

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
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other standards upon request; c) recommending formal advisory opinions of general applicability; and d) carrying out periodic educational briefings for members, officers and employees on those laws, rules, regulations, or other standards of conduct applicable to them. In addition, executive branch agencies are responsible for training their employees concerning ethics requirements. To maintain uniformity among executive branch agencies, each must obtain approval of its annual plan for training and awareness activities from the Office of Government Ethics.<sup>10</sup>

### Mandatory Ethics Education

The requirement for mandatory ethics education is a relatively new development. In 1989, Los Angeles was the first city to initiate a mandatory ethics education program. According to the final report and recommendations of the commission organized to draft an ethics code for the Los Angeles city government, "the central function of an ethics code is to prevent--rather than punish--unethical conduct. To achieve that goal, the Commission believes an educational and training program must accompany the new code."<sup>11</sup> Simply reading the rules or getting instruction on the filing of disclosure forms was deemed ineffective. Instead, mandatory ethics training courses and ongoing educational seminars are required for all current and newly elected and appointed officials, city employees, lobbyists, declared candidates and campaign treasurers.<sup>12</sup>

After over one and one half years of special committee hearings and deliberations, the California State Legislature passed a comprehensive political reform act on ethics in government (SB 1738) on April 26, 1990.<sup>13</sup> Upon enactment of this bill, a new section will be added to the Government Code. One section of this proposal will require mandatory ethics education. In addition to requiring legislators and designated employees to participate in ethics course at least once per biennial session, this bill also amends the Political Reform

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<sup>10</sup>President's Commission on Federal Ethics Law Reform, *To Serve With Honor*, Report and Recommendations to the President, March 9, 1989, p. 97.

<sup>11</sup>*Ethics and Excellence in Government*, Final Report and Recommendations of the Commission to Draft an Ethics Code for Los Angeles City Government, November 1989, p. 12 (hereafter cited as *Ethics and Excellence in Government*).

<sup>12</sup>*Ibid.*, p. 11 (Recommendation 7).

<sup>13</sup>Ethics reform in California is a three tier process. One of which includes the passage of SB 1738. There is also an initiative, proposition 112, to be voted on in the next election and a comprehensive reform of internal rules of both houses.

Act to require that lobbyists take the course at least once every two years.<sup>14</sup>  
Section 1.8956 states

- (a) The appropriate legislative ethics committees shall conduct at least semiannually an orientation course of the relevant statutes and regulations governing official conduct. The curriculum and presentation of the course shall be established by house rules.
- (b) The committees shall conduct at least annually an orientation course on the relevant ethical issues and laws relating to lobbying, in consultation with the Fair Political Practices Commission. This course may be combined with the course described in subdivision (a).
- (c) At least once in each biennial session, each Member of the Legislature and each designated employee of the Legislature shall attend one of these courses.
- (d) The committees shall impose fees on lobbyists for attending the course described in subdivision (b). The fees shall be set at an amount that will enable the lobbyists' participation in the course to be funded from those fees to the fullest extent possible.

#### Model Ethics Codes

Section 208.12 of the COGEL model ethics law recommends that the ethics commission "(1) conduct research concerning state governmental ethics and (2) implement the educational programs it considers necessary to effectuate this Act."

Chapter 2, Section 2.3 of the Common Cause model ethics law suggests including "a provision requiring the commission to notify all new employees and officials of provisions of conflict of interest law as it applies to them. The commission should publish working interpretations of the law, with examples, for specific branches of government, other agencies, or candidates, thereby 'spreading the word' among employees and officials and facilitating compliance."<sup>15</sup>

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<sup>14</sup>California State Legislature, Conference Committee on SB 1738, hearing April 4, 1990, p. 5.

<sup>15</sup>Common Cause, *Ethics Law*, p. 26.

Section 5 (c) of the National Municipal League model ethics code states

The Commission shall, in addition to its other duties:

- (i) Prescribe forms for reports, statements, notices, and other documents required by law;
- (ii) Prepare and publish manuals and guides explaining the duties of individuals covered by this law; and giving instructions and public information materials to facilitate compliance with, and enforcement of, this law; and
- (iii) Provide assistance to agencies, officials and employees in administering the provisions of this law.<sup>16</sup>

#### Alaska Statutes

Alaska Statutes 15.13.030(2) requires the Alaska Public Offices Commission to:

prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates, groups, and individuals in complying with the requirements of this chapter.

#### Josephson's Proposal

Article 4 of CSSB 415 (Leg. Ethics) establishes a Legislative Ethics Education Program. A five-member Education Advisor Committee is responsible for implementing mandatory ethics orientation training courses for new legislators and employees each January; current issues and applications seminars required for all existing legislators and legislative employees in January of each odd-numbered year; and lobbyist training courses. There is no specification as to when lobbyist training courses must be offered, but lobbyists are required to repeat the training course at least once every three years.

#### CONFLICT-OF-INTEREST DISCLOSURE REQUIREMENTS

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. A variety of conflict-of-interest prohibitions have been adopted

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<sup>16</sup>NML, *Model Law.*, p. 9.

in the United States. Financial disclosure, however, is considered the "linchpin" of any government ethics law.<sup>17</sup> In drafting precise and complete financial disclosure requirements, the official or employee's right to privacy must be weighed against the public's right to know. In general, conflict of interest provisions seek to

1. prohibit the acceptance of gifts and additional compensation,
2. prohibit the solicitation of things of value,
3. prohibit the use of confidential information for personal gain,
4. restrict an employee's or an official's appearances before his or her own agency or other agencies on personal or private business,
5. restrict an employee's or an official's outside business interests and employment, and official acts which would affect his or her financial interests, and
6. restrict an employee's or official's business contracts with the state.<sup>18</sup>

Attachment C is a description of personal disclosure statements by state. Conflict-of-interest disclosures are primarily a listing of financial interests. The disclosure of personal relationships beyond one's immediate family members and dependents is not currently required by any state.

#### Sample States

California and New York are two states commonly referred to as having model ethics codes. California has recently adopted a revised comprehensive ethics code covering executive, judicial and legislative branches. It provides a comprehensive list of conflict-of-interest restrictions. New York's Ethics In Government Act of 1987 (EIGA) is one of the most comprehensive standards of conduct and financial disclosure laws for elected officials. Extensive personal financial disclosures are required for legislators and key legislative employees.

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<sup>17</sup>*Ethics and Excellence in Government*, p. 15.

<sup>18</sup>Schultz, *op cit.*, p. 2.

California

California Political Reform Act on Ethics in Government bans honoraria, limits gifts to no more than \$250 per single source per calendar year and makes various changes on gift limitations and the use of campaign funds. It also strengthens existing conflict of interest laws by imposing a fine of up to \$2,000 per violation for legislators who attempt to use their official positions to influence a governmental decision in which they have a financial interest, including

1. any state governmental decision, other than an action or decision before the legislature, made in the course of his or her duties as a member;
2. approval, modification or cancellation of any contract to which either house or any committee of the legislature is a party;
3. introduction as a lead author of any legislation that the member knows or has reason to know is not general legislation;
4. any vote in a legislative committee or subcommittee on what the member knows or has reason to know is not general legislation;
5. any roll-call vote on the Senate or Assembly floor on an item which the member knows is not general legislation;
6. any action or decision before the legislature in which the member knows or has reason to know the action or decision will have a direct and substantial financial impact, different from the impact on the public generally, on a lobbyist or employer from whom the member has received earned income within the preceding 12 months; and
7. any action or decision before the legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any

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other action on behalf of that person, before any local board or agency.<sup>19</sup>

These provisions do not apply to a vote on the budget bill as a whole, on a consent calendar, motion for reconsideration, waiver of any legislative rule, or purely procedural matters.

#### New York

One of the major aspects of the New York Ethics in Government Act of 1987 was to provide for stricter personal financial disclosure requirements. Previously, legislative officials were only required to disclose a limited amount of personal financial information. Currently, an extensive financial disclosure form is required for all legislators and legislative staff who earned in excess of \$53,171 from the legislature during 1990 or who hold "policy-making" positions. Employees who earn less than \$53,171 or have "non-policy-making" positions are only required to fill out a limited disclosure form. Copies of both the long and short form are Attachment D. General code of ethics standards as they apply to legislative employees, members of the legislature and officers and employees of state agencies are also in Attachment D.

#### Federal Conflict of Interest Restrictions

The Ethics Reform Act of 1989 (PL 100-194) provides specific descriptions of the way in which individuals must report assets, income, financial transactions, liabilities, gifts and reimbursements. A review of existing ethics laws by the President's Commission on Federal Ethics Law Reform, however, warned that

the use of unduly narrow categories for specifying asset value and income seems to the Commission to result in a needless burden on filers without providing particularly useful information to the public and also increases the risk that filers will make inadvertent mistakes. In the case of assets other than publicly traded securities, the precision of the required reporting may also necessitate the employee's incurring the cost of a professional appraisal.<sup>20</sup>

The commission recommended that disclosures be limited to a minimum number of asset value and income categories as may be needed to provide useful information. The commission also recommended that financial disclosure

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<sup>19</sup>California State Legislature, Conference Committee on SB 1738, hearing April 4, 1990, p. 6.

<sup>20</sup>President's Commission, *op cit.*, p. 81.

requirements for political appointees and high-level policy makers be extended to include home mortgages and loans from relatives. The commission warned, however, that these requirements should not be extended to "career employees." The commission explained that they were "reluctant to increase reporting burdens on those who have become accustomed to the existing requirements, and there has been no indication that indebtedness among career employees is a significant source of conflict problems."<sup>21</sup>

### Model Ethics Codes

#### COGEL

The COGEL model ethics laws suggest that statutes include both general conflict-of-interest clauses and specific requirements for personal financial disclosure.

Recommended conflict-of-interest sections center around preventing the use of a public position to obtain private benefits for oneself or an immediate family member. This includes appearing as an advocate or representing former clients before state or local entities (except in purely ministerial matters), in a personal capacity for immediate family, or for a government entity that is the public official's or employee's principal employer (Section 230). Acceptance of gifts, honoraria, contracts and outside employment are also regulated (Sections 232, 234, 236 and 238). In the case of accepting anything of value for the promise to perform certain duties and responsibilities, conflict-of-interest restrictions are extended to include business associates (Section 218). Likewise in the case of "using one's public position to obtain benefits for business or social acquaintances," restrictions are extended to persons "with whom the public official or employee has a personal, financial, or other non-business relationship has an economic interest in the particular matter, or may receive an unwarranted privilege as a result of the official or employee's participation" (Section 220). Copies of the relevant sections are found in Attachment E.

The accompanying commentary stresses the need to make clear distinctions "between the proper and improper use of title and prestige of office" and stresses that prohibitions be extended "regardless of whether the public official or employee receives any pecuniary benefit."<sup>22</sup>

Special attention should also be paid to serious constitutional questions as to how these restrictions may effect the right to free speech. COGEL recognizes that many of these sections will "be difficult to police and will have to be

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<sup>21</sup>Ibid., p. 82.

<sup>22</sup>COGEL, *Model Laws*, p. 23.

enforced on a subjective, rather than objective, basis."<sup>23</sup> Endorsement of political parties and candidates for public office is recognized as a constitutionally protected right. Restrictions on endorsements should "serve to temper these endorsements by playing down the public servant's government affiliation and emphasizing instead the individual."<sup>24</sup> For example, a campaign advertisement should not say "endorsed by the Governor of Alaska," or "endorsed by Governor Cowper," but rather that the candidate was "endorsed by Steve Cowper."

