to a "speech or debate" type of immunity. Consequently, each criminal sanction in AS 24.61 should be viewed as potentially unenforceable as to legislators.

AS 24.61.110. The conduct proscribed by subsection (a) is already illegal in Alaska. Furthermore, existing law is more restrictive than the Josephson proposal. AS 11.56.120 makes it a class A misdemeanor for a public servant to solicit a benefit of any value (above normal compensation) for having performed an authorized or required act, or to accept or agree to accept a benefit worth \$50 or more. Because of the definition of "anything of value" (in AS 24.61.990), AS 24.61.110(a) allows a legislator or employee to accept certain benefits that are worth up to \$100 (the only exception to the existing criminal law is campaign contributions).

If it is important to leave this provision in AS 24.61, it must be rewritten. The provision prohibits a legislator or employee from seeking anything of value as a result of proper performance of the person's public duties. Read strictly, it prevents a person from seeking their official compensation, or asking for a raise. Because there is a criminal penalty, it must be clarified. Language could be added to the definition to ensure that official compensation is not included in "anything of value," or the subsection could be rewritten to read:

(a) A legislator or legislative employee may not solicit, agree to accept, or accept a benefit other than official compensation for the proper performance of public responsibilities. This subsection may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions. A person who violates this subsection is guilty of receiving unlawful gratuities under AS 11.56.120 and is subject to civil sanctions under AS 24.61.560(a).

Because the definition of benefit for AS 24.61 excludes certain unsolicited gifts or awards with a value of less than \$100, it would be possible for a person to violate AS 11.56.120 but not violate AS 24.61.110 (by accepting a token of appreciation worth \$50 to \$99). The dollar amounts allowed ought to be reviewed.

Subsection (b) of AS 24.61.110 describes the crime of receiving a bribe, which is a class B felony under AS 11.56.110. Under AS 24.61.110(a), it is only a class A misdemeanor. Thus, this needs to be rewritten along the lines of (a), or deleted.

Senator Jan Faiks

Page 3

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Subsection (c) could be deleted if (a) and (b) are rewritten as suggested.

AS 24.61.120. The words "undue influence and" on page 9, line 9 need to be deleted. The offeror is guilty of bribery under AS 11.56.100, not undue influence (there are no such laws). It is bribery to offer, as well as to confer or agree to confer, a benefit with the intent of influencing official conduct. There is no dollar limit on the value of the benefit. It is a class B felony.

AS 24.61.130. The proscriptions of this section include conduct that could be prosecuted as theft of services under AS 11.46, and conduct that could be prosecuted as tampering with public records under AS 11.56.815. In both instances, it is possible that felonious conduct under those provisions could only be prosecuted as a class A misdemeanor because of this provision. There is also some tension between unsworn falsification and this section, but at least they are both class A misdemeanors.

In subsection (c), the words "not directly related to the official duties of the legislator or legislative employee" need to be deleted. With that language included, the provision suggests that it is proper to use a legislative employee on government time to aid a private activity that is directly related to the official duties of the legislator or legislative employee. Because there is a criminal sanction for a violation of this provision, it needs to be carefully drafted.

AS 24.61.140. Subsection (b) needs language to ensure that it is still okay to purchase and use government lists and computer data (e.g. voter registration lists) in a campaign.

AS 24.61.150. Given the nature of Article 1 of this chapter, and the purpose of this provision, the language "in violation of this chapter" should probably be narrowed to "in violation of AS 24.61.100 - 24.61.460." (This was my substitution for "improper.")

AS 24.61.170. It is already against the law to use confidential information for private gain or in any other unauthorized manner (AS 11.56.860). The reference to confidential on line 22 should be deleted. The exception language on lines 21 - 22 should also be deleted. It suggests that it is okay to use or disclose nonpublic information for private gain in the

Senator Jan Faiks  
Page 4  
April 11, 1990

performance of official duties. Again, because there are criminal sanctions, this provision needs to be carefully reviewed and drafted.

**AS 24.61.180.** The word "unwarranted" needs to be deleted. Unwarranted benefits are defined as those obtained through improper use of office. Thus, as drafted the section prohibits the improper use of office to gain benefits obtained through improper use of office. The crime of official misconduct under AS 11.56.850 covers the conduct described in subsection (a).

**AS 24.61.190.** Subsection (b) needs to be restricted to compensated activities. A former legislator or assistant has a constitutional right to seek to influence legislative or other government action on his or her own behalf that cannot be diminished by law. Civil sanctions under AS 24.61.560(a) are authorized to penalize persons violating this section, but there are no provisions in AS 24.61 implementing sanctions against former employees. I understand from Mr. Josephson that this was a deliberate decision. This means that as to former employees, the only sanction is prosecution of a violation as a class A misdemeanor. Consequently, the section needs to be carefully reviewed to ensure a criminal prosecution can be sustained. As to former legislators, the legislature is given authority under AS 24.61.565 to impose civil sanctions, presumably some form of monetary penalty, and a former legislator may also be prosecuted for a criminal violation.

**AS 24.61.205.** Subsection (c) needs to be reviewed carefully, given the fact that it is a class A misdemeanor to violate this provision. Who is to determine whether an expenditure is "reasonable and necessary" to advance the campaign? What if it is reasonable, but not really necessary? If a candidate is unopposed, is it ever reasonable and necessary to spend any money on a campaign?

Subsection (d) has a prohibition against using campaign funds in a way that would cause one to believe that the funds were for the personal financial benefit of "another person" (in addition to the candidate or the candidate's immediate family). But aren't funds paid to a business for campaign materials or to an individual for personal services for the personal financial benefit of the business or the person providing the service? Because there is a criminal penalty, this provision needs to be rewritten to narrow its scope to inappropriate personal benefits.

Senator Jan Faiks

Page 5

April 11, 1990

AS 24.61.240. Subsection (b) prohibits a legislator from being otherwise "involved in a fund raising activity \* \* \* for another person or cause" during session. What is meant by "involved in?" Does this prohibit a legislator from attending the annual legislative dinner and skit, or is the prohibition merely against active participation in soliciting contributions. And what is meant by "another cause?" Does this mean a legislator is prohibited from helping raise money for a legitimate charity, as was done this year with the golf tournament? There is a criminal penalty attached to a violation, so it is important to clarify this. I note that a provision in the definitions appears to allow a legislator to solicit for charities. See AS 24.61.990(2)(B)(vi).

AS 24.61.350. This section has some of the same problems discussed in connection with AS 24.61.110. It would seem to authorize some conduct that is now illegal under AS 11.56.120.

AS 24.61.380. Because this section applies only to actions by legislators and carries a criminal penalty, it needs to be carefully reviewed in the context of legislative immunity as well as for clarity in defining the proscribed conduct.

AS 24.61.960. A sentence should be added stating that a violation of this section subjects the violator to prosecution under AS 11.56.860.

AS 24.61.990(9). The definition of "immediate family" is broader than similar provisions in AS 24.60, which did not include grandparents or grandchildren, and AS 24.45, which includes only the spouse and dependent children. Given the interaction between AS 24.45 and AS 24.61, the definition should be reviewed.

AS 24.61.990(11). The definition of "intent to influence" covers acts intended to change an official's position, but not those intended to reinforce existing positions. This loophole needs to be closed.

AS 24.61.990(17). This definition needs to be changed by deleting "results" on page 83, lines 23 - 24 and inserting "is likely to result".

AS 24.61.990(23). The term "unofficial compensation" is not used in this draft, so the definition should be deleted.

Senator Jan Faiks  
Page 6  
April 11, 1990

AS 24.61.990(24). The term "unwarranted compensation" is only used twice, once in AS 24.61.180, where I recommended deletion, and once in another definition, AS 24.61.990(17). If the latter usage is retained, the definition should be moved to that paragraph. In any event, it needs to be rewritten.

DRD:lmb  
900009.lmb

cc: Sen. Pat Pourchot

Item 10

# STATE OF ALASKA THE LEGISLATURE

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

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 12, 1990

SUBJECT: Differences between House and Senate ethics bills

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

FROM: John B. Gaguine <sup>JBG</sup>  
Legislative Counsel

Here is a list of the differences between the House ethics bill, HB 596, and the Senate bill, CSSB 415 (Jud). The list may not include every technical change, but I believe that it encompasses every substantial difference. It is keyed to HB 596.

Page 10, line 13, after "use": insert "or authorize the use of". There is a related change, discussed below, at page 85, following line 23.

Page 10, line 16: delete "the outcome of an election", and insert "the election of a candidate in an election".

Page 10, line 23: The Senate version of (d) also allows for production of a newsletter from public funds above and beyond the office allowance, but authorizes two newsletters a year. It also provides, in AS 24.10.110, that additional newsletters could not be funded out of the office allowance.

Page 11, line 18, and page 12, line 11: delete "the outcome of an election", and insert "the election of a candidate in an election".

Page 12, line 5, before "mail": insert "solicitations by".

Page 12, line 7: insert a new phrase at the end of (3) that reads "if an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdi-

rected to an office ordinarily used to conduct state business, if otherwise lawful it may be accepted but it may not be processed in that office and it shall be delivered promptly to the appropriate location".

Page 12, line 18: delete "improper", and insert after "tasks" on the next line "in violation of this chapter".

Page 12, line 22: a similar change: delete "improper", insert "prohibited".

Page 13, line 18: insert a new sentence at the end of (a) to read: "This subsection does not allow the disclosure of information made confidential by law."

Page 14, following line 24: insert a new subsection (e) to read: "The legislative council shall adopt a written definition of "official letterhead" for purposes of this section."

Page 16, following line 1: The Senate version introduces a new subsection (e) that would allow an aide, but not a legislator, to go to work for another government agency if the aide obtains an exemption from the commission. It is narrower than the amendment by Representative Finkelstein adopted by the committee.

Page 17, line 26: delete "irrevocably pledged during a campaign or campaign money sent before a final election", insert "received or postmarked before a final election".

Page 18, line 29, after "contribution": insert "in excess of \$100 in the aggregate a year". A similar change is made on page 20, line 27 (legal defense fund).

Page 19, line 29: Legislative employees are also allowed to establish legal defense funds.

Page 21, line 3: insert two new sentences at the end of (g), to read:

Except for the provisions of this chapter relating to the times during which political contributions may be solicited or accepted, and provisions inconsistent with specific provisions of this section, this chapter applies to the solicitation and acceptance of funds under this section. The commission may adopt regulations limiting the dollar amount of contributions under this section.

Page 31, line 21: delete the sentence relating to legislative stays. In a related change, the Senate version amends AS 24.40.020 and 24.40.031, the legislative stay provisions, to allow stays only when the legislator is a party or a witness, and not an attorney.

Page 37, lines 22-29: The Senate version rewrites paragraphs (4) and (5) as follows:

(4) unsolicited tokens or awards of appreciation or recognition with a value of more than \$100 in the form of a plaque, trophy, clock, watch, desk item, wall memento, or similar item may be accepted only if the award has been approved by the commission upon a finding that the gift does not create an impermissible conflict of interest;

(5) unsolicited subscriptions to publications, including newspapers and magazines, with a market value of less than \$100 for the duration of a legislative session;

Page 38, lines 25-26; delete "may not exceed two nights and the gratuity."

Page 45, following line 19: insert a new subsection (d) to read:

(d) The commission shall adopt regulations relating to the definitions of category A and B income and the reporting requirements imposed by AS 24.61.400 - 24.61.420. The regulations must include provisions that distinguish between income received for personal services, income received from the ownership of property, income received directly by the legislator or legislative assistant, and income received by an entity in which the legislator or legislative assistant has an ownership interest. The regulations may exclude from category A income, income from sources such as interest on deposit accounts in regulated financial institutions.

Page 53, line 27: delete "Five", insert "Six".

Page 79, line 29: delete "\$150", insert "\$100".

Page 80, line 6: delete "on an annual basis", insert "during a legislative session".

Page 85, following line 23: The Senate version adds a new paragraph to AS 24.45.121(a), prohibitions on lobbyists,

Representative H.A. "Red" Boucher  
Page 4  
April 12, 1990

so that lobbyists may not "use state property or resources in the conduct of the lobbyist's business; this paragraph does not apply to a state employee whose official duties require the employee to register as a lobbyist."

Finally, the Senate version has quite different effective dates. Generally it makes the provisions establishing the commission and requiring Legislative Council to adopt regulations effective on June 1, 1990; the provisions about campaign financing, including the prohibition on post-election contributions, effective on the date of the November election this year; and the rest of the bill, including the new conflict-of-interest provisions and the repeal of the current ethics law, effective on the first day of the Seventeenth Legislature.