With regards to financial disclosures, COGEL suggests that public officials, public employees earning \$35,000 or more and consultants disclose their own financial and economic interests and those of their immediate family members. Ten category amounts are specified ranging from less than \$1,000 to over \$100,000 (Section 246, Attachment E). Exceptions are specified and disclosure of the following financial information is not required:

- (1) spouses living separate and apart from the public official or public employee;
- (2) a former spouse;
- (3) a seasonal or special occasion gift exchanged between family members or family friends;
- (4) a campaign contribution (eliminates duplication of campaign finance law disclosure requirements);
- (5) a gift of a nonpecuniary occasional nature that is not substantial in value;
- (6) an award presented at a public ceremony in recognition of the civic, governmental, cultural, charitable, or religious activities of a public official, public employee, or immediate family member; and
- (7) income received by a dependent child from a trust established for that child by a family member.

#### Common Cause

In September 1989, Common Cause published a special report entitled *Conflict of Interest Legislation in the States*. In the review of the ethics codes in each of the fifty states, they found that "a sound conflict-of-interest statute is

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<sup>23</sup>*Ibid.*, p. 24.

<sup>24</sup>*Ibid.*

vital to comprehensive reform."<sup>25</sup> Four key elements were identified as essential components of an effective statute:

- (1) personal financial disclosure requirements;
- (2) prohibitions on abuse of public office for personal financial gain;
- (3) prohibitions on conflicts of interest and standards of conduct to prevent and avoid them; and
- (4) the establishment of an independent, nonpartisan commission to administer the law with investigatory and civil enforcement powers.<sup>26</sup>

In considering the specific scope of personal disclosure statements, special attention must be paid to the constitutional question of balancing "the public's right to know versus the public official's right to privacy."<sup>27</sup> Virtually all state courts have upheld the constitutionality of financial disclosure. Most state courts have reached conclusions similar to those of the Supreme Court of Washington decision in the case of *Fritz v. Gorton*, 517 P.2d 911, 925 (1974). In this case, the court held

The right of the electorate to know most certainly is no less fundamental than the right of privacy. When the right of the people to be informed does not intrude upon intimate personal matters which are unrelated to fitness for public office, the candidate or officeholder may not complain that his own privacy is paramount to the interests of the people.<sup>28</sup>

Section 5 of the Common Cause model ethics law outlines a proposal for financial disclosure guidelines that take into account this delicate balance between the public's right to know and a public official's right to privacy. The complete text of this model ethics code is found in Attachment F. The Common Cause proposal suggests that "all candidates for public office, high-level officials, and their spouses and dependent children must disclose their financial interests

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<sup>25</sup>Common Cause, *Conflict of Interest Legislation in the States*, September 1989, p. 6.

<sup>26</sup>*Ibid.*, pp. 6-7.

<sup>27</sup>*Ibid.*, p.10.

<sup>28</sup>*Ibid.*

according to a system of category amounts."<sup>29</sup> It explains that this type of disclosure has become "an accepted foundation of sound ethics laws across the country" and cites statutes in which "the legislators of forty states and the state-wide elected officials of thirty-six states currently must disclose their personal financial interests."<sup>30</sup> In evaluating the personal disclosure requirements of these various states, Common Cause warns that "simply requiring candidates, officials and employees to file financial disclosure reports is not enough. To be effective, financial disclosure must be public."<sup>31</sup>

#### National Municipal League

Sections 11 through 20 of the NML model code regulate conflicts of interest and Sections 9 and 10 deal with financial disclosures. A complete text of this proposal is found in Attachment G. The stated purpose for specified conflict-of-interest provisions is to "prevent public officials and employees from gaining financial profit from their official actions (other than government salaries), or from helping family or friends to profit unfairly because of inside information or preferential treatment."<sup>32</sup> The purpose of financial disclosure laws is "to make available sufficient relevant information to allow citizens to judge whether officials are acting in the public interest or tending too much to favor personal interests."<sup>33</sup>

Commentary of the NML report explains that "having a conflict of interest is not, in and of itself, evil, wrong or even unusual. Conflicts may be ethnic, cultural, emotional, nostalgic, regional, financial or philosophical." Likewise, "it is not the purpose of financial disclosure laws to give the public a chance to pry into every private detail of an official's life, right down to valuations on jewelry, silver, antiques and art."<sup>34</sup>

The definition section of the model code extends conflict-of-interest and financial disclosure requirements beyond one's immediate family [Section 3 (e)]. The term "member of household" is used and defined as

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<sup>29</sup>Common Cause, *Ethics Law*, p. 40.

<sup>30</sup>*Ibid.*, pp. 8 and 40.

<sup>31</sup>*Ibid.*, p. 9.

<sup>32</sup>NML, *op cit.*, p. x.

<sup>33</sup>*Ibid.*

<sup>34</sup>*Ibid.*

- (i) a person who is another person's spouse, child, ward, parent or other relative, or the child, ward, parent or other relative of such person's spouse, and who shares such other person's legal residence; or
- (ii) a person who is another person's spouse, child, ward, parent or other relative of such person's spouse, and over whose financial affairs and holdings such other person has legal or actual control, whether or not they share a legal residence.

This definition includes "individuals whose financial affairs are likely to be best known to the official and who, because of ties of blood or affection the official is most likely to want to benefit financially."<sup>36</sup>

Whereas conflict of interest provisions apply to all state officials and employees, financial disclosure requirements apply only to state officials. A state official is defined as

an elected office holder in the legislative and executive branches of state government, or a member of any state board, commission, agency, bureau, department or any other part of state government who is appointed by any elected state official or by the legislature, except a member of the judiciary . . . [or] a member of any commission which is solely advisory in nature and which has no authority to make binding decisions, to enter into contracts or to make expenditures. . . <sup>36</sup>

State employee is defined to include

all persons who, by reason of their work for the government, gain contacts and inside knowledge which, because of their position, may be abused or used in a manner to benefit themselves or others. The definition includes not only persons who stand in formal employment relationship, but also persons who may be regarded as independent contractors.<sup>37</sup>

The rationale for limiting financial disclosures to only state officials is based on the premise that "over-inclusiveness may become burdensome to the Commission in that the mass of filing may obscure violations rather than reveal

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<sup>36</sup>*Ibid.*, p. 3.

<sup>36</sup>*Ibid.*, Section 3 (g), p. 4.

<sup>37</sup>*Ibid.*, Section 3 (f), commentary.

them."<sup>38</sup> States, however, are "urged to consider including some state employees in disclosure requirements. . . [but] to limit inclusion to employees who are actually in a position to benefit from their own interests."<sup>39</sup>

### Alaska Statutes

Legislative standards of conduct are detailed in AS 24.60. Conflicts of interest are specified in AS 24.60.030 (attachment H). A conflict of interest generally exists when a public office is used for private advancement or gain. If a conflict of interest arises, AS 24.60.110 requires a legislator to either

- (1) resign the conflicting position;
- (2) divest the interest that has resulted in the conflict or potential conflict; or
- (3) disclose the conflict of interest in the journal of the appropriate body or if the legislature is not in session to the committee; the committee shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal by the fifth day of the session but disclosure does not remove the conflict of interest (§ 1 ch 36 SLA 1984; am § 8 ch 113 SLA 1986).

The Alaska Executive Branch Ethics Act (AS 39.52) regulates public officers and employees in the executive branch. As it relates to this section, a public official is defined in AS 39.50.200(8) as

a judicial officer, a member of the legislature, the fiscal analyst of the legislative finance division, the legislative auditor of the legislative audit division, the executive director of the Legislative Affairs Agency and the directors of the divisions within the Legislative Affairs Agency, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division, a department in the executive branch, an assistant to the governor, chairman or member of a state commission or board, the executive director of the Alaska Tourism Marketing Council, and each appointed or elected municipal officer.

Financial disclosure requirements are covered under AS 39.50. Within 30 days of taking office as a public official or declaration of candidacy, public officials and candidates for public office are required to file statements with

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<sup>38</sup>*Ibid.*, p. 15.

<sup>39</sup>*Ibid.*

the Alaska Public Offices Commission giving income sources and business interests. All financial disclosure statements filed under this chapter are public records.<sup>40</sup>

### Josephson's Proposal

Conflict-of-interest and personal disclosure requirements are covered in Article 2 of the proposed CSSB 415 (Leg. Ethics). According to a review of this proposal by John Gaguine, counsel for the Legislative Affairs agency, conduct described in the following sections is already covered under Title 11 (criminal penalties) of the Alaska Statutes:

- 24.61.110. Improper benefit from performance of public duties.
- 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.
- 24.61.180. Misuse of title of prestige of office for private gain or personal advantage.
- 24.61.230. Improper coercion.
- 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.
- 24.61.380. Improper influence with the independent judgement of others on behalf of constituents.
- 24.61.450. Duty toward colleagues and subordinates.<sup>41</sup>

Many of Josephson's general proposals that are not already covered by Alaska Statutes, have a precedence in other states or model ethics codes. Some of the

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<sup>40</sup>AS 39,50.020, Alaska Statutes Supplement, pp. 41-42.

<sup>41</sup>John B. Gaguine, legislative counsel, Legislative Affairs Agency, State of Alaska, Memorandum to Senator Pat Pourchot, chair, Joint Committee on the Legislative Ethics Act, April 30, 1990, pp. 2-3.

specific provisions regarding definitions of scope and responsibility, however, are apparently unprecedented.

#### POST-EMPLOYMENT RESTRICTIONS

Twenty-nine states have statutes restricting post-employment of government officials or employees. Attachment I is a listing of these and other substantive restraints by state. Three provisions are commonly found in post-employment or "revolving door" statutes:

- (1) a former employee or official is banned from making an appearance before his or her former agency, usually for one year;
- (2) a former employee or official is prohibited from becoming involved in matters in which he or she participated personally and substantially as a state employee, sometimes permanently and sometimes for one year; and
- (3) a former employee or official is permanently prohibited from disclosing or using confidential information for personal gain, which he or she obtained as an employee.<sup>42</sup>

#### Legislative Branch Restrictions

The same employees and public officials that are covered under conflict-of-interest provisions are not necessarily the same as those covered by post-employment restrictions. For example, the code of ethics for Connecticut and Wisconsin apply conflict-of-interest restrictions on legislative branch public officials and employees but exempts them from post-employment restrictions. Similarly, the State of California considered including legislative employees in the revised ethics codes dealing with post-employment but decided to exempt them because "they are 'at will' employees and therefore not afforded the same protection as executive branch employees."<sup>43</sup>

Ethics codes that do include legislative branch officials and employees typically apply post-employment restrictions only to "top full-time decision makers" or "senior employees." Ethics codes for the city of Los Angeles and the federal government are two such examples.

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<sup>42</sup>Schultz, *op cit.*, p. 4.

<sup>43</sup>Charlene Simmons, chief staffer, Senate Select Committee on Ethics, telephone conversation April 23, 1990, TEL: (916) 324-8234.

### Los Angeles, California

The intent of the Los Angeles ethics codes regarding post-employment restrictions is "to impose limits on the unfair advantages which may come with switching sides. It is not to discourage talented people from entering government, or to penalize them when they leave."<sup>44</sup> The Los Angeles code of ethics places both permanent and temporary restrictions on the post-employment of city officials and employees.