I will be glad to discuss these changes, and the reasons why I believe that the Senate made them, at the next committee meeting.

JBG:pl  
WKP4/059

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

POSITION PAPER  
April 17, 1990

Item 11  
STEVE COWPER, GOVERNOR

REPLY TO:

- 2221 E. NORTHERN LIGHTS, RM 128  
ANCHORAGE, ALASKA 99508-3598  
PHONE: (907) 276-4176
- P.O. BOX CO  
JUNEAU, ALASKA 99811-0222  
PHONE: (907) 465-4864

The Alaska Public Offices Commission has reviewed HB 596 and CSSB 415 (Jud), parallel acts which would establish a Legislative Ethics Commission (LEC) and standards of conduct for legislators.

These bills impact two laws APOC administers: the campaign disclosure law (AS 15.13) and the conflict of interest law (AS 39.50). Comments included in this position paper relate only to these laws.

If enacted, this legislation would make major changes in financing of legislative campaigns, by restricting use of contributions both during and after campaigns, and by limiting acceptance of contributions to a specific time period ending at election day. Additionally, the legislation would require legislators and their staff to provide far more information about their financial interests than is required at present. A summary of the changes is attached.

The commission believes the proposed changes are in the public interest, and strongly supports their enactment, with minor exceptions as noted below. However, the commission has six general concerns:

1. The legislation should take effect on election day to avoid changing campaign fundraising and personal financial disclosure rules in mid-stream.
2. The proposed restrictions on campaign financing should apply not only to legislators, but to candidates for governor, lieutenant governor, and local office as well. The two bills currently before the legislature which address campaign finance issues (CSSB 384 and CSHB 327) should be amended to include language similar to proposed sections 24.61.200 - .240. Additionally, the commission urges the legislature to consider prohibiting use of surplus campaign funds in any amount as seed money for a future legislative campaign (in contrast to the \$2500 - \$5000 carryover proposed in the legislation).
3. The expanded personal financial disclosure requirements should be applied to candidates for legislative office as well as to legislators, since the public should be entitled to the same level of information for prospective as well as incumbent legislators.
4. Legislators should be required to file only one personal financial disclosure

statement. The legislation should be amended to require that legislators file only with the Legislative Ethics Commission.

5. The legislation creates overlapping areas of authority between APOC and LEC. As currently drafted, LEC would administer and enforce campaign finance laws for legislative candidates; APOC would administer and enforce campaign finance laws for candidates for governor, lieutenant governor, and municipal office. However, administration and enforcement of timely, accurate reporting of campaign finances by legislators (and all other candidates) would remain with APOC. This overlap is inefficient and could lead to confusion, as well as to potentially inconsistent interpretation of the laws.

Pending steps toward unified administration of ethics laws, APOC should continue to be responsible for administering all provisions relating to campaign finance and campaign disclosure reporting, including the application of these provisions to legislative campaigns. Funds should be appropriated to provide additional staff to ensure fair, firm enforcement of these laws. LEC should be responsible for administering and enforcing laws relating directly to the legislature, such as standards of legislative conduct and conflict of interest determinations based on higher standards of legislative financial disclosure. This function should also be funded adequately.

6. The legislature should take action this session on existing campaign finance legislation -- CSSB 384 and CSHB 327. At a minimum, the legislature should adopt language establishing campaign finance standards for all candidates similar to the standards adopted for legislative candidates. The legislature should also adopt three noncontroversial provisions contained in both existing bills: authorizing the commission to assess a civil penalty up to \$250 for inadvertent failure to properly identify a "political communication"; exempting small municipal campaigns (under \$1000 in financial activity) from campaign disclosure reporting requirements; and closing the two-day pre-election reporting gap.

The commission also urges the legislature to consider limiting the sources of campaign contributions by allowing only individuals and political parties to contribute to campaigns. The commission believes this provision is essential to achieve meaningful campaign finance reform.

Enactment of this legislation is an important first step toward establishing principled standards for public officers and effective enforcement when problems arise. The commission will be glad to work with individual committees or with the joint committee to address the concerns raised in this position paper.

## Summary of Changes

### Campaign financing

Current law is either silent on these topics or does not prohibit the activity. Current law applies to all state and local candidates; these changes would apply to legislative candidates only.

1. Legislative finding that restrictions are justified.
2. Prohibition on use of state property for political purposes.
3. Campaign funds to be used only to influence elections.
4. Campaign funds cannot be used to enhance personal lifestyle.
5. Campaign surplus cannot be converted to personal income.
6. Cannot borrow or loan from campaign funds for personal use.
7. Payments to family members by candidates must be reasonable.
8. Contributions may not be accepted after the election date, and any such contributions offered must be returned.
9. No contributions may be made to other candidates from campaign funds.
10. Campaign contributions may not be used to pay fines.
11. Campaign surpluses can be used to retire bona fide loans, returned to contributors on a pro rata basis, donated to charity or the general fund, or transferred to a future legislative campaign in amounts of \$2500 for a House seat and \$5000 for a Senate seat.

### Financial disclosure

Current law requires almost all state and local candidates, as well as judges and many appointed state and local officials, to file financial disclosure statements with APOC. Financial interests must be listed, but the law requires neither a detailed description of the nature of the interest nor the amount. These changes would apply only to legislators and their staff; others would continue to be covered by existing law. However, legislators and staff would file disclosure statements with both APOC and LEC.

1. Categorizes income depending on whether the income would have a substantial impact on public decisionmaking.

2. Requires detailed reporting from legislators and legislative staff, including nature and amount of financial interest.
3. Requires extensive review of disclosure reports for possible conflicts and public disclosure.
4. Requires those persons and entities providing benefits to legislators and their staff to file reports with LEC.

Item 2

# Alaska State Legislature

Legislative Research Agency



P.O. Box Y  
Juneau, AK 99811-3100  
Phone: (907) 183-3991  
Fax: (907) 183-3351

April 5, 1990

**MEMORANDUM**

TO: Representative H.A. "Red" Boucher

ATTN: Dennis Burns

FROM: Deb Pomeroy *DP*

RE: Limit on the Number of Bills Introduced by Legislators in Other States  
Research Request 90.309

You asked whether other states limit the number of bills that may be introduced during a legislative session.

According to a survey published by the National Conference of State Legislatures in 1988, most states use bill deadlines as a means of controlling the number of bills introduced during a session (see the attached table from "Inside the Legislative Process" for survey results). Six states--Colorado, Indiana, Montana, Nebraska, North Dakota, and Tennessee--impose a limit of some type on the number of bills which may be introduced. These limits are briefly discussed below. Copies of the pertinent legislative rules of each of the six states are attached.

**Colorado**

Colorado uses a combination of limits and deadlines to control the number of bills introduced. A legislator may request an unlimited number of bills from Legal Services up until the sixth legislative day. However, he may not introduce more than six bills during a regular session convening in an odd-numbered year (first session) and four bills during an even-numbered year (second session). Of these, not more than three bills during the first session and two bills during the second session may be requested from Legal Services after the December 1 preceding the convening of session. A legislator may introduce not more than four additional bills from among those recommended by interim legislative council committees or committees created by statute or resolution which operate during the interim.

In addition to the limit on the number of bills a legislator may introduce, the following deadlines apply to the house of introduction: initial introduction of bills requested from Legal Services on or before December 1, 3rd legislative day; bill draft requests to Legal services, 6th day; and final introduction of bills, excluding the long appropriation bill, 22nd day.

Representative Boucher  
April 5, 1990  
Page 3

#### North Dakota

North Dakota uses bill deadlines as the main control of the introduction of bills. In addition, individual legislators, with the exception of the majority and minority leaders, may not introduce more than three bills as prime sponsor after the ninth legislative day. Additional deadlines are as follows: bills and resolutions, 14th and 18th legislative day, respectively, except upon approval of a majority of the Committee on Delayed Bills or two-thirds vote of the Senate; bills at the request of executive agencies or the supreme court, December 15 prior to the next regular session, except with approval of a majority of the Committee on Delayed Bills; resolutions proposing U.S. Constitutional amendments or directing Legislative Council to carry out a study, 34th legislative day; and resolutions proposing amendments to the North Dakota Constitution, 18th legislative day.

#### Tennessee

Senate: Tennessee does not limit the number of prefiled bills that may be introduced by a senator. After the third legislative day of each regular annual session, until the final adjournment for that session or year, each senator is limited to nine general bill introductions. Administration bills of the governor must be filed by the tenth legislative day. Bills introduced by a committee chairman at the direction of the committee are excluded from this limitation.

#### Alaska

In Alaska, individual legislators may not introduce a bill after the 35th legislative day of the second session. There is no limit on the number of bills that may be introduced.

The attached tables list the number of bills and resolutions introduced by each legislator during the Fifteenth and Sixteenth Legislatures. There was a total of 1,021 bills and resolutions introduced by individual legislators in the Fifteenth Legislature (498 in the House; 523 in the Senate) compared with 1,054 introduced as of April 4, 1990 (535 in the House; 519 in the Senate).

You also expressed an interest in the cost of moving a bill or resolution through the legislative process. Legislative Research Memorandum 90.194, attached, discusses the cost of producing a bill, as well as the difficulties in estimating the total cost of bill preparation, introduction, and passage.

I hope this information is useful to you. If you have any questions or would like additional information, please contact this agency.

Attachments

NUMBER OF BILLS INTRODUCED BY LEGISLATOR  
SENATE

FIFTEENTH LEGISLATURE (1987 - 1988)

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Abood             | 10                     |                              | 10           |
| Bennett           | 15                     | 3                            | 18           |
| Binkley           | 20                     | 10                           | 30           |
| Coghill           | 37                     | 18                           | 55           |
| Duncan            | 38                     | 7                            | 45           |
| Eliason           | 7                      | 2                            | 9            |
| Fahrenkamp        | 18                     | 6                            | 24           |
| Faiks             | 26                     | 9                            | 35           |
| Fanning*          | 8                      | 2                            | 10           |
| Fischer           | 28                     | 5                            | 33           |
| Halford           | 18                     | 6                            | 24           |
| Hensley*          | 14                     | 11                           | 25           |
| Jones             | 11                     | 6                            | 17           |
| Josephson         | 25                     | 5                            | 30           |
| Kelly             | 7                      | 6                            | 13           |
| Kerttula          | 35                     | 14                           | 49           |
| Rodey             | 10                     | 2                            | 12           |
| Sturgulewski      | 9                      | 12                           | 21           |
| Szymanski         | 9                      |                              | 9            |
| Uehling           | 9                      | 5                            | 14           |
| Zharoff           | 34                     | 6                            | 40           |

SIXTEENTH LEGISLATURE (1989 - 1990)

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Adams             | 17                     | 6                            | 23           |
| Binkley           | 23                     | 10                           | 33           |
| Coghill           | 37                     | 10                           | 47           |
| Duncan            | 52                     | 4                            | 56           |
| Eliason           | 6                      | 2                            | 8            |
| Fahrenkamp        | 14                     | 4                            | 18           |
| Faiks             | 21                     | 8                            | 29           |
| Fischer           | 24                     | 8                            | 32           |
| Frank             | 13                     | 2                            | 15           |
| Halford           | 11                     | 4                            | 15           |
| Jones             | 5                      | 5                            | 10           |
| Kelly             | 14                     | 2                            | 16           |
| Kerttula          | 38                     | 21                           | 59           |
| Pearce            | 11                     | 4                            | 15           |
| Pourchot          | 10                     | 3                            | 13           |
| Rodey             | 16                     | 8                            | 24           |
| Sturgulewski      | 22                     | 10                           | 32           |
| Szymanski         | 15                     | 6                            | 21           |
| Uehling           | 12                     | 5                            | 17           |
| Zharoff           | 28                     | 8                            | 36           |

|              |     |     |     |  |     |     |     |
|--------------|-----|-----|-----|--|-----|-----|-----|
| TOTAL SENATE | 388 | 135 | 523 |  | 389 | 130 | 519 |
|--------------|-----|-----|-----|--|-----|-----|-----|

- \* Senator Hensley was appointed to the Senate upon Senator Ferguson's resignation.  
Senator Fanning was appointed to the Senate upon Senator Bennett's death.

Source: 1989/1990--Bill Action and Status Inquiry System; 1987/1988--"Final Status of Bills and Resolutions."

Prepared by the Legislative Research Agency, April 1990 (90-309).

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Item 12

# Alaska State Legislature

Legislative Research Agency



P.O. Box Y  
Juneau, AK 99811-3100  
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Fax: (907) 163-3351

April 5, 1990

**MEMORANDUM**

TO: Representative H.A. "Red" Boucher

ATTN: Dennis Burns

FROM: Deb Pomeroy

RE: **Limit on the Number of Bills Introduced by Legislators in Other States**  
Research Request 90.309

You asked whether other states limit the number of bills that may be introduced during a legislative session.

According to a survey published by the National Conference of State Legislatures in 1988, most states use bill deadlines as a means of controlling the number of bills introduced during a session (see the attached table from "Inside the Legislative Process" for survey results). Six states--Colorado, Indiana, Montana, Nebraska, North Dakota, and Tennessee--impose a limit of some type on the number of bills which may be introduced. These limits are briefly discussed below. Copies of the pertinent legislative rules of each of the six states are attached.

### Colorado

Colorado uses a combination of limits and deadlines to control the number of bills introduced. A legislator may request an unlimited number of bills from Legal Services up until the sixth legislative day. However, he may not introduce more than six bills during a regular session convening in an odd-numbered year (first session) and four bills during an even-numbered year (second session). Of these, not more than three bills during the first session and two bills during the second session may be requested from Legal Services after the December 1 preceding the convening of session. A legislator may introduce not more than four additional bills from among those recommended by interim legislative council committees or committees created by statute or resolution which operate during the interim.

In addition to the limit on the number of bills a legislator may introduce, the following deadlines apply to the house of introduction: initial introduction of bills requested from Legal Services on or before December 1, 3rd legislative day; bill draft requests to Legal services, 6th day; and final introduction of bills, excluding the long appropriation bill, 22nd day.

### Indiana

**Senate:** There is no limit on the number of bills that may be filed prior to the first day of session in January of the first or second session. However, a senator may not file more than two bills per session-day from the first through the tenth day of the first session. During the second session, this limit is reduced to one bill per session-day from the first through the fourth day of session. Senators may assign, in writing, their rights of bill filing to another senator.

**House of Representatives:** The House does not limit the number of bills that may be introduced during the first session. There is a bill deadline, however, of 2:00 p.m. on the 15th day of session. No bill may be introduced after this deadline without the consent of two-thirds of the majority of members elected. (A bill may not be filed unless it has previously been submitted to the Legislative Services Agency to be checked for form, and the subject matter must be clearly set forth in both the title and body of the bill.)

During the second regular session, the bill deadline is 2:00 p.m. on the third day of session, and individual representatives are limited to the introduction of no more than five bills.

### Montana

Although there is no limit on the number of bills introduced, Montana has a deadline for when requests for bills may be submitted to the Legislative Council for preparation. Prior to 5:00 p.m. on December 5, a legislator may ask the Legislative Council to prepare an unlimited number of bills or resolutions for introduction during the regular session. After that time, a legislator may request up to seven bills or resolutions for introduction as long as two are requested before the regular session convenes. A member may grant the remaining number of unused requests to another member after the 5:00 p.m., December 5 deadline. All bills and resolutions must be reviewed by Legislative Council staff prior to introduction for proper format, style and legal form.

### Nebraska

There is no limit to the number of bills individual members may introduce. Standing or special committees may introduce only eight bills each session. The deadline for bill introduction during each session is the tenth legislative day, with the exception of appropriation bills, bills introduced at the Governor's request and standing or special committee bills. (A vote of three-fifths of the elected members of the legislature is required for the introduction of committee bills.)

Representative Boucher  
April 5, 1990  
Page 3

#### North Dakota

North Dakota uses bill deadlines as the main control of the introduction of bills. In addition, individual legislators, with the exception of the majority and minority leaders, may not introduce more than three bills as prime sponsor after the ninth legislative day. Additional deadlines are as follows: bills and resolutions, 14th and 18th legislative day, respectively, except upon approval of a majority of the Committee on Delayed Bills or two-thirds vote of the Senate; bills at the request of executive agencies or the supreme court, December 15 prior to the next regular session, except with approval of a majority of the Committee on Delayed Bills; resolutions proposing U.S. Constitutional amendments or directing Legislative Council to carry out a study, 34th legislative day; and resolutions proposing amendments to the North Dakota Constitution, 18th legislative day.

#### Tennessee

Senate: Tennessee does not limit the number of prefiled bills that may be introduced by a senator. After the third legislative day of each regular annual session, until the final adjournment for that session or year, each senator is limited to nine general bill introductions. Administration bills of the governor must be filed by the tenth legislative day. Bills introduced by a committee chairman at the direction of the committee are excluded from this limitation.

#### Alaska

In Alaska, individual legislators may not introduce a bill after the 35th legislative day of the second session. There is no limit on the number of bills that may be introduced.

The attached tables list the number of bills and resolutions introduced by each legislator during the Fifteenth and Sixteenth Legislatures. There was a total of 1,021 bills and resolutions introduced by individual legislators in the Fifteenth Legislature (498 in the House; 523 in the Senate) compared with 1,054 introduced as of April 4, 1990 (535 in the House; 519 in the Senate).

You also expressed an interest in the cost of moving a bill or resolution through the legislative process. Legislative Research Memorandum 90.194, attached, discusses the cost of producing a bill, as well as the difficulties in estimating the total cost of bill preparation, introduction, and passage.

I hope this information is useful to you. If you have any questions or would like additional information, please contact this agency.

Attachments

**NUMBER OF BILLS INTRODUCED BY LEGISLATOR  
HOUSE OF REPRESENTATIVES**

**FIFTEENTH LEGISLATURE (1987 - 1988)**

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Adams             | 8                      | 2                            | 10           |
| Barnes            | 2                      |                              | 2            |
| Boucher           | 7                      | 1                            | 8            |
| Boyer             | 9                      | 3                            | 12           |
| Brown             | 10                     | 2                            | 12           |
| Cato              | 13                     | 11                           | 24           |
| Collins           | 11                     | 4                            | 15           |
| Cotten            | 7                      |                              | 7            |
| Davidson          | 6                      | 3                            | 9            |
| Davis, M.         | 18                     | 4                            | 22           |
| Donley            | 14                     | 5                            | 19           |
| Ellis             | 11                     | 5                            | 16           |
| Frank             | 8                      | 3                            | 11           |
| Furnace           | 5                      | 1                            | 6            |
| Goll              | 6                      |                              | 6            |
| Gruenberg         | 10                     | 2                            | 12           |
| Grussendorf       | 4                      | 1                            | 5            |
| Hanley            | 3                      | 3                            | 6            |
| Herrmann          | 20                     | 6                            | 26           |
| Hoffman           | 11                     | 3                            | 14           |
| Hudson            | 7                      |                              | 7            |
| Koponen           | 15                     | 3                            | 18           |
| Larson            | 21                     | 2                            | 23           |
| Martin            | 10                     | 8                            | 18           |
| Menard            | 10                     | 3                            | 13           |
| Miller            | 12                     | 4                            | 16           |
| Navarre           | 9                      | 2                            | 11           |
| Pearce            | 6                      | 2                            | 8            |
| Pettyjohn         | 4                      | 3                            | 7            |
| Phillips          | 4                      |                              | 4            |
| Pourchot          | 9                      | 3                            | 12           |
| Reiger            | 3                      | 2                            | 5            |
| Shultz            | 11                     | 3                            | 14           |
| Springer          |                        | 1                            | 1            |
| Sund              | 18                     | 4                            | 22           |
| Swackhammer       | 11                     |                              | 11           |
| Taylor            | 18                     | 6                            | 24           |
| Ulmer             | 20                     | 5                            | 25           |
| Wallis            | 3                      | 3                            | 6            |
| Zawacki           | 8                      | 3                            | 11           |

**SIXTEENTH LEGISLATURE (1989 - 1990)**

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Barnes            | 1                      |                              | 1            |
| Boucher           | 18                     | 4                            | 22           |
| Boyer             | 18                     | 1                            | 19           |
| Brown             | 18                     | 4                            | 22           |
| Cato              | 12                     | 5                            | 17           |
| Collins           | 6                      |                              | 6            |
| Cotten            | 6                      | 6                            | 12           |
| Davidson          | 7                      | 5                            | 12           |
| Davis, C.         | 5                      | 2                            | 7            |
| Davis, M.         | 12                     | 5                            | 17           |
| Donley            | 12                     | 3                            | 15           |
| Ellis             | 21                     | 2                            | 23           |
| Finkelstein       | 8                      | 1                            | 9            |
| Foster            | 4                      | 3                            | 7            |
| Furnace           | 1                      |                              | 1            |
| Goll              | 6                      |                              | 6            |
| Gruenberg         | 17                     | 1                            | 18           |
| Grussendorf       | 2                      |                              | 2            |
| Hanley            | 7                      | 3                            | 10           |
| Hoffman           | 7                      | 2                            | 9            |
| Hudson            | 10                     | 3                            | 13           |
| Jacko             | 4                      | 7                            | 11           |
| Koponen           | 29                     | 8                            | 37           |
| Kubina*           | 4                      | 3                            | 7            |
| Larson            | 7                      | 4                            | 11           |
| Leman             | 10                     | 5                            | 15           |
| MacLean           | 10                     | 4                            | 14           |
| Martin            | 12                     | 10                           | 22           |
| Menard            | 18                     | 4                            | 22           |
| Miller            | 10                     | 1                            | 11           |
| Navarre           | 11                     | 5                            | 16           |
| Pettyjohn         | 3                      | 2                            | 5            |
| Phillips          | 7                      | 3                            | 10           |
| Rieger            |                        | 1                            | 1            |
| Sharp             | 4                      |                              | 4            |
| Shultz            | 8                      | 6                            | 14           |
| Sponholz*         | 4                      | 1                            | 5            |
| Swackhammer       | 8                      | 2                            | 10           |
| Taylor            | 13                     | 1                            | 14           |
| Ulmer             | 23                     | 8                            | 31           |
| Wallis            | 4                      | 2                            | 6            |
| Zawacki           | 10                     | 11                           | 21           |

TOTAL HOUSE      382                      116                      498                      397                      138                      535

\* Representative Kubina replaced Representative Cato upon her resignation in December 1989.  
Representative Sponholz served in Representative Finkelstein's place until his election was certified.

Source: 1989/1990--Bill Action and Status Inquiry System; 1987/1988--"Final Status of Bills and Resolutions."

Prepared by the Legislative Research Agency, April 1990 (90-309).

NUMBER OF BILLS INTRODUCED BY LEGISLATOR  
SENATE

FIFTEENTH LEGISLATURE (1987 - 1988)

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Abood             | 10                     |                              | 10           |
| Bennett           | 15                     | 3                            | 18           |
| Binkley           | 20                     | 10                           | 30           |
| Coghill           | 37                     | 18                           | 55           |
| Duncan            | 38                     | 7                            | 45           |
| Eliason           | 7                      | 2                            | 9            |
| Fahrenkamp        | 18                     | 6                            | 24           |
| Faiks             | 26                     | 9                            | 35           |
| Fanning*          | 8                      | 2                            | 10           |
| Fischer           | 28                     | 5                            | 33           |
| Halford           | 18                     | 6                            | 24           |
| Hensley*          | 14                     | 11                           | 25           |
| Jones             | 11                     | 6                            | 17           |
| Josephson         | 25                     | 5                            | 30           |
| Kelly             | 7                      | 6                            | 13           |
| Kerttula          | 35                     | 14                           | 49           |
| Rodey             | 10                     | 2                            | 12           |
| Sturgulewski      | 9                      | 12                           | 21           |
| Szymanski         | 9                      |                              | 9            |
| Uehling           | 9                      | 5                            | 14           |
| Zharoff           | 34                     | 6                            | 40           |

SIXTEENTH LEGISLATURE (1989 - 1990)

| <u>Legislator</u> | <u>Bills Sponsored</u> | <u>Resolutions Sponsored</u> | <u>Total</u> |
|-------------------|------------------------|------------------------------|--------------|
| Adams             | 17                     | 6                            | 23           |
| Binkley           | 23                     | 10                           | 33           |
| Coghill           | 37                     | 10                           | 47           |
| Duncan            | 52                     | 4                            | 56           |
| Eliason           | 6                      | 2                            | 8            |
| Fahrenkamp        | 14                     | 4                            | 18           |
| Faiks             | 21                     | 8                            | 29           |
| Fischer           | 24                     | 8                            | 32           |
| Frank             | 13                     | 2                            | 15           |
| Halford           | 11                     | 4                            | 15           |
| Jones             | 5                      | 5                            | 10           |
| Kelly             | 14                     | 2                            | 16           |
| Kerttula          | 38                     | 21                           | 59           |
| Pearce            | 11                     | 4                            | 15           |
| Pourchat          | 10                     | 3                            | 13           |
| Rodey             | 16                     | 8                            | 24           |
| Sturgulewski      | 22                     | 10                           | 32           |
| Szymanski         | 15                     | 6                            | 21           |
| Uehling           | 12                     | 5                            | 17           |
| Zharoff           | 28                     | 8                            | 36           |

|              |     |     |     |     |     |     |
|--------------|-----|-----|-----|-----|-----|-----|
| TOTAL SENATE | 388 | 135 | 523 | 339 | 130 | 519 |
|--------------|-----|-----|-----|-----|-----|-----|

\* Senator Hensley was appointed to the Senate upon Senator Ferguson's resignation.  
Senator Fanning was appointed to the Senate upon Senator Bennett's death.