A permanent ban on lobbying and advocacy is placed upon all former city employees with regard to particular matters in which they were personally and substantially involved. "Personal and substantial involvement" includes "involvement through decision, approval, disapproval, recommendation, the rendering of advice, or investigation."<sup>45</sup> The ban only applies for as long as the matter does. The commission extended the ban to include self-representation in order "to preclude the possibility that by acquiring a small equity interest, a former employee can evade the revolving door restrictions."<sup>46</sup>

Temporary post-employment restrictions place a one-year ban on lobbying any city department by all elected officials and top, full-time decision-makers upon leaving city government. "Top full-time decision-makers" are defined as "those men and women whose influence and power is pervasive, such as the Deputy Mayor and the Chief Administrator."<sup>47</sup> The commission recognized that only elected officials and top decision-makers have citywide influence. "Lower-level decision-makers" therefore were not included in the general ban but are subject to a one-year ban on lobbying their own department. All officials and employees are also forbidden to negotiate for employment with individuals or companies that have particular matters in front of them.

### Federal Government

Title One of the *Ethics Reform Act of 1989* (PL 101-194) establishes post-employment restrictions on the executive and legislative branches. Table 4 is a summary of federal post-employment restrictions as they apply to legislative members and staff (18 USC § 207). The purpose of post-employment restrictions is to prevent former members and employees from abusing their influence and

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<sup>44</sup>*Ethics & Excellence in Government*, p. 39.

<sup>45</sup>*Ibid.*, p. 40.

<sup>46</sup>*Ibid.*

<sup>47</sup>*Ibid.*, p. iii.

knowledge of confidential information to protect the public confidence in the integrity and process of government.<sup>48</sup>

The President's Commission on Federal Ethics Law Reform warned that the definition and scope of post-employment restrictions need to be clear, identifiable and specific if they are to be constitutionally sound and not act as a deterrent to qualified persons from entering or remaining in government service. In explaining their proposals for post-government restrictions, the commission added that,

We cannot over-emphasize the care that must be exercised in drafting such a prohibition. A vague or overbroad restriction might impermissibly chill the exercise of First Amendment rights. The intent of the prohibition is protection, not repression.<sup>49</sup>

Post-employment restrictions are limited to members and "Senior Employees" (employees paid at or above the GS 17 rate, \$78,200 for 1990). The commission considered extending post-employment restrictions to persons paid at the GS 16 rate or above but rejected this idea because it would be "highly detrimental to the efforts of the government to attract able personnel. Indeed, it could cause an immediate exodus of current employees."<sup>50</sup> Commission records show that

Employees at that level have neither the status nor the political clout to improperly trade on their government service. Their inclusion in the law can only chill employment options and discourage qualified people from seeking government service.<sup>51</sup>

Particular concern over the ability to attract individuals with scientific or technological skills was also noted. In particular, overly broad restrictions against aiding or advising were viewed with extreme caution because of the potential for prohibiting the healthy attributes of the so-called "revolving door."

With regard to the release of sensitive information, we have noted that the exchange of information between the government and private sectors can be, and often is, advantageous to both sides. In particular, a former employee's understanding of how an agency works on a day-to-day basis can be a valuable tool for the private sector employer who desires to do business with the government.

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<sup>48</sup>President's Commission, *op cit.*, p. 63.

<sup>49</sup>*Ibid.*, p. 64.

<sup>50</sup>*Ibid.*, p. 59.

<sup>51</sup>*Ibid.*

Concomitantly, this knowledge saves government resources that would otherwise be necessary to assist the individual or firm in working through the government bureaucracy. The adoption of a general prohibition against aiding or advising would virtually eliminate all communications, including those that would be helpful to both the government and private employer. As such, we concluded that the addition of a general bar on aiding and advising would not be appropriate.<sup>52</sup>

The commission also noted that

the flow of individuals between private life and occasional government service is a source of invigoration to both sectors, and provides a valuable exchange of information about the workings of government which improves the understanding of each sector about the other. Our system of government in a sense mandates a substantial amount of "revolving door" activity every four or eight years.<sup>53</sup>

#### Model Ethics Codes

##### COGEL

Section 240 of the COGEL Model Laws details the post-employment restrictions of former officers and employees. A copy of these provisions are found in Attachment E. In general, they prevent an officer or employee of state government from negotiating for employment, assisting or representing a non-governmental entity with whom they "participated personally and substantially as a member, officer, or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while employed or serving."<sup>54</sup> These post-employment restrictions apply to former members of the state legislature and "senior staff." Senior legislative staff are those persons employed as a staff director for a member, committee or the leadership. Their level of responsibility and decision-making authority is thought to be at least equivalent to deputy directors or division chiefs of departments and agencies.<sup>55</sup>

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<sup>52</sup>*Ibid.*, p. 67.

<sup>53</sup>*Ibid.*, p. 53.

<sup>54</sup>COGEL, *Model Laws*, p. 44 (Section 240).

<sup>55</sup>*Ibid.*, p. 45 [Section 240.01 (f)].

### Common Cause

Chapter 4, Section 8 of the CC Model Ethics Law outlines a three-tiered system of post-employment restrictions (Attachment F).

The first level permanently bans former officials and employees from representing nongovernmental interests before their former agencies of employment in specific matters in which the former official was personally and substantially involved. Legislators are exempted from this section since the matters they consider rarely involve specific parties.

The second level places a two- or three- year ban on former state officials from representing, aiding or advising nongovernment interests before their former agency on particular matters involving specific parties for which they were more generally responsible.

Legislators are exempted from first- and second-level restrictions because their "broad responsibilities do not lend themselves to restrictions on particular matters involving specific parties."<sup>56</sup>

The third level of post-government restrictions ban, for one year, "top-level" officials, including legislators, from lobbying any state agency on any matter after leaving public service. "Second-tier" officials are also subject to a one-year lobbying ban, but they are prohibited only from lobbying the agency of their former employment. Top-level officials in the legislative branch include elected officials and "the high-level aides supporting them." Second-tier officials are defined as

- (1) the head of each division, bureau, or other major administrative unit within such state agency and persons exercising similar authority;
- (2) any person whose salary equals or exceeds that of the state employee classified in state statute and who reports directly to said executive or administrative head; or
- (3) any other persons occupying positions involving a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or the execution of other public

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<sup>56</sup>Common Cause, *Ethics Law*, p. 15.

trusts, including appointees to boards and commissions, so determined by a majority of the ethics commission.<sup>57</sup>

Employees who do not fit under either category are not restricted in their post-employment activities.

The intent of these "revolving door" restrictions is "to prevent former state employees and officials from using their past friendships and associations within government to derive unfair advantage for themselves or others."<sup>58</sup> Restrictions apply only when a person leaves government service for private sector employment.

#### National Municipal League

Section 20 of the NML model state ethics law places a two-year post-employment restriction on state officials and employees from assisting or appearing on behalf of any other person or business in connection with any transaction that they had previously had any direct connection. This restriction is also extended to "any business or person associated with such business in which the former state official or state employee is a partner or member or in a professional corporation, a shareholder."<sup>59</sup> The two-year restriction begins after the end of a term of office or termination of one's state service.

The accompanying commentary warns that the range of prohibitions should be defined narrowly so as not to discourage highly qualified professionals from entering government service by limiting their future employment opportunities, or infringing on the constitutional rights of present state officials and employees. The NML example seeks to "resolve these competing considerations by drawing a balance which results in reasonable limits."<sup>60</sup> The text of this section is found in Attachment G.

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<sup>57</sup>*Ibid.*, Chapter I, Sections 12.5, 12.6 and 12.7, Appendix p. 5.

<sup>58</sup>*Ibid.*, pp. 37-38.

<sup>59</sup>NML, *Model Law*, p. 33-34.

<sup>60</sup>*Ibid.*

## Alaska Post-Employment Restrictions

### Executive Branch

Two specific provisions of the Alaska Executive Branch Ethics Act (AS 39.52) restrict the actions of executive branch employees after leaving government service. One provision places a two-year, post-employment prohibition on public officers from lobbying, for compensation, their former agencies on matters that they participated in personally and substantially. AS 39.52.180 (a) states that

A public officer who leaves state service may not, for two years after leaving state service represent, advise or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action.

Another statute prohibits former public officers from disclosing confidential information. AS 39.52.140 states that

- (a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.
- (b) A current or former public officer may not disclose or use, with out appropriate authorization, information acquired in the course of official duties that is confidential by law. (§ 1 ch 87 SLA 1986)

In both of these statutes, the specific term "public officer" is used instead of the term "public employee." AS 39.52.960 (21) defines public officer as "(A) a public employee; and (B) a member of a board or commission." AS 39.52.960 (20) defines public employee as "a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service."

### Legislative Branch

Post-employment restrictions on legislators and legislative employees are not specifically defined in Title 24 (Legislature) of the Alaska Statutes. Title 11 (Criminal Law) provisions prohibiting the misuse of confidential information do, however, apply to former legislators and legislative employees. AS 11.56.860 states

- (a) A person who is or has been a public servant commits the crime of misuse of confidential information if the person
  - (1) learns confidential information through employment as a public servant; and
  - (2) while in office or after leaving office, uses the confidential information for personal gain or in a manner not connected with the performance of official duties other than by giving sworn testimony or evidence in a legal proceeding in conformity with a court order.
- (b) As used in this section, "confidential information" means information which has been classified confidential by law.
- (c) Misuse of confidential information is a class A misdemeanor. (§ 5 ch 166 SLA 1978)

#### Josephson's Proposed Post-Employment Restrictions

##### Post-Employment Lobbying

Section 24.61.190 of CSSB 415 (Leg. Ethics) proposes a one-year, post-employment prohibition on lobbying for both legislators and legislative assistants. Restrictions for legislators extend to lobbying before legislative and executive branches but is limited to matters which the former legislator had special oversight or budget authority. Legislative assistants, on the other hand, are prohibited only from lobbying before the legislature but the scope includes all matters regardless of whether or not a legislative assistant had any special oversight or authority while employed by the legislature.

The term "legislative assistant" is not defined in Alaska Statutes or the proposed CSSB 415 (Leg. Ethics). The Judiciary Letter of Intent for CSSB 415 (Jud), as published in Senate Journal Supplement No. 22 on April 17, 1990, p. 2 provides guidelines for constructing a definition for legislative assistant. Based on the premise that "many legislative employees expend state funds and have access to confidential information," the Letter of Intent seeks to distinguish a special category of legislative employees referred to as "legislative assistants" who "exercise, or are perceived to exercise, discretion

Senator Uehling  
May 2, 1990  
Page 28

and judgement with respect to legislative, administrative or political actions."<sup>61</sup>

#### Post-Employment Disclosure of Nonpublic Information

Section 24.61.170 regulates the use of nonpublic information for private gain for both present and former legislators and legislative employees. A one-year prohibition is applied to former legislators and legislative employees. The end of the proscribed one-year prohibition, however, does not allow the disclosure of information made confidential by law.

The term "non-public information" is not defined by Alaska Statutes or the proposed CSSB 415 (Leg. Ethics). Current Alaska Statutes make a distinction between public and confidential information but do not provide a reference for defining nonpublic information. The Letter of Intent for CSSB 415 (Jud) suggests a definition of nonpublic information that includes

valuable information not available to the general public which was acquired by the legislator or legislative employee by virtue of public position. For example, "inside information" about state plans or negotiating strategies, information revealed to legislative committees with the expectation that it be only used for official purposes, financial data, computer data and lists obtained during legislative service . . .<sup>62</sup>

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

Attachments

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<sup>61</sup>Judiciary Letter of Intent Alaska Legislative Ethics Act of 1990 Guidelines and Commentary to CSSB 415 (Judiciary), Senate Journal Supplement No. 22, April 17, 1990, p. 2.

<sup>62</sup>*Ibid.*, p. 15.

**TABLE 1**  
**NUMBER OF AGENCIES THAT ADMINISTER ETHICS LAWS**  
**in the 50 States, Federal Government & District of Columbia**  
**(Summary) \***

<u>Number of Agencies Within Each State</u>	<u>% of Total</u>
1	40
2	30
3	25
5	2

Source: Council on Governmental Ethic Laws/  
 Council of State Governments

\* See Attachment A for complete list.

Prepared by the Legislative Research Agency, May 1990 (90-317a)

**TABLE 2**  
**MEMBERSHIP OF AGENCIES THAT ADMINISTER ETHICS LAWS**  
**in the 50 States, Federal Government & District of Columbia**  
**(Summary) \***

<u>Number of Members</u>	<u>% of Total</u>
3	10
4	5
5	34
6	15
7	15
8	8
9	5
11	1.6
12	1.6
15	1.6
18	1.6
28	1.6

Source: Council on Governmental Ethic Laws/  
 Council of State Governments

\* See Attachment A for complete list.

Prepared by the Legislative Research Agency, May 1990 (90-317b)

**TABLE 3**  
**JURISDICTION OF AGENCIES THAT ADMINISTER ETHICS LAWS**  
**in the 50 States, Federal Government & District of Columbia**  
**(Summary) \***

<u>Jurisdiction</u>	<u>% of Total</u>
Campaign only	29
Campaign & Ethics--Separate	38
Campaign & Ethics-Combined	23
Multiple Agencies with Partial Jurisdiction *	10

\*Some states have agencies which regulate both campaigns and ethics as well as some which regulate only a specific aspect of either campaigns or ethics.

Source: Council on Governmental Ethics Laws/  
 Council of State Governments

\* See Attachment A for complete list.

Prepared by the Legislative Research Agency, May 1990 (90-317c).

TABLE 4  
Post Employment Restrictions in 18 USC 207(e)

<b>Members</b>	1 year ban on "lobbying" the legislative branch
<b>Employees paid at or above the GS 17 rate for 60 days who serve on:</b>	
<b>Personal Staff</b>	1 year ban on "lobbying" personal staff or the Member
<b>Committee</b>	1 year ban on lobbying Members and employees who are currently on the Committee and Members who were on Committee within one year prior to the employee's termination
<b>Leadership Staff</b>	1 year ban on lobbying any Member or employee of the majority or minority leadership
<b>Other Legislative Offices</b>	1 year ban on lobbying the legislative office which they left
<b><u>ALL Members, Officers, and Employees paid at or above the GS 17 rate</u></b>	1 year ban on representing a foreign entity before the U.S. government and aiding or advising a foreign entity with the intent to influence the U.S. Government
<b><u>All Members, Officers and Employees, who personally and substantially participate in trade or treaty negotiations</u></b>	1 year ban on using confidential information to aid or assist anyone regarding that continuing negotiation

M E M O R A N D U M

DATE: MAY 2, 1990  
TO: SENATOR FRED F. ZHAROFF  
FROM: PENNELOPE GOFORTH  
RE: CSSB 415

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COMMENTS ON SELECT SECTIONS OF  
CS FOR SENATE BILL 415  
LEGISLATIVE ETHICS ACT OF 1990

ARTICLE 1. LEGISLATIVE FINDINGS AND ETHICAL PRINCIPLES

This section is the rhetorical "front section" of the bill that provides the "comprehensive and unified statement of the ethical principles, considerations and obligations" that govern the rest of the bill. It contains numerous provisions that legislators and staff "shall" do, but carries no penalties for failure to do so.

ARTICLE 2. STANDARDS OF CONDUCT

This section substantively addresses a variety of actions by legislators, legislative employees and assistants, and their spouses and dependents as well as lobbyists and spells out the punitive measures (civil sanctions and criminal penalties) for violations of these sections. Note that in most cases, the penalties are: criminal, class A misdemeanor, with up to year in jail. Civil penalties can include the greater of a fine up to \$5000 or twice the damages, dismissal, scolding, suspension with or without pay, probationary status, and the recommendation that a committee chair or co-chair be barred from chairing any committee for the duration of their term of office. For a section by section analysis of the sanctions see Attachment 1.

Legislative Counsel John Gaguine, has issued a memorandum (Attachment 2) wherein he concludes that for civil sanctions, legislators "are not precluded by the legislative immunity provision of the Alaska Constitution, Article II, Section 6". Staff face both civil sanctions and criminal penalties.

Sec. 24.61.130 Misuse of State Property and Resources for Private Gain

In this section, it becomes incumbent upon staff and legislators to prohibit lobbyists, friends and relatives from using the copy machine, computers, telephone and staff time to pursue their own interests as well as staff and legislators. (ie. it will not be permitted to use the computer, for example, to balance your personal checkbook or a campaign account (under 24.61.140 also). Also prohibited will be the use of the Macs to print campaign literature and other personal hardcopy.)

Sec. 24.61.130 Misuse of State Property and Resources for Political Gain

This section lays out what you may or may not say in your two allowable state-funded newsletters. Leg Council will determine which of your bills are "significant" and must be written about in these newsletters. Note that including this information is mandatory or else the Commission won't authorize paying for the newsletter. You must also disclose "significant campaign contributions received. You may not mail out your own political campaign material or supporting another's campaign during the period of 60 days before the primary in which you are a candidate and ending the day after a general or special election. You also can't mail out any mass mailings that might be construed as directly or indirectly trying to influence the outcome of an election. You may not accept any campaign contributions in your legislative office or post, circulate or communicate campaign literature in your office.

Sec. 24.61.150 Obligation of Subordinates to Refuse to Perform Improper Tasks

This section mandates that your staff must report any violations of this Ethics Act they observe you doing to the Commission, upon pain of sanctions which can include fines up to \$5000 and dismissal from the job. You may not request your staff to perform any task that may be a violation of this Act and should you persist your staff is required to file a complaint with the Commission. (ie. to regularly do personal errands, to do anything for your spouse or dependents or friends, to perform campaign functions, etc.)

Sec. 24.61.190 Post-Service Restrictions

You and your staff may not accept any position for one year after leaving legislative service that would require you to act as a lobbyist (excepting government positions and volunteer lobbyist positions).

Neither may you or your staff reveal non-public information to obtain a benefit. You may seek a waiver in this instance if you are unsure about a position you may want to consider. Note that "non-public" is not the same as confidential. It is defined in the bill as public information that is not readily accessible to the public.

## Sec. 24.61 200-210 Use of Campaign Funds

These sections describe how campaign funds may and may not be used, ie. "only to advance the interests of the campaign". Among the prohibitions are accepting post-election contributions, contributing to another candidate's campaign, transferring more than \$1000 to your office account following the campaign. (These prohibitions were adopted in an effort to prevent incumbents from building up a "war chest" and intimidating challengers. The most that can carry over for next campaign is \$5000.) These sections take effect, conveniently on November 6, 1990.

## Sec. 24.61.265, .270, .280, .290, .310 Definitions of Close Associations

These sections define the types of associations you may and may not indulge in and which you may disclose to the Commission if you think it may be a conflict of interest. Not sanctioned except .290 which states that neither your spouse or dependent may work in the same body during session (same as current law) or in either body during interim. Waiver provision added. You must disclose associations with lobbyists under pain of sanction.

## Sec. 24.61.320 Restricted Financial Interests

You may not serve as the chair of a budget committee which affects a business in which you are engaged. (ie., commercial fisherman may not oversee Fish & Game budget, educator at the U OF A may not oversee the University budget, etc.) This section has civil sanctions but you may request a waiver.

## Sec. 24.61.345 Participation in General Statewide Programs Permissible

You may participate, without disclosure, in a statewide benefit or loan program if it is available to the general public, subject to eligibility standards and requires minimal discretion in determining qualifications. If the program or loan is not exempt, as determined by the Commission, you must disclose.

## Sec. 24.61.350 Restricted Transactions: Gratuities

Of note in this section is the provision (c)4 that requires you to disclose overnight stays of more than \$100 in value. (ie., if you are on trip in your district and stay with friends or constituents and then get weathered in, or a mechanical prevents you from flying out on schedule, for several days making the value of your stay more \$100 you will have to report this.) Leg Council has been charged with determining provisions on spouse/dependent restrictions.

## Sec. 24.61.380 Improper interference with the Independent Judgment of Others

When communicating with another state agency you "should explicitly convey to the administrators involved that the administrator is expected to make an independent judgement and that no advantages

or disadvantages to the administrator or the agency will result from a favorable or unfavorable disposition". (The so-called Miranda Clause.) Sanctions have been removed from this provision.

#### Sec. 24.61.415 Reporting obligations of Employers of Legislators/Assistants

Private sector employers will be required under this section to report "Category A" income sources (that is income from those persons who have a substantial interest in legislative administrative or political actions) to the Commission. (This is highly doubtful that it is enforceable. ie., the Commission only has jurisdiction over the legislature.) Your spouse and dependents will be required to disclose their sources of income also. (The so-called "Jim Wright Case-where his wife received substantial funds from a questionable source and they were funneled to her husband. Those sneaky Texans!)

### ARTICLE 3 LEGISLATIVE ETHICS COMMISSION

This sections contains the provisions that set up the 9 member Ethics Commission and sets out their duties and responsibilities. The fiscal note will address the costs of hiring an executive director, staff and provisions for an educational program to be presented in January of 1991. The effective date of this section is July 1, 1990. Significant oversight of this section is delegated to Legislative Council. See Attachment 4 for references to Leg Council mandates in the bill.

#### Sec. 24.61.570 Recommendations and Order Where Violator is an Employee

Under this section the Commission shall order you to impose sanctions in accordance with the Commission's order on your staff. Civil sanctions apply to you if you do not. No appeal process is instituted. (ie, if one of your staff members has done something to violate this Act, whether trivial or major, and the Commission determines that the sanction should be termination of employment, you have to do it. No mitigating circumstances will be considered.)

### ARTICLE 5 GENERAL PROVISIONS

#### Sec. 24.10.100, .105, .110 Salary, Per Diem, Office Expense of Legislators

Your salary will be increased to \$40,000 annually, per diem will be restricted to short-term while in session only (long term if Juneauite), and all office expenses will be on a voucher system. Office expense will be calibrated on a \$7-8-9,000 scale depending on the district you represent. You may be reimbursed for up to two trips to your district for family, personal or constituent business.



Official Business

# Alaska State Legislature

## Senate

### Finance Committee

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### APPLICATION AND PENALTIES OF PROVISIONS CONTAINED IN JOSEPHSON PROPOSAL CSSB (415) (Leg. Ethics)

- AS 24.61.100 ALL STAFF - Misuse of Office for Private Gain:  
& LEGISLATORS General Principle
- AS 24.61.110 ALL STAFF - Improper Benefit from Performance  
& LEGISLATORS of Public Duties
- Penalty:
- sub. (a) Is an existing crime 11.56.120  
& civil sanctions  
Staff: Class A misdemeanor  
Legislators: May be protected by  
legislative immunity during session
- sub. (b) May be an existing crime (felony).  
Civil sanctions apply to everyone.
- AS 24.61.120 ALL STAFF Duty to Report Improper Offers  
& LEGISLATORS Penalty: Civil sanctions apply  
to everyone.
- AS 24.61.130 ALL STAFF Misuse of State Property and  
& LEGISLATORS Resources for Private Gain or  
Personal Advantage
- sub. (a) May be prosecuted as "theft" 11.46.  
Legislators may be protected by  
legislative immunity during  
session. Civil sanctions apply to  
everyone.
- sub. (b) Civil sanctions apply to everyone.  
Criminal penalty under another law.
- sub. (c) Staff: Class A misdemeanor  
Legislators: May be protected  
by legislative immunity during  
session. Civil sanctions apply  
to everyone.