Source: 1989/1990--Bill Action and Status Inquiry System; 1987/1988--"Final Status of Bills and Resolutions."

Prepared by the Legislative Research Agency, April 1990 (90-309).

# Inside the Legislative Process



A Comprehensive Survey of the  
American Society of Legislative  
Clerks and Secretaries



with the  
National Conference of  
State Legislatures

1988 Edition

## SURVEY RESPONDENTS

|                | SENATE | HOUSE      |
|----------------|--------|------------|
| ALABAMA        | •      | •          |
| ALASKA         | •      | •          |
| ARIZONA        | •      | •          |
| ARKANSAS       | •      | •          |
| CALIFORNIA     | •      | •          |
| COLORADO       | •      | •          |
| CONNECTICUT    | •      | •          |
| DELAWARE       | •      | •          |
| FLORIDA        | •      | •          |
| GEORGIA        | •      | •          |
| HAWAII         | •      | •          |
| IDAHO          | •      | •          |
| ILLINOIS       | •      | •          |
| INDIANA        | •      | •          |
| IOWA           | •      | •          |
| KANSAS         | •      | •          |
| KENTUCKY       | •      | •          |
| LOUISIANA      | •      | •          |
| MAINE          | •      | •          |
| MARYLAND       | •      | •          |
| MASSACHUSETTS  | •      | •          |
| MICHIGAN       | •      | •          |
| MINNESOTA      | •      | •          |
| MISSISSIPPI    | •      | •          |
| MISSOURI       | •      | •          |
| MONTANA        | •      | •          |
| NEBRASKA       | •      | Unicameral |
| NEVADA         | •      | •          |
| NEW HAMPSHIRE  | •      | •          |
| NEW JERSEY     | •      | •          |
| NEW MEXICO     | •      | •          |
| NEW YORK       | •      | •          |
| NORTH CAROLINA | •      | •          |
| NORTH DAKOTA   | •      | •          |
| OHIO           | •      | •          |
| OKLAHOMA       | •      | •          |
| OREGON         | •      | •          |
| PENNSYLVANIA   | •      | •          |
| RHODE ISLAND   | •      | •          |
| SOUTH CAROLINA | •      | •          |
| SOUTH DAKOTA   | •      | •          |
| TENNESSEE      | •      | •          |
| TEXAS          | •      | •          |
| UTAH           | •      | •          |
| VERMONT        | •      | •          |
| VIRGINIA       | •      | •          |
| WASHINGTON     | •      | •          |
| WEST VIRGINIA  | •      | •          |
| WISCONSIN      | •      | •          |
| WYOMING        | •      | •          |
| AMERICAN SAMOA | •      | •          |
| PUERTO RICO    | •      | •          |

## BILL PROCESSING

The business of state legislatures has changed considerably over the past three decades. As legislatures have become more independent and public policy questions have grown more complex, not surprisingly the number of bills considered and debated by legislatures has risen sharply. To handle the flow of bills, legislative bodies have instituted various mechanisms to expedite the processing of legislation. The most common techniques -- prefiling and deadlines for the introduction of bills -- are utilized by over three-fourths of the legislative assemblies.

A few states have taken other steps to streamline bill processing. Thirteen legislative bodies use proposed, short-form or skeleton bills, and ten have set limits on the number of introductions.

### Proposed, Short-Form or Skeleton Bills

|                              |                                 |
|------------------------------|---------------------------------|
| Connecticut Senate and House | New Mexico Senate               |
| Florida House                | North Carolina Senate and House |
| Hawaii Senate and House      | Utah House                      |
| Indiana Senate and House     | Vermont House                   |
| Minnesota House              |                                 |

### Limitations on the Number of Introductions

|  |                               |
|--|-------------------------------|
| Colorado Senate and House                        | Nebraska Senate               |
| Indiana Senate and House<br>(Short session only) | North Dakota Senate and House |
| Montana Senate and House                         | Tennessee Senate              |

Chart 30 shows the mechanisms used by legislative bodies to expedite and streamline bill processing.

MECHANISMS USED TO EXPEDITE AND STREAMLINE BILL PROCESSING

KEY:  
S=Senate  
H=House  
B=Both

|                | Profiling of Bills | Carryover of Bills From 1st Session | Companion Bills | Deadlines for the Introduction of Bills | Deadlines for Committee Action | Deadlines for 1st and 2nd House Action | Committee Bills |
|----------------|--------------------|-------------------------------------|-----------------|---|--------------------------------|--|-----------------|
| ALABAMA        | B                  |                                     | S               | S                                       | S                              | S                                      |                 |
| ALASKA         | B                  | B                                   | B               | B(1)                                    |                                |  |                 |
| ARIZONA        | B                  |                                     |                 | B                                       | B                              | H                                      |                 |
| ARKANSAS       | B                  |                                     | H               | B                                       |                                |  | B               |
| CALIFORNIA     |                    | S                                   |                 | B                                       | B                              | B                                      | H               |
| COLORADO       | B                  |                                     |                 | B                                       | B                              | B                                      | S               |
| CONNECTICUT    | B                  |                                     |                 | B                                       | B                              |  | B               |
| DELAWARE       | B                  | B                                   |                 | H                                       | H                              |  |                 |
| FLORIDA        | B                  |                                     | B               | B                                       | H                              |  | B               |
| GEORGIA        |                    | B                                   |                 | B                                       |                                | S                                      |                 |
| HAWAII         | B                  | B                                   | H               | B                                       | B                              | B                                      |                 |
| IDAHO          |                    |                                     |                 | B                                       | S                              | S                                      | H               |
| ILLINOIS       | B                  | B                                   | S               | B                                       | B                              | B                                      | B               |
| INDIANA        | B                  |                                     |                 | B                                       | B                              | B                                      |                 |
| IOWA           | B                  | B                                   | B               | S                                       | B                              | B                                      | B               |
| KANSAS         | B                  | B                                   |                 | B                                       |                                | S                                      | H               |
| KENTUCKY       | B                  |                                     | B               | B                                       |                                |  | S               |
| LOUISIANA      | B                  |                                     |                 | B                                       |                                |  |                 |
| MAINE          | B                  | B                                   |                 | B                                       | B                              |  |                 |
| MARYLAND       | B                  |                                     | B               | B                                       | S                              |  |                 |
| MASSACHUSETTS  | B                  |                                     |                 | B                                       | B                              |  | B               |
| MICHIGAN       | S                  |                                     | S               |   | H                              |  |                 |
| MINNESOTA      | S                  | B                                   | B               |   | B                              | B                                      | B               |
| MISSISSIPPI    | B                  |                                     |                 | B                                       | B                              | B                                      |                 |
| MISSOURI       | B                  | S                                   |                 | B                                       |                                |  |                 |
| MONTANA        | B                  |                                     |                 | B                                       |                                | S                                      | B               |
| NEBRASKA       | S                  | S                                   |                 | S                                       |                                |  | S               |
| NEVADA         |                    |                                     |                 |   |                                |  | S               |
| NEW HAMPSHIRE  | B                  | S                                   |                 | B                                       | H                              | B                                      |                 |
| NEW JERSEY     | B                  | S                                   | B               |   |                                |  |                 |
| NEW MEXICO     |                    |                                     | H               | B                                       |                                |  |                 |
| NEW YORK       | B                  | B                                   | B               | B                                       | S                              |  |                 |
| NORTH CAROLINA | B                  | H                                   | B               | B                                       | H                              | B                                      |                 |
| NORTH DAKOTA   | B                  |                                     |                 | B                                       | B                              | B                                      | B               |
| OHIO           | S                  | B                                   |                 | H                                       |                                |  |                 |
| OKLAHOMA       | B                  | B                                   | H               | B                                       | B                              | S                                      |                 |
| OREGON         | B                  |                                     |                 | B                                       | H                              | H                                      | H               |
| PENNSYLVANIA   | B                  | B                                   |                 |   |                                |  |                 |
| RHODE ISLAND   |                    |                                     |                 |   |                                |  |                 |
| SOUTH CAROLINA | B                  | B                                   | H               | B                                       |                                |  | H               |
| SOUTH DAKOTA   | B                  |                                     |                 | B                                       | S                              | B                                      | S               |
| TENNESSEE      | B                  | B                                   | B               | B                                       |                                |  | S               |
| TEXAS          | B                  |                                     | H               | B                                       |                                |  |                 |
| UTAH           | B                  |                                     | H               | B                                       | H                              |  | H               |
| VERMONT        | H                  | H                                   |                 | H                                       | H                              | H                                      | H               |
| VIRGINIA       | H                  | H                                   | H               | H                                       | H                              |  |                 |
| WASHINGTON     | B                  | B                                   | S               | S                                       | B                              | B                                      | B               |
| WEST VIRGINIA  | B                  | H                                   | B               | B                                       | H                              | H                                      | H               |
| WISCONSIN      | S                  | B                                   | B               |   |                                |  | S               |
| WYOMING        | B                  |                                     |                 | B                                       | H                              | H                                      | B               |
| AMERICAN SAMOA |                    | H                                   |                 | H                                       | H                              |  |                 |
| PUERTO RICO    |                    | S                                   |                 |   |                                |  |                 |

1. Personal bill deadline - 35th day of the second session.

Joint Rules of the Senate  
and House of Representatives

23. DEADLINE SCHEDULE

(a) (1) *Deadline schedule.* For the purposes of organizing the legislative session, the schedule for the enactment of legislation shall be as follows:

First House Deadlines:

- 3rd day Initial deadline for introduction of bills. Bills subject to the initial deadline for introduction are those specified in paragraph (2) of this subsection (a).
- 6th day Deadline for bill draft requests to the Office of Legislative Legal Services.
- 22nd day Final deadline for introduction of bills, except the long appropriation bill. No bill delivered by the Office of Legislative Legal Services on or before the seventeenth legislative day shall be introduced more than five legislative days after such delivery. Any bill delivered by the Office of Legislative Legal Services on or after the eighteenth legislative day shall be introduced not later than the twenty-second legislative day.
- 38th day Deadline for committees of reference to report bills originating in their own house.\*
- 48th day Deadline for final passage of bills in the house of introduction.\*

COLORADO  
Joint Rules of the Senate  
and House of Representatives

Second House Deadlines:

- 63rd day Deadline for committees of reference to report bills originating in the other house.\*
- 73rd day Deadline for final passage of all bills originating in the other house.\*
- 76th day Deadline for introduction of the long appropriation bill.
- 118th day If there has been adjournment to a day certain, reconvene for adjournment sine die unless the joint resolution for adjournment to a day certain specifies another day for recovering.

\* All bills in the Appropriations Committee in either house are excluded from these deadlines. All bills in the Appropriations Committee in either house, except the long appropriation bill and supplemental appropriation bills, shall be acted upon no later than seven days after signature of the long appropriations act by the Speaker of the House and the President of the Senate.

(2) All bills which a member requested on or before December 1 or December 15, whichever is applicable, shall be introduced no later than the initial deadline for introduction of bills, subject to the following conditions:

(A) A member is not required to introduce more than three bills by said initial deadline; and

(B) A member may choose to introduce any bill requested after said December 1 or December 15 instead of any bill requested on or before said December 1 or December 15.

(b) *Exceptions.* The deadlines established in subsection (a) of this joint rule shall not apply if the prime sponsor in the house of introduction or any member sponsoring or carrying the bill in the other house obtains consent to extend the deadline to a day certain from:

(1) The House Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the House or is presently being acted upon by the House. The House Committee on Delayed Bills shall consist of the Speaker, the majority leader, and the minority leader.

(2) The Senate Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the Senate or is presently being acted upon by the Senate. The Senate Committee on Delayed Bills shall consist of the President, the majority leader, and the minority leader.

(c) The House Committee on Delayed Bills and the Senate Committee on Delayed Bills, acting jointly, may change the deadlines in subsection (a) of this Joint Rule to extend the same to a day certain one or

more times during any session of the General Assembly. The memorandum containing any such change shall be printed in the journal of each house.

(d) The maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state constitution for regular sessions of the General Assembly shall be deemed to be one hundred twenty consecutive calendar days.