- Penalty for former assistants & legislators: Class A misdemeanor & civil sanctions for everyone
- AS 24.61.205      LEGISLATORS & CANDIDATES      Prohibited Use of Campaign Funds  
Penalty: Class A misdemeanor & civil sanctions  
(Under APOC law but not referenced)
- AS 24.61.210      LEGISLATORS & CANDIDATES      Disbursement of Surplus Campaign Funds  
Penalty: None
- AS 24.61.220      ALL STAFF LEGISLATORS & CANDIDATES      Payment of Legal Expenses; Special Expense Funds  
Penalty: Class A misdemeanor & civil sanctions
- AS 24.61.230      ALL STAFF & LEGISLATORS      Improper Coercion  
sub. (b)(c)      Is an existing crime  
Staff: Class A misdemeanor  
Legislators: May be protected by legislative immunity during session.  
Civil sanctions apply to everyone.
- AS 24.61.245      LEGISLATORS ONLY      Fund Raising Limitations  
APOC shall enforce. 15.13.120(a) plus civil sanctions.
- AS 24.61.250      ALL STAFF & LEGISLATORS      General Obligation to Avoid Conflicts of Interest & Preserve Ability to Make Independent Impartial Judgements  
Penalty: None

AS 24.61.260	ALL STAFF & LEGISLATORS	Substantial Interest in Legislative Administrative, or Political Action Defined  Penalty: None
AS 24.61.265	ALL STAFF & LEGISLATORS	Close Economic Association Defined  Penalty: None
AS 24.61.280	ALL STAFF & LEGISLATORS	Dealing With Personal Relationship Conflicts of Interest  Penalty: None
AS 24.61.290	SOME STAFF & LEGISLATORS	Restricted Relationships: Nepotism  Penalty: Civil sanctions
AS 24.61.300	ALL STAFF & LEGISLATORS	Restricted Relationships: Lobbyists, Legislators, & Legislative Employees  Penalty: Civil sanctions and other penalties under 24.45
AS 24.61.310	ALL STAFF & LEGISLATORS	Restricted Relationships: Board Membership  Penalty: Civil sanctions
AS 24.61.320	ALL STAFF & LEGISLATORS	Restricted Financial Interests  Penalty: Civil sanctions
AS 24.61.330	LEG. ASSISTANTS & LEGISLATORS	Restricted Activities as an Attorney or Representative  Penalty: Civil sanctions & appropriate criminal penalties under another law.
AS 24.61.340	LEG. ASSISTANTS & LEGISLATORS	Restricted Transactions: Interest in State Contracts or Leases

Possibly also an existing crime

Penalty: Civil sanctions

- AS 24.61.345 ALL STAFF & LEGISLATORS Participation in General Statewide Programs Permissible  
Penalty: Civil sanctions & criminal penalties under another law.
- AS 24.61.350 ALL STAFF & LEGISLATORS Restricted Transactions: Gratuities  
Penalty: Civil sanctions
- AS 24.61.360 ALL STAFF & LEGISLATORS Restrictions on Earned Income: Outside Employment & Honoraria  
Penalty: Civil sanctions
- AS 24.61.370 ALL STAFF & LEGISLATORS Obligation to Make all Decisions on the Merits: Favoritism & Patronage  
Possibly a crime.  
Penalty: Civil sanctions
- AS 24.61.380 ALL STAFF & LEGISLATORS Improper Influence with the Independent Judgement of Others on Behalf of Constituents  
sub. (c) Penalty:  
Staff: Class A misdemeanor  
Legislators: May be protected under legislative immunity during session. Civil sanctions apply to everyone
- AS 24.61.390 LEG. ASSISTANTS & LEGISLATORS Conflict of Interest Disclosure: Statement of Purpose
- AS 24.61.400 LEG. ASSISTANTS & LEGISLATORS Conflict of Interest Disclosure by Legislators & Legislative Assistants: Category A and Category B Income

AS 24.61.405	LEG. ASSISTANTS & LEGISLATORS	Reporting Category A Income
AS 24.61.410	LEG. ASSISTANTS & LEGISLATORS	Reporting Category B Income
AS 24. 61.415	LEG. ASSISTANTS & LEGISLATORS	Reporting Obligations of Employers and Others Paying Compensation to Legislators or Legislative Assistants
AS 24.61.420	LEG. ASSISTANTS & LEGISLATORS	Prohibited Conduct Relating to Disclosures  Penalty: <u>Staff</u> : Class A misdemeanor <u>Legislators</u> : May be protected by legislative immunity during session.  Civil sanctions apply to everyone
AS 24.61.430	ALL STAFF & LEGISLATORS	Accountability: Openness & Oversight  Penalty: Administrative sanctions
AS 24.61.440	ALL STAFF & LEGISLATORS	Accountability: Self-Policing, Whistleblowing, & Protection of Whistleblowers  Penalty: Civil sanctions
AS 24.61.450	ALL STAFF & LEGISLATORS	Duty Toward Colleagues & Subordinates  Penalty: Liability under another criminal law or administrative sanctions & civil rights statutes
AS 24.61.460	ALL STAFF	Duty to Advance Principles of

& LEGISLATORS

Representative Democracy

Penalty: Administrative  
sanctions

AS 24.61.570

SUPERVISOR OR  
APPOINTING AUTHORITY

Recommendations & Order  
Where Violator is a  
Legislative Employee

Failure to implement the  
commission's order is  
subject to civil sanctions

AS 24.61.960

ALL STAFF,  
LEGISLATORS,  
COMMISSION MEMBERS  
AND THEIR EMPLOYEES

Confidentiality

Penalty: Subject to  
prosecution under 11.56.860  
or another law, plus civil  
sanctions.

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: HS State Aff  
Pub. Hear Work Ses. Inv. Hear  
LEGISLATIVE REFERENCE: HB596  
SUBJECT: leg Ethics  
CONTACT: Ann PH: 4963

TC DATE/DAY: Tues, Apr 17  
TIME: 7-9pm  
JUNEAU ROOM: Cap 102  
BRIDGE: \_\_\_\_\_  
# OF PORTS: \_\_\_\_\_  
DATE TAKEN/BY: 4/12

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

LTC'S

- Homer
- Wrangell

VTS'S

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHAIRING SITE: Juneau  
CHAIRPERSON: Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

b. Example / Checklist Contact sheet

LEGISLATIVE

SPONSOR: House State Affairs

TC DATE/DAY: Tuesday, Apr 17

Pub. Hear    Work Ses.    Inv. Hear

TIME: 8:30-11:00 AM

LEGISLATIVE REFERENCE: HB 596

JUNEAU ROOM: Cap 102

SUBJECT: Leg Ethics Act

BRIDGE: \_\_\_\_\_

# OF PORTS: \_\_\_\_\_

CONTACT: Ann    PH: 4963

DATE TAKEN/BY: Barbara 4/12

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LIC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

213-306-1868  
OFFNETS: Michael Josephson

CHAIRING SITE: Juneau

CHAIRPERSON: Bucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

bridge - 562-2867  
give to Irene

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Wed, Apr 11

Pub. Hear Work Ses. Inv. Hear

TIME: 17pm - 9pm

LEGISLATIVE REFERENCE: HB 596

JUNEAU ROOM: Cap 102

SUBJECT: leg Ethics

BRIDGE: \_\_\_\_\_

# OF PORTS: \_\_\_\_\_

CONTACT: Ann PH: 49603

DATE TAKEN/BY: 4/9 Peg

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRING SITE: Juneau

CHAIRPERSON: Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

b. Example / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Thurs Apr 12

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HB 596

JUNEAU ROOM: Cap 102

SUBJECT: Leg Ethics

BRIDGE: \_\_\_\_\_

# OF PORTS: \_\_\_\_\_

CONTACT: Ann PH: 49603

DATE TAKEN/BY: 4/9 Peg

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

APOC-Karla  
OFFNETS: 276-4176

CHAIRING SITE: Openeau

CHAIRPERSON: Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

bridge 562-2867

b. EXAMPLE / Checklist Contact Sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Mon Apr 9

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-11:00

LEGISLATIVE REFERENCE: Inf. Hearing

JUNEAU ROOM: Cap 102

SUBJECT: legislative Ethics

BRIDGE: \_\_\_\_\_

Reform

# OF PORTS: \_\_\_\_\_

CONTACT: Ann PH: 4963

DATE TAKEN/BY: Joanne 4/6

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

Michael Josephson

OFFNETS: 213-306-1868

CHAIRING SITE: Juneau

CHAIRPERSON: Butcher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

bridge (907) 562-2867  
collect or 3rd party

SPECIAL INSTRUCTIONS

**H C R**

**1**

# HOUSE COMMITTEE ON STATE AFFAIRS

## RECAP OF HCR 1

### *Amend Uniform Rule 56: Session Schedule*

Received January 9, 1989

by Reps. Ellis, Brown, M. Davis, Hanley, Koponen,  
Navarre, Ulmer, Zawacki, Donley and Collins

Heard January 25, 1989

Passed Out of Committee January 25, 1989  
6 Do Pass

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- Item 3:** Rep. Ellis' Memorandum  
January 24, 1989
- Item 4:** Article II of the Alaska State Constitution
- Item 5:** Final Report: Review of the Operations and Procedures of the Alaska House of Representatives prepared April 12, 1988
- Item 6:** Alaska Legislative Procedures Study Final Report Submitted to the Joint Special Committee on Legislative Reform May 15, 1983
- Item 7:** House Research Request 87-003  
Scheduling Bills Through the Legislatue



1 IN THE HOUSE

BY ELLIS, BROWN, M.DAVIS, HANLEY,  
KOPONEN, NAVARRE, ULMER, ZAWACKI,  
DONLEY AND COLLINS

2

HOUSE CONCURRENT RESOLUTION NO. 1

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Proposing an amendment to the Uniform

6

Rules of the Alaska State Legislature

7

relating to deadlines for session work.

8

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

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

11 RULE 56. SESSION SCHEDULE. (a) The following schedule applies  
12 during a first and second session to consideration of a bill:

13 (1) the house of origin may not calendar a bill for second  
14 reading after the 90th legislative day;

15 (2) a bill may not be transmitted by the house of origin to  
16 the second house after the 95th legislative day;

17 (3) the second house may not calendar a bill for first or  
18 second reading after the 114th legislative day;

19 (4) a bill may not be transmitted by the second house to  
20 the house of origin after the 117th legislative day;

21 (5) a report of a Conference Committee, Conference Commit-  
22 tee with limited powers of free conference, or Free Conference Commit-  
23 tee may not be submitted after the 118th legislative day.

24 (b) A report of a Conference Committee with limited powers of  
25 free conference may not be voted on by a house until at least 24 hours  
26 after it is duplicated and delivered to the chief clerk or secretary  
27 of the house for distribution to each member. The chief clerk or  
28 secretary shall certify the time of delivery of the report for record-  
29 ing in the journal.

1 (c) This rule may be suspended by a concurrent resolution ap-  
2 proved by majority vote in each house. This rule does not apply to  
3 resolutions. L> HOUSE LEADERSHIP APPROVED

2/3 suspend? HANKY  
L IN UNIFORM RULE

MINORITY BILLS DO PASS - GOOD IDEAS - DIFF REASONS -  
ELLIS SAYS NO PROBLEM SINCE MIN BILLS WOULD  
PASS SOONER

AMENDMENT, 120<sup>th</sup> DAY - WHAT IS THE END  
OF SESSION?

Item 2

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: \_\_\_\_\_  
 Title: Uniform Rules Amendment  
relating to deadlines for session work BRU: \_\_\_\_\_  
 Sponsor: Ellis Components: \_\_\_\_\_  
 Requestor: Ellis

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: House State Affairs Committee Phone: 465-4931  
 Division: \_\_\_\_\_ Date: Jan 23, 1989

Approved by Commissioner: Rep. Boucher *[Signature]* Date: Jan 23, 1989  
 Agency: \_\_\_\_\_

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impactor/ Agency(ies)



# Alaska State Legislature

Official Business

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

## MEMORANDUM

TO: Rep. H.A. "Red" Boucher, Chairman  
and Members of the House State Affairs Committee

FROM: Rep. Johnny Ellis *JE*

RE: HCR 1 - "relating to deadlines for session work"

DATE: January 24, 1989

\*\*\*\*\*

Attached you will find backup materials for HCR 1. This resolution proposes to amend the Uniform Rules by setting deadlines for the passage of bills through the legislature. It is identical to HCR 41 which passed the House last year by a vote of 35 to 3, and died in Senate Rules.

We are all aware of the rush of legislation that is brought to the floor in the final days of the session. Bills are often rushed or waived through committees, and adequate consideration and debate of each bill is simply not possible during marathon floor sessions jammed with the most important and often complex legislation.

When the voters passed the session limitation section to the State Constitution in 1984, they also approved language that "the Legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session," (Article II, Section 8). In my view, the Legislature has not lived up to this constitutional mandate, and the public is growing less tolerant of the chaos during the final days.

Last year, the National Conference of State Legislatures (NCSL) released Review of the Operations and Procedures of the Alaska House of Representatives, in which the first recommendation was the adoption of a system of deadlines for scheduling session work. This is similar to a recommendation made by NCSL to The Joint Special Committee on Legislative Reform in 1983. Several other states have systems such as the one suggested in this resolution.

Thank you for your consideration of this important reform measure.

Constitution ARTICLE II

Item 4

ing to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

Salary and Expenses

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

Regular Sessions

SECTION 8. The legislature shall convene in regular session each year on the fourth Monday in January, but the month and day may be changed by law. The legislature shall adjourn from regular session no later than one hundred twenty consecutive calendar days from the date it convenes except that a regular session may be extended once for up to ten consecutive calendar days. An extension of the regular session requires the affirmative vote of at least two-thirds of the membership of each house of the legislature. The legislature shall adopt as part of the uniform rules of procedure deadlines for scheduling session work not inconsistent with provisions controlling the length of the session. [Amendment approved November 6, 1984]

\*

Special Sessions

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

(The amendment of this section was approved by the voters of the state November 2, 1976 and became effective December 23, 1976. This amendment deleted "or" preceding "to subjects" in the third sentence and added "and the reconsideration of bills vetoed by him after adjournment of the last regular session.")

Adjournment

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

# **FINAL REPORT**

## **Review of the Operations and Procedures of the Alaska House of Representatives**



**prepared by**  
**Rich Jones and Brian Weberg**  
**National Conference of State Legislatures**

**April 12, 1988**

RECOMMENDATION: THE ALASKA LEGISLATURE SHOULD ADOPT A SYSTEM OF DEADLINES FOR SCHEDULING SESSION WORK. AT A MINIMUM, THE SYSTEM SHOULD INCLUDE DEADLINES FOR THE FOLLOWING ACTIONS:

- 1) INTRODUCTION OF BILLS IN THE HOUSE OF ORIGIN;
- 2) COMMITTEE ACTION ON HOUSE OF ORIGIN BILLS;
- 3) FINAL FLOOR ACTION IN HOUSE OF ORIGIN;
- 4) COMMITTEE ACTION ON BILLS FROM OPPOSITE HOUSE;
- 5) FINAL FLOOR ACTION ON BILLS FROM OPPOSITE HOUSE; AND
- 6) CONFERENCE COMMITTEE REPORTS.

The Alaska House does operate under one bill introduction limit. Rule 44 of the Uniform Rules prohibits the introduction of personal bills after the 35th day of the second session. Bill introduction data from 1986 (see Table 1 below) suggests that this deadline is strictly enforced. Indeed, 87 percent of all the 1986 House bills and resolutions were introduced by this deadline. The 1986 performance is in stark contrast to 1985, when only 44 percent of these items were introduced by the 36th day. Although it is difficult to relate this deadline directly to an improvement in the end-of-session logjam, it is interesting to note that although the House passed about the same number of House bills and resolutions in both years (1985=140, 1986=137), they passed twice as many in the last week of the 1985 session (29) as they did in the 1986 session (14). [Note: These figures represent House bills and resolutions engrossed and forwarded to the Senate for consideration. See Appendices A and B for further illustration of the Alaska House logjam.]

# ALASKA LEGISLATIVE PROCEDURES STUDY

## FINAL REPORT

Submitted to:

The Joint Special Committee on Legislative Reform



Prepared by the

**NATIONAL CONFERENCE OF STATE LEGISLATURES**

**1125 Seventeenth Street, Suite 1500**

**Denver, Colorado 80202**

**May 15, 1983**

## PART I

### RULES AND PROCEDURES

The National Conference of State Legislatures' study of the Alaska Legislature's rules and procedures began with a detailed review of the uniform rules and the gathering of information on staff size, turnover, committee makeup, committee budgets, session deadlines, past session patterns, bill flow, and interim work. Four areas - - session length, the committee process, the interim period and staff - - were examined. The National Conference of State Legislatures' staff conducted numerous interviews with leaders, committee chairmen, other members and staff of the Alaska Legislature to determine areas of concern. Lobbyists, members of the press and public interest groups also were interviewed. The study is not a comprehensive review of the Alaska Legislatures' rules and procedures, but focuses on the specific problem areas identified through the interviews.

What follows is a series of recommendations for the Alaska Legislature to consider covering various aspects of session length, the committee process, the interim period and staff. The recommendations are accompanied by a discussion of the problems as raised by members of the Alaska Legislature and information on other state practices as possible solutions for Alaska.

#### A. Session Length

Background: Legislatures today face extremely complex issues and tremendous bill volumes. To maintain the part-time citizen legislature and still deliberate on and screen bills has become increasingly difficult. Scheduling session time effectively is critical. Scheduling helps to avoid some of the last minute chaos, and assures important bills are not lost in the process. Scheduling helps regulate session work and can help to expedite session time.

1. The Alaska Legislature should establish a series of deadlines for scheduling session work and controlling the length of the session. The legislature should consider, at a minimum, scheduling session work (whether by rules or leadership direction) to cover the following:

- o Bill draft requests
- o Introduction of bills in house of origin
- o Committee action for house of origin bills
- o Final floor action in house of origin
- o Committee action for bills from opposite house
- o Final floor action for bills from the opposite house
- o Conference committee reports.

2. The Alaska Legislature should adopt a session scheduling system which emphasizes committee work early in the session and floor activity in the later weeks. The legislature should consider removing the limit of ten prefiled bills per member and encourage

members to prefile the majority of bills during the interim before the start of the session. Leadership should be able to assign bills to committees during the interim.

Discussion: There is concern among members of the Alaska legislature and the public that the legislature is spending too much time in session. They are concerned about preserving the part-time, citizen legislature. Yet, there is a lack of consensus, as evidenced by the interviews and votes on constitutional amendments, for limiting the number of session days or instituting a per diem cut off. Clearly, the number of session days has increased over the last four bienniums. The first and second sessions of the Eighth Alaska Legislature were 95 and 96 days, respectively. The first session of the Twelfth Alaska Legislature, however, was 165 days and the second session was 144 days. The length of sessions has been affected by a variety of factors, the most significant being the dramatic growth in Alaskan oil revenues. With population growth doubling over the past fifteen years, the Alaska legislature has had to respond to a myriad of social problems. In addition, being a relatively young state, Alaska is still faced with developing a body of law of its own.

Another factor that points to the need for deadlines is the build-up of bills on the floor of the Alaska Legislature at the end of session. For example, out of the 201 bills passed by the Alaska Senate during the 21-week 1980 session, 53% passed out during the last four weeks of the session.

The flow of legislation through the process also affects session length. The majority of bills considered by the Alaska Legislature are introduced during the first several weeks of the session, but few are passed out of either chamber. For instance, in 1979 during the first five weeks of the session 76% of the total number of Senate bills had been introduced, but the Senate had only passed out 7.8% of the total number of Senate and House bills passed out that session. During the 1980 session, the same pattern is evident. Fifty-two percent of the total number of bills had been introduced by the fifth week, but only 5.5% of the total number of bills passed had been passed out. In addition, out of 792 bills introduced in 1979, only 102 were prefiled. In 1980, 833 bills were introduced and 51 were prefiled by members of the Alaska Legislature.

By instituting a series of deadlines, encouraging prefiling, and establishing committee time in the early part of the session when floor work is not particularly heavy, the Alaska Legislature can help reduce committee and floor jams near the end of the session and place some controls on the length of the session.

Deadlines for introduction and action on bills are the most common techniques adopted by legislatures for handling bill flow and scheduling work. Three-fourths of the 99 state legislative bodies employ deadlines for introduction of bills, and one-half also provide deadlines for committee action on bills. Colorado, Illinois, and South Dakota have the detailed schedule of deadlines outlined in the recommendation.

Deadlines can be set up either formally by rule or informally enforced by leadership. In order to be effective, deadlines need to be established systematically and adhered to. If followed, deadlines will enable the legislature to schedule and plan the session.

Most legislatures permit prefiling of legislation, and in several states leadership refers prefiled bills to committee before the session begins. This enables committees to begin work immediately when the session starts. Prefiling by itself is not always effective, but when coupled with a deadline system, such as in Florida, it can be a very effective device. The Florida House makes the first day of the session the deadline for all member bills, effectively requiring all bills to be prefiled. Incumbent members may prefile bills immediately following sine die adjournment of the previous session. If an incumbent is defeated for reelection, those prefiled bills are dead unless cosponsored by a reelected legislator. New members may begin prefiling immediately following the November organizational session. Prefiled bills are referred to committees by leadership and the committees, which are appointed and begin work in November, study, amend and act on bills up until the opening day of the session in April. Between the first and second session committees actively work on carry-over legislation.

Other states have encouraged prefiling by placing a limit on the number of bills a member can introduce during the session. For example, Montana lawmakers may introduce only five bills once the session has begun. However, the limit does not apply to prefiled bills prior to the session, interim committee bills, state agency bills or resolutions. In Colorado, the joint rules specify a six bill limitation for the number of measures a member can introduce during session. Detailed deadlines for various legislative actions also are set. To allow for emergencies, a Committee on Delayed Bills is established in each house. The committee, composed of the presiding officer and two party floor leaders, can approve late introductions. Appropriations bills are excluded from the limitation.

Increased committee time in the early part of the session can help expedite the process. This mechanism enables committees to work uninterrupted when floor activity is generally slow. Therefore, committees can act on more bills earlier. Increased committee time in the early part of the session can be scheduled in a variety of ways. For instance, from January to March in Connecticut, floor sessions are held only once a week and the rest of the time is devoted to committee work. Iowa utilizes the first four to eight weeks of session for all committee work. Only committee meetings are held in the Pennsylvania House in January and February, after which floor action alternates weekly with committee meetings. Nebraska and the Kentucky and Pennsylvania Senates utilize a recess period for increased committee meeting time.