#### 24. SPONSORSHIP OF BILLS

(a) A bill may be introduced in either house by one or more members of that house and the joint sponsorship of one or more members of the other house.

(a.5) At least one member of the second house shall be designated as the prime sponsor of the bill in the second house prior to its passage on third reading in the originating house. If the name of such member does not appear on the printed bill, the prime sponsor in the originating house shall be responsible for securing a prime sponsor in the second house, and he may secure one or more other sponsors in the second house. The prime sponsor in the originating house shall notify in writing the presiding officer of the originating house of such sponsors at any time prior to the passage of the bill on third reading in the originating house. Thereupon the presiding officer shall order that the names of such sponsors be added to the bill, and such names shall appear on the reengrossed bill.

(b) (1) (A) A member of the General Assembly may not introduce more than six bills in a regular session of the General Assembly convening

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

Joint Rules of the Senate  
and House of Representatives

23. DEADLINE SCHEDULE

(a) (1) *Deadline schedule.* For the purposes of organizing the legislative session, the schedule for the enactment of legislation shall be as follows:

First House Deadlines:

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- 22nd day Final deadline for introduction of bills, except the long appropriation bill. No bill delivered by the Office of Legislative Legal Services on or before the seventeenth legislative day shall be introduced more than five legislative days after such delivery. Any bill delivered by the Office of Legislative Legal Services on or after the eighteenth legislative day shall be introduced not later than the twenty-second legislative day.
- 38th day Deadline for committees of reference to report bills originating in their own house.\*
- 48th day Deadline for final passage of bills in the house of introduction.\*

COLORADO  
Joint Rules of the Senate  
and House of Representatives

Second House Deadlines:

- 63rd day Deadline for committees of reference to report bills originating in the other house.\*
- 73rd day Deadline for final passage of all bills originating in the other house.\*
- 76th day Deadline for introduction of the long appropriation bill.
- 118th day If there has been adjournment to a day certain, reconvene for adjournment sine die unless the joint resolution for adjournment to a day certain specifies another day for recovering.

\* All bills in the Appropriations Committee in either house are excluded from these deadlines. All bills in the Appropriations Committee in either house, except the long appropriation bill and supplemental appropriation bills, shall be acted upon no later than seven days after signature of the long appropriations act by the Speaker of the House and the President of the Senate.

## MECHANISMS USED TO EXPEDITE AND STREAMLINE BILL PROCESSING

KEY:  
S=Senate  
H=House  
B=Both

|                | Prefiling of Bills | Carryover of Bills From 1st Session | Companion Bills | Deadlines for the Introduction of Bills | Deadlines for Committee Action | Deadlines for 1st and 2nd House Action | Committee Bills |
|----------------|--------------------|-------------------------------------|-----------------|---|--------------------------------|--|-----------------|
| ALABAMA        | B                  |                                     | S               | S                                       | S                              | S                                      |                 |
| ALASKA         | B                  | B                                   | B               | B (1)                                   |                                |  |                 |
| ARIZONA        | B                  |                                     |                 | B                                       | B                              | H                                      |                 |
| ARKANSAS       | B                  |                                     | H               | B                                       |                                |  | B               |
| CALIFORNIA     |                    | S                                   |                 | B                                       | B                              | B                                      | H               |
| COLORADO       | B                  |                                     |                 | B                                       | B                              | B                                      | S               |
| CONNECTICUT    | B                  |                                     |                 | B                                       | B                              |  | B               |
| DELAWARE       | B                  | B                                   |                 | H                                       | H                              |  |                 |
| FLORIDA        | B                  |                                     | B               | B                                       | H                              |  | B               |
| GEORGIA        |                    | B                                   |                 | B                                       |                                | S                                      |                 |
| HAWAII         | B                  | B                                   | H               | B                                       | B                              | B                                      |                 |
| IDAHO          |                    |                                     |                 | B                                       | S                              | S                                      | H               |
| ILLINOIS       | B                  | B                                   | S               | B                                       | B                              | B                                      | B               |
| INDIANA        | B                  |                                     |                 | B                                       | B                              | B                                      |                 |
| IOWA           | B                  | B                                   | B               | S                                       | B                              | B                                      | B               |
| KANSAS         | B                  | B                                   |                 | B                                       |                                | S                                      | H               |
| KENTUCKY       | B                  |                                     | B               | B                                       |                                |  | S               |
| LOUISIANA      | B                  |                                     |                 | B                                       |                                |  |                 |
| MAINE          | B                  | B                                   |                 | B                                       | B                              |  |                 |
| MARYLAND       | B                  |                                     | B               | B                                       | S                              |  |                 |
| MASSACHUSETTS  | B                  |                                     |                 | B                                       | B                              |  | B               |
| MICHIGAN       | S                  |                                     | S               |   | H                              |  |                 |
| MINNESOTA      | S                  | B                                   | B               |   | B                              | B                                      | B               |
| MISSISSIPPI    | B                  |                                     |                 | B                                       | B                              | B                                      |                 |
| MISSOURI       | B                  | S                                   |                 | B                                       |                                |  |                 |
| MONTANA        | B                  |                                     |                 | B                                       |                                | S                                      | B               |
| NEBRASKA       | S                  | S                                   |                 | S                                       |                                |  | S               |
| NEVADA         |                    |                                     |                 |   |                                |  | S               |
| NEW HAMPSHIRE  | B                  | S                                   |                 | B                                       | H                              | B                                      |                 |
| NEW JERSEY     | B                  | S                                   | B               |   |                                |  |                 |
| NEW MEXICO     |                    |                                     | H               | B                                       |                                |  |                 |
| NEW YORK       | B                  | B                                   | B               | B                                       | S                              |  |                 |
| NORTH CAROLINA | B                  | H                                   | B               | B                                       | H                              | B                                      |                 |
| NORTH DAKOTA   | B                  |                                     |                 | B                                       | B                              | B                                      | B               |
| OHIO           | S                  | B                                   |                 | H                                       |                                |  |                 |
| OKLAHOMA       | B                  | B                                   | H               | B                                       | B                              | S                                      |                 |
| OREGON         | B                  |                                     |                 | B                                       | H                              | H                                      | H               |
| PENNSYLVANIA   | B                  | B                                   |                 |   |                                |  |                 |
| RHODE ISLAND   |                    |                                     |                 |   |                                |  |                 |
| SOUTH CAROLINA | B                  | B                                   | H               | B                                       |                                |  | H               |
| SOUTH DAKOTA   | B                  |                                     |                 | B                                       | S                              | B                                      | S               |
| TENNESSEE      | B                  | B                                   | B               | B                                       |                                |  | S               |
| TEXAS          | B                  |                                     | H               | B                                       |                                |  |                 |
| UTAH           | B                  |                                     | H               | B                                       | H                              |  | H               |
| VERMONT        | H                  | H                                   |                 | H                                       | H                              | H                                      | H               |
| VIRGINIA       | H                  | H                                   | H               | H                                       | H                              |  |                 |
| WASHINGTON     | B                  | B                                   | S               | S                                       | B                              | B                                      | B               |
| WEST VIRGINIA  | B                  | H                                   | B               | B                                       | H                              | H                                      | H               |
| WISCONSIN      | S                  | B                                   | B               |   |                                |  | S               |
| WYOMING        | B                  |                                     |                 | B                                       | H                              | H                                      | B               |
| AMERICAN SAMOA |                    | H                                   |                 | H                                       | H                              |  |                 |
| PUERTO RICO    |                    | S                                   |                 |   |                                |  |                 |

(1) Personal bill deadline - 35th day of the second session.

- (2) All bills which a member requested on or before December 1 or December 15, whichever is applicable, shall be introduced no later than the initial deadline for introduction of bills, subject to the following conditions:
- (A) A member is not required to introduce more than three bills by said initial deadline; and
  - (B) A member may choose to introduce any bill requested after said December 1 or December 15 instead of any bill requested on or before said December 1 or December 15.
- (b) *Exceptions.* The deadlines established in subsection (a) of this joint rule shall not apply if the prime sponsor in the house of introduction or any member sponsoring or carrying the bill in the other house obtains consent to extend the deadline to a day certain from:
- (1) The House Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the House or is presently being acted upon by the House. The House Committee on Delayed Bills shall consist of the Speaker, the majority leader, and the minority leader.
  - (2) The Senate Committee on Delayed Bills, which is hereby established, if the bill is to be introduced in the Senate or is presently being acted upon by the Senate. The Senate Committee on Delayed Bills shall consist of the President, the majority leader, and the minority leader.
- (c) The House Committee on Delayed Bills and the Senate Committee on Delayed Bills, acting jointly, may change the deadlines in subsection (a) of this Joint Rule to extend the same to a day certain one or

more times during any session of the General Assembly. The memorandum containing any such change shall be printed in the journal of each house.

- (d) The maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state constitution for regular sessions of the General Assembly shall be deemed to be one hundred twenty consecutive calendar days.

#### 24. SPONSORSHIP OF BILLS

- (a) A bill may be introduced in either house by one or more members of that house and the joint sponsorship of one or more members of the other house.
- (a.5) At least one member of the second house shall be designated as the prime sponsor of the bill in the second house prior to its passage on third reading in the originating house. If the name of such member does not appear on the printed bill, the prime sponsor in the originating house shall be responsible for securing a prime sponsor in the second house, and he may secure one or more other sponsors in the second house. The prime sponsor in the originating house shall notify in writing the presiding officer of the originating house of such sponsors at any time prior to the passage of the bill on third reading in the originating house. Thereupon the presiding officer shall order that the names of such sponsors be added to the bill, and such names shall appear on the reengrossed bill.
- (b) (1) (A) A member of the General Assembly may not introduce more than six bills in a regular session of the General Assembly convening

in an odd-numbered year, excluding bills for appropriations and excluding not more than four additional bills which shall be from among bills recommended by interim legislative council committees or other committees created by statute or resolution which operate during the interim and approved as required by subparagraph (D) of this paragraph (1). Permission to exceed the limits established by this rule may be given by the Senate Committee on Delayed Bills for members of the Senate and the House Committee on Delayed Bills for members of the House of Representatives. Of the bills which are subject to the six-bill limit under this subparagraph (A), not more than three bills may be requested after the December 1 which precedes the convening of the regular session in an odd-numbered year; except that any member who will serve in the odd-year session but who is not a member of the current General Assembly may not introduce more than three bills requested after the December 15 which precedes the convening of said odd-year session. Bills requested on or before said December 1 or December 15, as the case may be, shall be treated as if requested to be prefiled bills, unless the member making the request specifies otherwise.

- (B) A member of the General Assembly may not introduce more than four bills in a regular session of the General Assembly convening in an even-numbered year, excluding bills for appropriations and excluding not more

than four additional bills which shall be from among bills recommended by interim legislative council committees or other committees created by statute or resolution which operate during the interim and approved as required by subparagraph (D) of this paragraph (1). Permission to exceed the limits established by this rule may be given by the Senate Committee on Delayed Bills for members of the Senate and the House Committee on Delayed Bills for members of the House. Of the bills which are subject to the four-bill limit under this subparagraph (B), not more than two bills may be requested after the December 1 which precedes the convening of the regular session in an even-numbered year. Bills requested on or before said December 1 shall be treated as if requested to be prefiled bills, unless the member making the request specifies otherwise.

- (C) Nothing in this subsection (b) shall limit the number of bills originating in the other house which a member may introduce in the second house.
- (D) In order for a committee bill to be designated as one of the four additional bills which may be introduced by a member under subparagraph (A) or (B) of this paragraph (1), including a bill recommended by a committee created by statute or resolution, it shall be approved by the legislative council no later than October 15 in even-numbered years and no later than November 15 in odd-numbered years. Bills or other

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measures recommended by an interim legislative council committee or by a committee created by statute or resolution need not be sponsored by a member of the committee making the recommendation.

- (E) Bills or other measures recommended by an interim legislative council committee or by a committee created by statute or resolution which operates during the interim and which reports to the legislative council need not have a sponsor for purposes of such report; however, no such bill or other measure shall be approved by the legislative council until it has a prime sponsor for introduction.

(2) Repealed in 1984.

- (c) Any member of the General Assembly who submits a bill draft request to the Legislative Drafting Office by subject only shall be required to provide the necessary information to enable said office to proceed with the drafting of the bill within five days after making the request. Failure to submit such information within the prescribed time period shall be considered as a request by a member to withdraw the bill draft request.