## B. Committee Process

Background: An effective and efficient legislature depends upon a strong committee system. Committees are the workhorses of the legislature, mini-legislatures, performing policy and program formulation and control. Committee chairmen play a key management function in directing the committee process. The success of a committee system depends significantly on how chairmen plan and manage committee time. Staff also play an important role in the committee process by providing information and analysis to committees -- the keys to informed decision making. Finally, committees serve as the



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P.O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

July 22, 1986

MEMORANDUM

TO: Representative Max Gruenberg  
ATTN: Jim Nordland  
FROM: Katherine Hazard *KH*  
Legislative Analyst  
RE: Scheduling Bills through the Legislature  
Research Request 87-003

You asked our agency to provide information on how other state legislatures schedule bills in order to prevent logjamming of bills during the last few days of the session. You asked specifically for information about these legislative rules in states which have a limit on session length. You also requested information on the number of bills passed during the last two days of the Alaska legislative session in 1986.

Bill Scheduling Rules in Other States

During the last two decades, the number of bills introduced in most state legislatures has increased. The attached graph shows that the number of bills introduced in the Alaska Legislature increased substantially through the 1960s and 70s. Since 1981 there has been a downward trend in the number of bills introduced in the Alaska Legislature.

As of 1983, 37 states had an effective limit on the length of legislative sessions: 30 states had a limit in statutory or constitutional provisions; 1 had a limit proclaimed in the legislative rules; and 6 states had indirect limits on session length through restrictions on legislators pay, per diem, or daily allowance. Only 13 states had no limit on length of the legislative session.<sup>1</sup>

---

<sup>1</sup>The amendment to the Alaska Constitution, Article II, Section 8, which limits the legislative session length, was passed in the general election held on November 6, 1984; thus, in the statistics from 1983, Alaska is included as a state with no session limit.

Because of the constraints on session length and in response to the increase in legislation, several states have adopted rules to assure the timely movement of bills through committees and/or through each house in order to prevent logjamming of bills toward the end of the session. I spoke with legislative staff in six states with such rules: Connecticut, Illinois, Colorado, Iowa, Montana, and North Dakota. Some of the states schedule bills by setting deadlines for transmittal from one house to the other; others establish deadlines for reporting bills out of committee. These rules are described below based on conversations with staff in the respective legislatures.

Connecticut. Rules of the Connecticut legislature include bill submission deadlines and deadlines for the movement of bills through committees. In Connecticut, legislators submit bill and resolution proposals to the legislative commissioner's office in informal language. These are read on the floor and assigned to committees. In 1985 members of the general assembly could submit bill and resolution proposals through January 23rd. Additional information or documentation to the committees needed to be submitted by February 1 in 1985.

Fully drafted bills may be introduced only by committees. In 1985, deadlines for committees to submit drafting requests to the legislative commissioner's office ranged from February 19th to February 28th depending upon the committee. Deadlines for Finance, Revenue and Bonding; Judiciary; and Appropriations Committees were last. Deadlines for drafting requests on proposed bills and resolutions on which hearings are held are later yet; these request deadlines are 10 days prior to the date by which bills must be reported out of committee.

There are also deadlines for reporting bills out of committees. In 1985, deadlines ranged from March 26th through May 8th. Bills not reported out of committee are deemed failed. However, bills may be forced out of committee if: (1) the speaker of the house and the president of the senate certify that the legislation should be acted on by the general assembly; or (2) a majority of the members of the house of origin petition the clerk. There are no deadlines governing transmittal of bills from one house to the other.

Illinois. The Illinois legislature adjourns on or before June 30th. All substantive bills must pass out of committee before the end of the first Friday in May. If a bill has not moved out of committee by this date, it is dead unless the deadline is suspended by a two-thirds vote. Bills may also be petitioned out of committee. Bills must be out of the appropriations committee by the second Friday in May. There is no deadline for transmittal to the other house.

Colorado. The Colorado legislature has rules governing the dates for movement of bills through committee, to the floor, and for transmittal from one house to the other. However, there are no deadlines for appropriations or revenue bills. The Colorado legislature has alternating long and short sessions, with the long session following election years. The calendar for 1986 (a short session) is described below.

Jan 8: begin session  
Jan 17: bill drafting deadline  
Feb 1: deadline for introducing bills  
Feb 21: bills must be out of committee in the house of origin  
Mar 3: deadline for passage of bills in the house of origin  
Mar 18: bills must be reported out of committee in the second house  
Mar 28: deadline for passage of bills in the second house  
Apr 29: reconvene for adjournment<sup>2</sup>  
May 27: deadline for adjournment.

Iowa. Although Iowa has no limit on the length of legislative sessions expenses are paid for a maximum of 110 legislative days (100 days in even years). The legislative rules scheduling movement of bills through the legislature in Iowa are similar to those in Colorado. There are no deadlines on Appropriations and Ways and Means bills and the majority and minority leaders may co-sponsor a bill at any time. Other bills, however, must move according to the following schedule in even years.

2nd week: deadlines for bill drafting requests; committee chairs may still make requests  
8th week: bills must be out of committee in the house of origin  
9th week: deadline for passage of bills in the house of origin  
11th week: bills must be out of committee in the second house  
12th week: deadline for passage of bills in the second house

Beginning in the 13th week, the legislative bodies address co-sponsored minority and majority bills, conference committee reports, ways and means bills, appropriation bills, unfinished business and other legislative action exempted from the deadlines applicable to most legislation.

According to Diane Bolender, of the Iowa Legislative Service Bureau, this scheduling method is effective and few exceptions are made to the deadlines.

Montana. Montana has a session limit of 90 legislative days. Bills, excepting appropriation and revenue bills, must be transmitted from one house to the other on or before the 45th legislative day of the session. Amendments to these bills must be sent back to the other house by the 70th day. If a bill is not transmitted to the other house by the deadline, it may be transmitted only if there is a two-thirds vote to accept transmittal of the bill by the house to which it is to be transmitted.

---

<sup>2</sup>In some legislative sessions, the rules for recessing are suspended and the legislature meets until the adjournment deadline.

In Montana, all appropriations bills originate in the House. Revenue and appropriations bills from the House must be transmitted to the Senate on or before the 70th legislative day. Senate amendments to these bills must be transmitted to the House on or before the 85th day. Revenue bills originating in the Senate must be transmitted to the House on or before the 60th legislative day. Amendments from the House to the Senate on Senate revenue bills must be transmitted to the Senate by the 70th legislative day. In addition, several types of legislative action may occur at any time during the session; interum study resolutions; bills repealing, adopting, or amending administrative rules; and joint resolutions advising or requesting a change in administrative rules. Montana has no deadlines for committee reports.

North Dakota. The North Dakota legislature has a session limit of 80 legislative days. Their rules, however, are based on a 60 legislative day session.

After the 10th day, no legislator may introduce more than 3 bills.

After the 15th day, no bills may be introduced.

After the 18th day, no resolutions excepting study resolutions or resolutions regarding the US Constitution may be introduced.

After the 23rd day, any bill with a fiscal note of more than \$5,000 must be moved to the appropriations committee.

By the end of the 31st day, all bills must be reported out of committee.

By the end of the 33rd day: (1) all study resolutions and proposed resolutions regarding the U.S. Constitution must be out of committee; and (2) all bills must be transmitted to the other house.

By the end of the 48th day, all bills must be reported out of committee of the second house.

If a bill is not reported out of committee on schedule, it is pulled out of committee at the deadline and taken to the floor or referred to the appropriations committee as necessary. There is a floor vote upon every bill introduced.

Legislative procedures in North Dakota also differ from those in Alaska in that state agencies (comparable to departments in the State of Alaska) may introduce bills. Most agency bills are first assigned to the Senate because the Senate has fewer bills introduced; this evens out the load somewhat.

In addition to the rules adopted to schedule movement of bills through the legislature, many state legislatures have adopted rules to limit the number of bills introduced. Most states (79 of 99 legislative bodies) have deadlines for bill introduction, as Alaska does for the second session of each legislature. Forty-six legislative bodies have cut-off dates for requesting bill drafts.

Other methods for reducing the number of bills introduced include:

- a skeleton bill system where an outline is submitted to the appropriate committee, and the committee is responsible for having the bill drafted;
- a limit on the number of bills a legislator may introduce; and
- a prohibition on duplication of bill introductions in the two houses.

#### Bills Passed in the Final Days of the Legislative Session

You also requested information about legislative action during the final days of the 1986 Fourteenth Legislature. Thirty-two percent (68 bills) of the bills passed by the House during the second session were passed in the last two days; 34 percent (62 bills) of the bills passed by the Senate during the second session were passed in the last two days. In addition, the House voted on 16 other measures during the last two days: three conference committee substitute bills, five joint resolutions, six concurrent resolutions, and two letters of intent. The Senate voted on 9 other measures: four joint resolutions, four concurrent resolutions, and one Senate resolution.

#### Statistical Summary of Legislation 1985-1986

---

	<u>Bills Introduced</u>			<u>Bills Passed</u>			<u>Bills Passed Last 2 Days</u>		
	<u>1st</u> <u>Ses</u>	<u>2nd</u> <u>Ses</u>	<u>Total</u>	<u>1st</u> <u>Ses</u>	<u>2nd</u> <u>Ses</u>	<u>Total</u>	<u>May 11</u> <u>86</u>	<u>May 12</u> <u>86</u>	<u>Total</u>
<u>House</u>	448	262	710	158	208	366	17	51	68
<u>Senate</u>	322	167	489	142	184	326	8	54	62

---

\* \* \* \*

We requested copies of the legislative rules from the six states discussed in this memorandum. Please let us know if you would like us to forward copies of these rules to you; or if we may provide additional information.

KH

Attachment

**H C R**

**14**

# HOUSE COMMITTEE ON STATE AFFAIRS

## RECAP OF HCR 14

### Tort Reform Task Force

Received February 15, 1989  
by Reps. Ulmer, Navarre, and Menard

Heard April 18, 1989  
Heard May 4, 1989

Passed Out of Committee May 4, 1989  
2 Do Pass  
2 No Recommendation  
1 Do Not Pass

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### HCR 14: Tort Reform Task Force

- Item 1:** HCR 14 by Ulmer, Navarre and Menard
- Item 2:** Fiscal Note and Analysis
- Item 3:** Memorandum from Rep. Ulmer  
and Letters of Support, May 4, 1989

HOUSE COMMITTEE REPORT

(7)  
Date Referred: February 15, 1989 FURTHER REFERRALS: LABOR & COMMERCE JUDICIARY  
Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered: HCR 14

HOUSE CONCURRENT RESOLUTION NO. 14  
[TORT REFORM TASK FORCE]  
Relating to a Liability Insurance Task Force.