**25. OVERSIGHT RESPONSIBILITIES OF  
COMMITTEES OF REFERENCE**

- (a) It shall be the duty of committees of reference of the House and Senate to keep themselves advised of the activities, functions, problems, new developments, and budgets of the principal departments or agencies of the executive department or the judicial department of state government which are within the subject-matter jurisdiction of each committee, as provided in

and published at full length. The identification required by this rule shall be made by citation reference.

62. Every bill shall contain a title, which title shall express in concise terms the subject matter of the bill, in sufficient detail to acquaint the Senators with the general subject matter under consideration.

63. Every bill shall be endorsed on the back thereof with the names of the Senators offering the same. Two Senators may be first and second authors or sponsors, and any number of Senators may be coauthors or cosponsors.

64. Petitions, memorials and other papers, including congratulatory and other resolutions addressed to the Senate may be presented by the President or by any Senator. Resolutions expressing congratulations, sympathy, thanks or similar resolutions shall for printing and transmitting purposes be limited to one page, unless prior to presentation, the Senator offering such resolution has obtained permission from the President Pro Tempore. The petition, memorial, resolution or other paper after presentation shall be referred by the President Pro Tempore to some appropriate committee, unless previously designated by the President Pro Tempore for immediate action.

65. Neither the printing contractor nor any subcontractor shall release information concerning bills, their progress or his work thereon to any person not authorized by the President Pro Tempore of the Senate to receive such information.

#### B. Pre-Filing, Filing, Introduction, First Reading and Committee Assignment

66. Any member or member-elect of the Senate may on or after thirty (30) days prior to the convening of any regular or special session pre-file a bill, joint resolution or concurrent resolution with the Principal Secretary for introduction. After a regular or special session convenes, members shall file bills with the Secretary any time prior to two (2) hours before the convening of each day's session, including the last day for filing bills for introduction.

67. Every bill or resolution so filed or pre-filed shall be signed by the member or members offering it and shall be delivered in person to the Secretary's office.

68. Any bill or resolution pre-filed may be withdrawn prior to first reading by the author or authors upon written request to the Principal Secretary and the records shall show such bill or resolution as having been withdrawn. In the event that the office of any member or member-elect who has pre-filed a bill or resolution shall become vacant for any reason prior to the first reading thereof, the same shall be introduced in the names of the remaining co-sponsors, if any, and if it was pre-filed only by the member or member-elect whose office is vacant, the same shall be withheld from introduction and the records shall show the same as withdrawn prior to introduction.

69. Bills pre-filed prior to a session or during the recess after organization day may be released by the President Pro Tempore or President Pro Tempore-elect of the Senate to a standing committee for consideration and will be introduced the first or a subsequent session day. Bills filed during a session will be introduced after referral to a committee.

60. The President Pro Tempore of the Senate shall refer each bill or resolution so filed to a standing committee and shall cause the committee reference to be indicated on the list of bills filed; provided, however, that all vehicle bills shall be referred to the Committee on Rules and Legislative Procedure. Bills filed on the last day for filing bills must be referred no later than the following session day.

\* 61. (a) First regular session. There shall be no limitation on the number of bills filed by each Senator before the first session day in January; provided, however, that no Senator shall file more than two (2) bills per session day after the Senate convenes in January through the tenth (10th) session day, which shall be the last day for filing bills.

(b) Second regular session. There shall be no limitation on the number of bills filed by each Senator before the first session day in January; provided, however, that no Senator shall

file more than one (1) bill per session day after the Senate convenes in January through the fourth (4th) session day, which shall be the last day for filing bills.

(c) Each Senator shall be allowed to assign, in writing, his right of bill filing to another Senator.

(d) Except with the consent of the Rules and Legislative Procedure Committee, no joint resolution amending the Constitution or bill shall be introduced after the eleventh (11th) session day of the first session or the fifth (5th) session day of the second session. A bill is considered introduced when it is read for the first time.

62. The first reading of a bill shall be for information and assignment to a regular committee or to a Committee of the Whole Senate by the President Pro Tempore.

(a) There shall be one original and twelve copies of each bill prepared for filing, two of which shall be backed. One shall be marked "original" and the other shall be marked "duplicate" and distributed to the Legislative Services Agency. The eleven unbacked copies shall be distributed as follows: one copy to the journal clerk; four copies to the news media, two to the office of the Principal Clerk, one to be retained in the Clerk's office for the purpose of furnishing copies to the members, and one for the Clerk's permanent files; one copy for the author; one copy for the Speaker, one copy for the Indiana State Chamber of Commerce; and one copy for the public bill room for use by the public. Such distribution shall be made upon release of a bill for committee consideration or upon the day of first reading, whichever is earlier.

(b) This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures as provided in Rule 113. Two backed copies of such bills shall be prepared as provided in paragraph (a), but no unbacked copies shall be filed.

102. Authorized Copies. The printing contractor shall work under the direction of the Speaker and no material in the possession of the House shall be printed for any member or other person without the express approval of the Speaker.

103. Release of Information Concerning Printing.

(a) Neither the printing contractor nor his subcontractor shall release information concerning bills, their progress or his work thereon to any person not authorized by the Speaker of the House to receive such information.

(b) A procedure shall be developed under the direction of the Speaker for informing authors or sponsors about printing of their bills.

#### B. FILING, INTRODUCTION, FIRST READING, COMMITTEE ASSIGNMENT

104. Time to File. On or after the first session day of a regular or special session, any member of the House of Representatives may file a bill with the Principal Clerk for introduction. Filing

shall not be later than 2 o'clock p.m. the day prior to introduction and first reading.

105. Preconditions for Filing. No representative may file a bill for introduction, except the operating and construction budget bills, unless,

1. it has previously been submitted to the Legislative Services Agency for the purpose of checking as to form, and;
2. the subject matter is clearly set forth both in the title and the body of the bill.

106. Signatures of Authors and Coauthors.

(a) Every bill filed shall be signed by the member or members offering it and it shall be delivered in person or by certified mail to the Clerk's office. There may be no more than three (3) coauthors or cosponsors of a bill.

(b) This rule does not apply to bills filed for the Committee on Rules and Legislative Procedures as under Rule 107. The Committee on Rules and Legislative Procedures shall be considered the author of such bills at the time of filing.

107. Vehicle Bills. On the sixteenth session day of the first regular session and the fourth session day of the second regular session, twenty-five (25) bills shall be filed in the name of the Committee on Rules and Legislative Procedures; Rule 105 does not apply to such bills.

108. Deadline for Filing.

(a) During the first regular session of any term of the General Assembly no bill may be filed for introduction later than 2 o'clock p.m. of the fifteenth session day nor introduced after the sixteenth session day without consent of a two-thirds majority of the members elected.

(b) During the second regular session of any term of the General Assembly, no bill may be filed for introduction later than 2 o'clock p.m. of the third session day nor introduced after the fourth session day without consent of a two-thirds majority.

(c) This rule does not apply to bills filed in the name of the

Committee on Rules and Legislative Procedures as provided in Rule 107.

109. Bill Limit

(a) During the second regular session, each member shall be permitted to file for introduction not to exceed a total of five bills.

(b) This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures as provided in Rule 107.

(2) Meetings of the joint committee must be held upon call of the chairman of the House Committee on Appropriations, who is chairman of the joint committee.

30-60. Joint committee to estimate revenue. (1) There is a joint committee composed of members of the House and Senate Committees on Taxation. The joint committee shall consider any resolution introduced for the purpose of estimating revenue that may be available for appropriation by the Legislature. The joint committee must be composed of three members from each political party in each house appointed by the chairmen of the respective Committees on Taxation.

(2) Meetings of the joint committee must be held upon the call of the chairman of the joint committee, who must be a member of the House. The joint committee shall issue periodic reports to each of the houses, indicating the committee's current revenue projections. The reports must be issued on the 40th day and the 60th day.

## CHAPTER 40 Legislation

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chairman of the House Committee on Appropriations.

40-30. Effective dates. (1) Every statute, except one that provides for appropriation by the Legislature of public funds for a public purpose, takes effect on October 1 following its passage and approval, unless a different time is prescribed therein.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval, unless a different time is prescribed therein.

(3) A joint resolution takes effect on its passage unless a different time is prescribed therein (sections 1-2-201 and 1-2-202, MCA).

40-40. Bill drafting request and introduction limitations. (1) (a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Council for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Council. At least two of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used.

(d) These limitations on bill and resolution requests do not apply to:

(i) code commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

fili) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) Bills and resolutions must be reviewed by the staff of the Legislative Council prior to introduction for proper format, style, and legal form. The staff of the Legislative Council shall store bills on the automated bill drafting equipment and shall print and deliver them in triplicate to the requesting members. The original bill cover must be signed to indicate review by the Legislative Council. A bill may not be introduced unless it is so signed.

(3) During a session, a bill may be introduced by endorsing it with the name of a member and presenting it in triplicate to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(4) Any bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the ..... (Name of committee or agency)".

(5) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Council. Actual signatures may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form from the Legislative Council and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Council to be included on the face of the bill following standing committee approval.

(6) All preintroduced bills must be made available to the public.

40-60. Schedules for drafting requests and bill introduction. The following schedule must be followed for submission of drafting requests and introduction of bills and resolutions.

|  | Request<br>Deadline<br>5:00 P.M.<br>Legislative<br>Day | Introduction<br>Deadline<br>5:00 P.M.<br>Legislative<br>Day |
|--|--|---|
| • General Bills and Resolutions  | 10   | 14  |
| • Revenue Bills  | 17   | 21  |
| • Committee Bills and Resolutions  | 36   | 40  |
| • Committee Revenue Bills  | 62   | 68  |
| • Committee bills implementing provisions of a general appropriation act   | 75   | 78  |
| Bills and resolutions delivered after the applicable introduction deadline must be introduced within 2 legislative days after delivery.  |  |   |
| • Appropriation Bills  | No<br>deadline   | No<br>deadline  |
| • Interim Study Resolutions  | No<br>deadline   | No<br>deadline  |
| • Resolutions to express confirmation of appointments  | No<br>deadline   | No<br>deadline  |
| • Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of Administrative Rules | No<br>deadline   | No<br>deadline  |

40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used in:

## RULE 5

(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

**Sec. 3. Revisor Correctional Bills, Preprinting.** (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

**Sec. 4. Introducers Signing Bills.** (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

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(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

**Sec. 5. Scheduling of Bills, Priority Bills.** (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

## RULE 5

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The

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statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program, either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

**344. SIGNING OF BILLS**

The President shall sign all bills and resolutions passed by both houses.

**345. MOTION TO ADJOURN**

A motion to adjourn shall always be in order, except when a member is addressing the chair or a vote is being taken.

**346. MEMBERS RETAIN SEATS**

When the Senate adjourns, the members shall keep their seats until the President announces the adjournment.

**347. PROCEDURE ON HOUSE BILLS**

A similar mode of procedure shall be observed with bills which have originated in and passed the House as with bills which have originated in the Senate. The printing or engrossing of those bills may be ordered as provided in these rules.

**348. OBJECTION TO READING OF PAPERS**

When the reading of a paper is requested and there is an objection by any member, the objection shall be upheld or rejected by the Senate without debate.

**349. ELECTRICAL VOTING SYSTEM**

Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which shall be under the control of the President.

**350. TELEPHONES**

No private telephones shall be allowed on the floor of the Senate.

**CHAPTER IV. BILLS AND RESOLUTIONS**

**401. WHO MAY INTRODUCE - JOINT SPONSORSHIP - PREFILING**

1. Any bill or resolution which conforms to statutory requirements and



the rules herein set forth, within the time prescribed, may be introduced by any member, standing committee, or the Legislative Council, by filing the same with the Secretary of the Senate, who shall number or letter consecutively each bill or resolution.

2. Any bill or resolution may have, following and separate from the names of the Senate sponsor or sponsors, the names of one or more cosponsors from the House of Representatives.
3. Any bill or resolution, may, prior to the convening of the regular session, be introduced by prefiling in the office of the Legislative Council. Such prefiled bills and resolutions will be numbered and delivered to the Secretary of the Senate. The President of the Senate may assign such prefiled bills and resolutions to committee and may arrange, prior to the convening of the regular session, for the posting of notice of hearing. Prefiled bills and resolutions may not be withdrawn, except on the floor of the Senate in the manner provided by the rules, and such bills and resolutions shall not be confidential.

**402. WHEN INTRODUCED**

1. No bill shall be introduced after the fourteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the ninth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the

eighteenth legislative day, except upon approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the Senate.

2. No bill introduced at the request of an executive agency or the Supreme Court shall be introduced after December fifteenth prior to the ensuing regular session, except upon approval of a majority of the Committee on Delayed Bills.
3. Resolutions which propose amendments to the United States Constitution and resolutions directing the Legislative Council to carry out a study, shall not be introduced after the thirty-fourth legislative day, and shall be reported back from the standing committee, if referred, no later than the forty-fourth legislative day in the case of resolutions proposing constitutional amendments, and no later than the thirty-seventh legislative day in the case of resolutions directing a Legislative Council study.
4. Resolutions which propose amendments to the Constitution of North Dakota shall not be introduced after the eighteenth legislative day, and shall be reported back from the Joint Constitutional Revision Committee no later than the forty-fourth legislative day.
5. A resolution proposing a constitu-

tional amendment or directing a Legislative Council study which is not reported back as provided in this rule shall automatically be placed on the calendar without recommendation.

#### 403. DELAYED BILLS AND RESOLUTIONS

The Committee on the Introduction of Delayed Bills shall receive from the Secretary all bills and resolutions offered for introduction after the time for introduction as heretofore limited, and shall, on the same or the next legislative day after receiving such bill or resolution, report to the Senate its conclusion whether the introduction of the bill or resolution should be allowed, and if a majority of the committee favors introduction, the bill or resolution shall be introduced. All such bills and resolutions shall bear the name or names of the original sponsors.

#### 404. FORM OF BILLS, NUMBER OF COPIES

1. Every bill and resolution shall be in typewritten form and eleven copies shall be filed with the Secretary of the Senate.
2. Each bill and resolution shall have typed on it the name of the member, or members, but no more than five from the Senate, nor more than three from each house on jointly sponsored bills or resolutions, or committee introducing the same.
3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".

listed in alphabetical order for seating purposes.

**351. INTRODUCTION OF GUESTS LIMITED - COURTESY OF THE HOUSE**

1. Introduction of guests in the House of Representatives shall be limited to those persons called on to address that body and former members of the Legislative Assembly.
2. No person shall be admitted to the floor of the House except state officers; judges of the Supreme Court and district courts; present and former members of Congress; present and former members of the Legislative Assembly; present officers and officials; all employees of both houses of the Legislative Assembly; reporters for newspapers; and any other person granted admission by the Speaker.
3. No member shall have more than one guest seated with the member on the floor at any one time.
4. For the purposes of this rule, the floor of the House is hereby defined as all of the first floor of the House chamber in front of the railing.

**CHAPTER IV. BILLS AND RESOLUTIONS**

**401. WHO MAY INTRODUCE - JOINT SPONSORSHIP - PREFILING**

1. Any bill or resolution which conforms to statutory requirements and the rules herein set forth, within the time prescribed, may

be introduced by any member, standing committee, or the Legislative Council, by filing the same with the Clerk of the House, who shall number or letter consecutively each bill or resolution.

2. Any bill or resolution may have, following and separate from the names of the House of Representatives sponsor or sponsors, the names of one or more cosponsors from the Senate.
3. Any bill or resolution, may, prior to the convening of the regular session, be introduced by prefiling in the office of the Legislative Council. Such prefiled bills and resolutions will be numbered and delivered to the Clerk of the House. The Speaker of the House may assign such prefiled bills and resolutions to committee and may arrange, prior to the convening of the regular session, for the posting of notice of hearing. Prefiled bills and resolutions may not be withdrawn, except on the floor of the House in the manner provided by the rules, and such bills and resolutions shall not be confidential.

**402. WHEN INTRODUCED**

1. No bill shall be introduced after the fourteenth legislative day and no member other than the majority and minority leaders shall introduce more than three bills as prime sponsor after the ninth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the eighteenth legislative day, except upon approval of a majority of the



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Committee on Delayed Bills or upon two-thirds vote of the House.

2. No bill introduced at the request of an executive agency or the Supreme Court shall be introduced after December fifteenth prior to the ensuing regular session, except upon approval of a majority of the Committee on Delayed Bills.
3. Resolutions which propose amendments to the United States Constitution and resolutions directing the Legislative Council to carry out a study, shall not be introduced after the thirty-fourth legislative day, and shall be reported back from the standing committee, if referred, no later than the forty-fourth legislative day in the case of resolutions proposing constitutional amendments, and no later than the thirty-seventh legislative day in the case of resolutions directing a Legislative Council study.
4. Resolutions which propose amendments to the Constitution of North Dakota shall not be introduced after the eighteenth legislative day, and shall be reported back from the Joint Constitutional Revision Committee no later than the forty-fourth legislative day.
5. A resolution proposing a constitutional amendment or directing a Legislative Council study which is not reported back as provided in this rule shall automatically be

placed on the calendar without recommendation.

#### 403. DELAYED BILLS AND RESOLUTIONS

The Committee on the Introduction of Delayed Bills shall receive from the Chief Clerk all bills and resolutions offered for introduction after the time for introduction as heretofore limited, and shall, on the same or the next legislative day after receiving such bill or resolution, report to the House its conclusion whether the introduction of the bill or resolution should be allowed, and if a majority of the committee favors introduction, the bill or resolution shall be introduced. All such bills and resolutions shall bear the name or names of the original sponsors.

#### 404. FORM OF BILLS, NUMBER OF COPIES

1. Every bill and resolution shall be in typewritten form and eleven copies thereof shall be filed with the Chief Clerk of the House.
2. Each bill and resolution shall have typed on it the name of the member, or members, but no more than five from the House, nor more than three from each house on jointly sponsored bills or resolutions, or committee introducing the same.
3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA".
4. No bill shall embrace more than one subject, which shall be expressed in its title.

drafting of pre-filed bills and resolutions must be received by the Office of Legal Services by the second Tuesday of December of such year.

Any member of the Senate pre-filing a bill or resolution for introduction in the next session shall follow the procedure as follows:

- (1) The bill or resolution shall be filed with the Chief Clerk of the Senate by the member in the number and form prescribed by the Rules of the Senate
- (2) The Chief Clerk shall number the bill or resolution and note thereon the date of the first day of the next session, on which the bill or resolution will be introduced and, in the case of bills, will pass first consideration.
- (3) All general bills or resolutions of general interest shall be printed and distributed in the same manner as bills and resolutions introduced during a session.
- (4) After written request of the sponsor of a pre-filed bill or resolution, the Speaker of the Senate may in his discretion refer the bill or resolution to the appropriate committee to be studied and considered by the committee, or a subcommittee thereof, during the interim between sessions.
- (5) Legal Analyses of bills shall be prepared and distributed in the same manner as during sessions.
- (6) Fiscal notes shall be prepared for pre-filed bills in the same manner as during sessions.

(2) Filing of General Bills for Introduction During Session.

After the third (3rd) Legislative day of each regular annual session until final adjournment of the General Assembly for that session or year, each member of the Senate shall be limited to nine (9) general bill introductions.

This rule shall not apply to administration bills of the governor, but each such administration bill shall be designated as such at the bottom of the front page of the bill and all administration bills shall be filed by the tenth legislative day.

This rule shall not apply to bills introduced by a committee chairman at the direction of the committee.

All bills for introduction shall be filed with the Chief Clerk no later than four (4) o'clock p.m. on the day preceding the date of introduction; provided, however, that commencing with a period of two (2) legislative days before the cut-off date for introducing bills and thereafter until the end of the session for a given year, bills may be introduced on the same day as filed

Requests for the drafting of bills shall be submitted to the Office of Legal Services for the General Assembly, War Memorial Building, Nashville, Tennessee, 37219, which shall acknowledge receipt of such request in writing to the member.

**26. LOCAL BILLS.** No general bill with local application, local or private bill, shall be introduced unless personally signed by a Senator representing a local unit of the government. No general bill with local application, local or private bill, shall be passed on third consideration unless three-fourths (¾) of the Senators who represent the local unit of government to which that bill is applicable are present or unless three-fourths (¾) of said Senators have otherwise agreed in writing and have

# Alaska State Legislature

Legislative Research Agency



P O. Box Y  
Juneau, AK 99811-3100  
Phone: (907) 163-3891  
Fax: (907) 163-3351

February 22, 1990

## MEMORANDUM

TO: Representative Dave Donley

ATTN: Michael Ward

FROM: Leola Weimer <sup>LW</sup>  
Legislative Analyst

RE: Administrative Costs Associated With Producing A Bill  
Research Request 90.194

You asked about the administrative costs associated with a legislative bill and a committee substitute (per page). Specifically, you requested that only data entry, printing and handling costs be considered; and that legal and research services be excluded.

### Summary

There are many factors associated with the production of a bill, committee substitute, amendment, citation or resolution. The administrative costs of data entry, printing and handling make up only a fraction of the total cost.

There is no difference in administrative costs between a bill, committee substitute, amendment, citation or resolution. In 1989 there were 1,507 documents produced totalling 6,570 pages of material.

The administrative cost for producing a one- or two-page document is \$85.35 per page. Documents three or more pages in length require collating and therefore cost slightly more. A document three or more pages costs \$93.04 per page to produce.

### Cost of Producing a Bill

There are many costs associated with producing a bill. Staff time, legal analysis, background research, public testimony, committee hearings, special investigations, drafting, data entry, printing, engrossing, filing, mailing, document management, and many other services provided for and by legislators add to the cost of producing a bill. Legal services and research expenses may constitute the greatest portion of costs associated with producing a bill. Administrative costs (e.g., data entry, printing and handling), which are the subject of this analysis, make up only a fraction of the cost of bill production.

TABLE 1  
 1989 INTRODUCTIONS

| Type          | Total Number | Total Pages | % Total Number | % Total Pages |
|---------------|--------------|-------------|----------------|---------------|
| Bills         | 696          | 2,916       | 46 %           | 44 %          |
| CS/Amendments | 507          | 3,007       | 34             | 46            |
| Resolutions   | 304          | 647         | 20             | 10            |
| Total         | 1,507        | 6,570       | 100 %          | 100 %         |

Data entry, printing and handling costs per page were determined from information provided by Pam Stoops, director of the Division of Administrative Services; Tamara Brandt Cook, director of the Division of Legal Services; and Sam Pekovich, manager of Duplicating Services. The administrative cost of a bill, committee substitute, amendment, citation or resolution one to two pages in length is \$85.35 per page. The cost of a document three or more pages is approximately \$93.04 per page.

These cost estimates are comprised of the costs of data entry, printing and handling which are shown below.

$$\text{Data Entry}^2: \quad \frac{\text{Total Expenditures}}{\text{Total Pages}} = \frac{\$400,982.00}{6,570} = \$61.03$$

|                               |                           |                     |
|-------------------------------|---------------------------|---------------------|
| <sup>2</sup> Data entry cost: | Salaries                  | \$377,786.00        |
|                               | Supplies & Materials      | 981.00              |
|                               | + Equipment               | + 22,215.00         |
|                               | <u>Total Expenditures</u> | <u>\$400,982.00</u> |

Salaries include one legal editor, one administrative assistant, one automation specialist, two secretaries, two messengers and five enrollers: \$377,786.00.

Supplies and materials and equipment for 1989 were estimated by Tamara Brandt Cook and Pinky Kimilinger to be half of Legal Services total expenditures.

b) three or more pages (collating required)

|              |                   |
|--------------|-------------------|
| Data Entry   | \$ 61.03          |
| Printing     | 25.34             |
| + Handling   | + 6.67            |
| <u>Total</u> | \$ 93.04 per page |

Table 2 is an incremental chart of total administrative costs involved in producing a bill, committee substitute/amendment, or resolution from one to 49 pages. Documents over 49 pages require special handling by Duplication Services because of collation and stapling machine limitations. Exact figures were not available to compute this added expense. Sam Pekovich explained that added time and labor required to collate and staple documents 50 pages or more by hand makes the cost of production "slightly more" than documents under 50 pages done by machine.

TABLE 2  
 TOTAL ADMINISTRATIVE COSTS

| <u>Pages</u> | <u>Administrative Costs</u> | <u>Pages</u> | <u>Administrative Costs</u> |
|--------------|-----------------------------|--------------|-----------------------------|
| 1            | 85.35                       | 26           | 2,418.98                    |
| 2            | 170.70                      | 27           | 2,512.02                    |
| 3            | 279.11                      | 28           | 2,605.04                    |
| 4            | 372.15                      | 29           | 2,698.09                    |
| 5            | 465.19                      | 30           | 2,791.14                    |
| 6            | 558.23                      | 31           | 2,884.16                    |
| 7            | 651.26                      | 32           | 2,977.20                    |
| 8            | 744.30                      | 33           | 3,070.23                    |
| 9            | 837.34                      | 34           | 3,163.28                    |
| 10           | 930.38                      | 35           | 3,256.33                    |
| 11           | 1,023.41                    | 36           | 3,349.38                    |
| 12           | 1,116.46                    | 37           | 3,442.39                    |
| 13           | 1,209.49                    | 38           | 3,535.42                    |
| 14           | 1,302.52                    | 39           | 3,628.43                    |
| 15           | 1,395.57                    | 40           | 3,721.52                    |
| 16           | 1,488.60                    | 41           | 3,814.54                    |
| 17           | 1,581.64                    | 42           | 3,907.61                    |
| 18           | 1,674.68                    | 43           | 4,000.61                    |
| 19           | 1,767.71                    | 44           | 4,093.64                    |
| 20           | 1,860.76                    | 45           | 4,186.71                    |
| 21           | 1,953.78                    | 46           | 4,279.72                    |
| 22           | 2,046.82                    | 47           | 4,372.76                    |
| 23           | 2,139.86                    | 48           | 4,465.84                    |
| 24           | 2,232.90                    | 49           | 4,558.82                    |
| 25           | 2,325.95                    |              |                             |

I hope this information is useful to you. If you have any questions, please contact this agency.

# Alaska State Legislature

Item 13

Legislative Research Agency



P.O. Box Y  
Juneau, AK 99811-3100  
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May 2, 1990

## MEMORANDUM

TO: Senator Rick Uehling

ATTN: Carol Horos

FROM: Leola Weimer *LW*  
Legislative Analyst

RE: Ethics Codes: A Comparison  
Research Request 90.317

You asked for a comparison of governmental ethics codes in the United States. Specifically, you wanted to know the provisions in federal, state and various model ethics codes regarding 1) the composition and jurisdiction of ethics boards or commissions; 2) mandatory ethics education; 3) required disclosures of conflicts of interest; and 4) post-employment restrictions.

## SUMMARY

The composition and jurisdiction of ethics boards and commissions vary from state to state. A five-member board that regulates either campaign finance or ethics codes is the most common. Alaska has three agencies that regulate ethics codes: the Alaska Public Offices Commission (APOC) for campaigns, financial disclosures and lobbyist registration; the Personnel Board for deciding matters regarding the Executive Branch Ethics Act; and the Select Committee on Legislative Ethics for matters concerning legislators and legislative staff. These agencies have five, three and nine members, respectively. CSSB 415 would create a Legislative Ethics Commission of nine members.

Education is a key element to an effective ethics code. Most states require ethics commissions to publish annual reports or handbooks on the state's ethics code. The requirement for mandatory ethics education is a relatively new development. Ethics codes for the City of Los Angeles and the State of California are the only two which require mandatory ethics education. Alaska Statutes require APOC to publish a manual on the state ethics codes. CSSB 415 would require mandatory ethics education for all legislators, employees and lobbyists. A five-member education advisor committee would administer the on-going education program.

The purpose of conflict-of-interest provisions is to prevent public officials and employees from abusing the power and status of their public office for personal gain. Financial disclosure is considered the "linchpin" of government

ethics laws. Financial disclosure requirements must be drafted carefully to provide a constitutional balance between the official's or employee's right to privacy and the public's right to know. Alaska Statutes require financial disclosures of legislative members, executive official employees, candidates and lobbyists. Some conflict-of-interest provisions in CSSB 415 are already covered in Alaska Statutes, many of the general proposals have precedence in other states or model codes, and some specific provisions have no precedence.

Twenty-nine states have statutes restricting the employment of government officials or employees after they leave their government posts. These "revolving-door" restrictions typically prohibit high-ranking public officials from lobbying their former agencies on matters in which they were personally and substantially involved. Other common provisions place permanent bans on disclosing confidential information and temporary bans on lobbying for a specific matter in which a high-ranking public official was personally or substantially involved. Such restrictions must be defined narrowly so as not to discourage highly qualified professionals from entering government service, infringe on the constitutional rights of present state officials, or prevent the flow of communication and understanding between the public and private sector. Alaska Statutes place a two-year, post-employment prohibition on executive branch public officers from lobbying, for compensation, their former agencies on matters which they participated in personally and substantially, and permanently bans all government employees from disclosing confidential information. CSSB 415 would prohibit legislators from lobbying, for compensation, the legislature or state agencies on specific matters over which the former legislator had special oversight or budget authority. "Legislative assistants" are subject to a one-year ban from lobbying before the legislature on any matter.

## BACKGROUND

The first major ethics reform in the United States was spawned by the Watergate scandal of the early 1970s. At that time, relatively few states had comprehensive or effective ethics laws. Today, almost every state has enacted ethics laws that seek to prevent public officials from using their positions for private gain. Although public support for ethics reform has remained strong, only about a dozen states have something comprehensive enough to be called a state code of ethics.<sup>1</sup>

According to a recent *National Journal* article, "almost every state and major city in the U.S. has confronted a scandal among its public officials in the past

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<sup>1</sup>Jill M. Schultz, legislative analyst, "State Ethics Codes And Minnesota's Ethics Laws--A Comparison," Minnesota Senate Counsel and Research, February 1988, p. 1.

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five years."<sup>2</sup> Publicity of these local scandals and national revelations about the Iran-Contra affair, the scandal at the U.S. Department of Housing & Urban Development, the collapse of the savings and loan industry, and lobbying activities of former White House officials, has spawned a renewed demand to revise and strengthen existing codes of ethics. Over 22 states are currently considering bills to reform their state ethics laws.<sup>3</sup>

Model ethics codes have been drafted by the Council on Governmental Ethics Laws (COGEL),<sup>4</sup> by the National Municipal League and by Common Cause. A review of federal ethics was completed by the President's Commission on Federal Ethics Law Reform in March 1989. Many of the commission's recommendations were enacted into law on November 30, 1989 through the passage of the *Ethics Reform Act of 1989* (PL 101-194). Wisconsin has long been considered the model to which other state ethics laws are compared. New York, California and the City of Los Angeles have recently passed ethics codes considered to be the most comprehensive.

#### COMPOSITION AND JURISDICTION OF ETHICS BOARDS AND COMMISSIONS

The composition and jurisdiction for ethics boards and commissions varies from state to state. Tables 1 - 3, attached, are summaries of the findings from a survey conducted by COGEL in 1989 of the fifty states, District of Columbia and federal government.<sup>5</sup> A more detailed description by state is found in Attachment A.

Fifty-seven percent of those surveyed have more than one agency which is responsible for regulating the conduct of public officials and employees. The ethics boards and commissions are most commonly (34 percent) composed of 5 members. Thirty-eight percent have separate campaign and ethics commissions, 29 percent have commissions which regulate campaigns only, 23 percent have boards which regulate both campaign finance and ethics codes, and the remaining 10 percent have a complex structure of boards some which regulate both campaigns and ethics and some which regulate only a specific aspect of campaigns or ethics.

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<sup>2</sup>"Grass-Roots Graft," *National Journal*, August 1, 1987, pp. 1962-1967.

<sup>3</sup>Schultz, *Op. cit.*

is an affiliate of the Council of State Governments (CSG).

Council on Governmental Ethics Laws, *Campaign Finance, Ethics & Lobby Law*, Special Edition, Blue Book 1988-89.

### Model Ethics Codes

The Council On Governmental Ethics Laws (COGEL) *Model Laws* recommends the establishment of an independent authority consisting of five members appointed by the governor from a panel of ten individuals nominated by the chief justice (§ 206.01).<sup>6</sup> Meetings are held at the call of the chair or a majority of its members (§ 206.03). Members serve without compensation, but are afforded actual and necessary expenses incurred in the performance of duties (§ 206.06).

Common Cause (CC) *Model Ethics Law for State Government* recommends the establishment of an independent commission consisting of seven members; five of whom are appointed by the governor, one by the state secretary and one by the attorney general [Section II (1.1)].<sup>7</sup> A special caution was added in the commentary of the CC report to ensure that there "always be an odd number of commissioners, as well as some mechanism for ensuring timely action by the commission."<sup>8</sup> The commission is to meet at least once each month. The chair or any four members may call a meeting at any time provided that advance written notice is mailed to each member and public notice is made 72 hours prior to such meeting [Section II (1.7)]. Members are to be compensated for work performed at a set rate and reimbursed for reasonable and necessary expenses [Section II (1.8)].

The National Municipal League (NML) *Model State Conflict of Interest and Financial Disclosure Law* recommends the establishment of a seven-member commission appointed by the governor with the concurrence of the Senate [Section 4 (a)].<sup>9</sup> There is no recommendation as to the frequency of commission meetings. Each member shall be compensated at a set rate for each day and reimbursed for reasonable and necessary expenses incurred in the performance of official duties [Section 4 (d)].

All three model codes extend the ethics commission's jurisdiction to elected or appointed officials and employees of state legislative, executive and judicial branches.

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<sup>6</sup>Council on Governmental Ethics Laws, *Model Laws*, second draft, Section 206.01 (hereafter cited as COGEL Model Laws).

<sup>7</sup>Common Cause, *A Model Ethics Law For State Government*, January 1989, Appendix, Text of Model State Ethics Law, p. 13 (hereafter cited as Common Cause, *Ethics Law*).

<sup>8</sup>*Ibid.*, p. 16.

<sup>9</sup>National Municipal League, *Model State Conflict of Interest & Financial Disclosure Law*, 1979, p. 5 (hereafter cited as NML, *Model Law*).

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### Alaska's Current Law

In Alaska, government ethics are regulated by the Alaska Public Offices Commission (APOC), the Alaska Executive Branch Ethics Act (AS 39.52) and the Select Committee on Legislative Ethics (AS 24.60.130).  
APOC

The duties of the Alaska Public Offices Commission (APOC) are specified in AS 15.13. APOC is the agency in charge of regulating campaign finance, personal financial disclosure and lobbyist registration (AS 15.13.010 - .130). The commission has a total of five members, four of whom are appointed by the governor. The commission meets four times a year and received an annual budget of 572,500 for FY 88.

### Executive Branch

Alaska Statute 39.52 establishes the Alaska Executive Branch Ethics Act. Article 4 describes the complaints and hearing procedures. Violations of the Executive Branch Ethics Act are reported to the attorney general. If a complaint is deemed warranted, the attorney general then conducts an investigation and presents the findings to a hearing officer. Within thirty days after the conclusion of the formal hearing, written conclusions are submitted to the Personnel Board who then determines if a violation has occurred and what action should be taken. The Personnel Board is composed of three members appointed by the governor and confirmed by the legislature (AS 39.25.060).

### Legislative Branch

Alaska Statute 24.60.130 establishes a Select Committee on Legislative Ethics. The committee adopts procedures and publishes summaries of decisions and advisory opinions. They may also conduct investigations and make recommendations to the legislature. The committee consists of nine members: three senate members, three house members and three public members. The committee is divided into two subcommittees, one for the house and one for the senate; public members serving on both subcommittees.

### Josephson's Proposal

Article 3 of CSSB 415 describes the composition and jurisdiction of the Legislative Ethics Commission.

Section 24.61.500 establishes an independent commission of nine members, of whom one member is appointed by the senate, one by the house, two by the supreme court, one by the governor, one by the lieutenant governor, one by APOC, and two by a majority vote of the seven appointed members. Section 24.61.504 requires

that the commission meet at least once every three months and/or at the call of the chair or a majority of the commissioners. The fiscal note for CSSB 415 (JUD) is \$1,244,000 for FY 91.

Section 24.61.504 (d) requires the commission to "develop and implement policies consistent with those employed by other state commissions for the reimbursement of travel costs and the payment of per diem under AS 39.20.180." Attachment B is a summary by state of salary and per diem expenses for existing ethics commissions and their annual budgets.

Section 24.61.510 lists the general powers and duties of the commission. The provisions outlined under this section are similar to those of model and existing state ethics codes.

A comparison of the composition of ethics commissions discussed above is as follows:

| <u>Source</u>                                    | <u>Number of Members</u> |
|--|--------------------------|
| COGEL survey of states<br>(mode or 34 percent)   | 5                        |
| COGEL model laws                                 | 5                        |
| Common Cause model                               | 7                        |
| National Municipal League                        | 7                        |
| APOC   | 5                        |
| Alaska Personnel Board<br>(Executive Branch)     | 3                        |
| Alaska Select Committee on<br>Legislative Ethics | 9                        |
| Josephson's Proposal<br>CSSB 415 (5/1/90 draft)  | 9                        |

#### ETHICS EDUCATION

Education is a key element to an effective ethics code. Most states require the ethics commission to publish annual reports or handbooks on the state ethics code. For example, Title 8, Section 803(i) of the Federal Ethics Reform Act of 1989 (PL 101-194--November 30, 1989) establishes an Office on Advice and Education which is responsible for a) providing information and guidance; b) submitting written interpretations of applicable laws, rules, regulations, or