RECOMMENDS:

- replacing with \_\_\_\_\_  the same title
- the attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

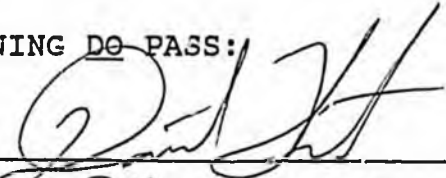
ATTACHES NEW FISCAL NOTE(S):

- fiscal impact LAA
- zero fiscal note
- zero with analysis

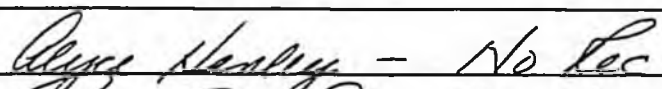
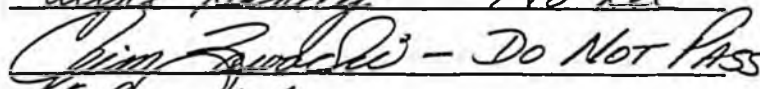
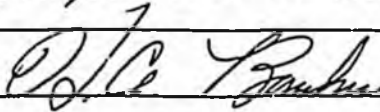

APPROVES PREVIOUS:

- fiscal note(s) published: \_\_\_\_\_
- zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

  
 \_\_\_\_\_  
 E. P. Maclean  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

 - No Rec  
 - Do Not Pass  
 (Resolutions once more pass  
 responsibility on to someone else)  
 NO REC  
 \_\_\_\_\_  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 Chairman's signature

Introduced: 2/15/89  
Referred: State Affairs,  
Labor & Commerce and Judiciary

Item 1  
6-0774A

1 IN THE HOUSE

BY ULMER, NAVARRE AND  
MENARD

2

HOUSE CONCURRENT RESOLUTION NO. 14

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Relating to a Liability Insurance Task

6

Force.

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

8 WHEREAS the state and its political subdivisions, as well as many  
9 individuals in the private sector are faced with increasing insurance  
10 costs; and

11 WHEREAS tort reform involves civil procedure statutes, insurance  
12 statutes, case law developed by the courts over several centuries, many  
13 common-law doctrines, and practices of both the insurance industry and  
14 attorneys in the state; and

15 WHEREAS a comprehensive review of existing statutes, case law, insur-  
16 ance and legal practices, and the relationship between the cost of insur-  
17 ance and the civil justice system is needed in order to determine how the  
18 state may more effectively regulate insurance and provide civil justice;

19 BE IT RESOLVED by the Alaska State Legislature that a Liability Insur-  
20 ance Task Force is established to study state statutes, case law, practices  
21 of the insurance and legal fields, and the relationship between insurance  
22 costs and civil justice; and be it

23 FURTHER RESOLVED that the task force shall recommend to the legisla-  
24 ture any changes to the statutes appropriate and necessary for reducing  
25 insurance costs and improving civil justice; and be it

26 FURTHER RESOLVED that the persons who chair the Senate and House  
27 Judiciary Committees and Labor and Commerce Committees shall be members of  
28 the task force, and that the presiding officers of the Senate and House  
29 shall jointly appoint as members of the task force an appropriate number of

1 persons who are involved in tort reform issues, or who are involved in  
2 insurance or civil justice; and be it  
3 FURTHER RESOLVED that the terms of the task force members shall begin  
4 July 1, 1989, and that the task force shall expire January 31, 1990; and be  
5 it  
6 FURTHER RESOLVED that the task force shall submit a report of its  
7 findings and proposed legislation to the legislature by January 31, 1990;  
8 and be it  
9 FURTHER RESOLVED that the administrative and legal services of the  
10 Legislative Affairs Agency shall be made available to the task force.

FORUM - SEPARATE WHAT FROM STATE -  
ISSUANCE. RE. | PART TO C +

SPEAKERS OF HOUSE  
PRES OF SENATE  
DOCTORS / LAWYERS / PUBLIC  
FIND AREA WHERE THERE IS CONSENSUS

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Affect Agency Legislative Affairs Agency  
 Title: Relating to a Liability Insurance BRU: Legislative Operating Budget  
 Task Force: \_\_\_\_\_  
 Sponsor: Representative Ulmer Components Legislative Operating Budget  
 Requestor: House State Affairs

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services		30.0				
Travel		18.9				
Contractual		3.5				
Supplies		0.0				
Equipment		0.0				
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0.0	52.4	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (THOUSANDS OF DOLLARS)

General Fund		52.4				
Federal Fund		0.0				
Other		0.0				
<b>TOTAL</b>	0.0	52.4	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	1	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

HCR 14 establishes a Liability Insurance Task Force effective July 1, 1989 to January 31, 1990. The administrative and legal services of the Legislative Affairs Agency will be made available to the Task Force. In addition to this staff support, the following is requested to adequately support the Liability Insurance Task Force:

Prepared By: Pamela A. Stoops, Director *Pamela A. Stoops* Phone: 465-3850  
 Division: Administrative Services Date: 4/12/89

Approved By: Warren W. Endicott, Executive Director *Warren W. Endicott*  
 Agency: Legislative Affairs Agency Date: 4/12/89

DISTRIBUTION (BY PREPARER)  
LEGISLATIVE FINANCE  
LEGISLATIVE SPONSOR

REQUESTOR  
OFFICE OF MANAGEMENT & BUDGET  
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: HCR 14

PERSONAL SERVICES

A staff member is requested for analytical work regarding the increasing insurance costs.

Research Analyst III - Range 18A		
\$3,129 x 7 months =	\$21,903	
\$21,903 x 37% benefits =	\$8,104	
	<u>\$30,007</u>	30.0

TRAVEL

It is anticipated there will be 4 meetings of the Task Force.

4 meetings x 9 members at 2 days each		
airfare - 4 meetings x 9 members = 36 airfares		
36 airfares x \$366 =	\$13,176	
per diem - 4 meetings x 9 members = 36		
36 x 2 days per diem = 72		
72 x \$80 =	\$5,760	
	<u>\$18,236</u>	18.9

CONTRACTUAL

Advertising - advertising in local newspapers		
for public notice of meetings =	\$3,500	
	<u>\$3,500</u>	3.5
		<u>52.4</u>

It is assumed that the cost of printing a report, supplies and equipment will be absorbed within the existing budgets of the agency and the Legislative Operating Budget.

# Alaska State Legislature

Representative Fran Ulmer



P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4947

## HOUSE OF REPRESENTATIVES

### MEMORANDUM

May 4, 1989

TO: Rep. Red Boucher, Chair  
House State Affairs Committee

FROM: Rep. *Fran Ulmer*

RE: HCR 14, Insurance Liability Task Force

-----

Attached you will find several letters of support for HCR 14 which establishes the Liability Insurance Task Force. Since comprehensive tort reform legislation will not be forthcoming this session, it is doubly important that the Task Force be established and allowed to work during the interim. I believe the entire subject of tort reform will benefit from the informed participation of the various interested parties.

FU/dl

ML JIA

Alaska Municipal League Joint Insurance Association, Inc.

217 Second Street, Suite 200

Juneau, Alaska 99801

(907) 586-3222

FAX: (907) 463-5480

March 20, 1989

Representative Fran Ulmer  
Alaska State Legislature  
House of Representatives  
P.O. Box V  
Juneau, Alaska 99811

Re: Liability Insurance Task Force

Dear Representative Ulmer:

Thank you for your most refreshing letter of February 21. My first thought was, "Eureka the Millennium Falcon has arrived!!" Finally, a public servant who sees that we must look at the overall picture and that bandaied approaches simply won't work. As you so succinctly stated, a "balanced and logical" approach can help us correct the problem.

The base problem is not insurance rates per se, but the costs of loss. Rates are merely a way to arithmetically determine charges necessary to pay the costs of loss, administration and, of course, profit. Private insurance carriers are not eleemosynary institutions.

The problems stem from societies view of liability insurance as an entitlement. The courts predilection for making insurance law "Res judicata", statutes which place onerous responsibilities on various segments of the insuring public, and last but not least, a sick, mismanaged industry which has forgotten its primary mission is to provide insurance not become enmeshed in Ivan Boesky, Michael Milliken type financial machinations.

Insurance has been historically cyclical but the "down" cycles appear to be growing geometrically rather than arithmetically. I am enclosing an insurance industry survey of cycles which illustrates my point. The 1974-75 and 1984-86 cycles grew exponentially in comparison to prior cycles.

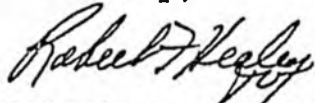
The causes are many and complex and I see your Resolution #14 as an excellent step to dealing with all facets of the problem. It would be refreshing to see the various parties as part of the

Representative Fran Ulmer  
March 20, 1989

Page two

solution rather than as contributors to the problem. I applaud you and Representatives Menard and Navarre. If I can be of assistance, please call me.

Sincerely,



Robert F. Healey, CPCU, ARM, ALCM  
Administrator

# Ketchikan General Hospital

3100 TONGASS AVE.  
KETCHIKAN, ALASKA 99901

March 7, 1989

Representative Fran Ulmer  
State of Alaska  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

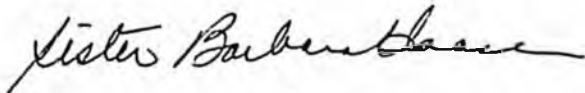
Dear Representative Ulmer:

We support HCR 14 to provide continued study of the need for additional Tort or insurance reform, and to encourage implementation of appropriate Risk Management programs. However, many of us in the State of Alaska, including small businesses, need Tort Reform now. We urge that you assist in passing HB 166 in 1989.

In our community we are desparately searching for OB/GYN physicians to handle obstetrics. These physicians would also assist in Wrangell, Petersburg and on Prince of Wales Island. We find that the insurance rate charged to these physicians is ridiculous. We find that instead, if people are not able to financially pay for or even find insurance, we will not be allowed to have them on our staff. We have been put under duress by our insurance agent that the hospital may not be the complete deep pocket for these physicians, but if these physicians cannot afford to have insurance we indeed have a problem in this State. Right now we have one of the highest levels of infant mortality in the United States. I find that abhorrent in a state where we put a great deal of emphasis on health and proper education of our children.

I urge your help in this matter.

Sincerely,



Sister Barbara Haase  
Administrator

ek

KGH

# JUNEAU MEDICAL SOCIETY

3260 Hospital Drive • Juneau, Alaska 99801 • (907) 586-2611

Lenart C. Ceder, M.D.  
President 1989

Robert L. Urata, M.D.  
President 1988

Eric G. Paulson, D.D.S.  
Secretary - Treas. 1989

Paul V. Rocereto, M.D.  
President Elect 1990

HCR 14

March 07, 1989

Honorable Fran Ulmer  
P.O. Box V  
Juneau, Alaska 99811

Dear Ms. Ulmer,

The Juneau Medical Society met tonight and discussed your proposed bill to create Liability Insurance Task Force. It was noted that there is a comprehensive liability insurance bill in the legislature, and that it has an excellent chance of passage, should it be brought before both houses of the legislature. Unfortunately it's currently captured in committee. We urge you to support this bill, and bring it before the legislature for a vote. It's obvious that the vast majority of Alaskans do support Tort Reform.

If the legislature is unable to accomplish this, during its current session, then it would be appropriate, and perhaps an inherent responsibility, for the Senate and House presiding officers who established a Task force for interim study, prior to next legislative session. At that time, your bill would be specifically appropriate.

Thank you again for your consideration.

Sincerely,



Len C. Ceder, M.D.

LCC:jmf

**H C R**

**19**

# HOUSE COMMITTEE ON STATE AFFAIRS

## RECAP OF HCR 19

### Statue of Former Governor Egan

Received March 3, 1989

by Reps. Cotten, Boucher, Ellis, Navarre, Cato,  
Gruenberg, Donley, Foster, Grussendorf,  
Swackhammer, and Brown

Heard March 15, 1989

Committee Substitute adopted March 15, 1989

Passed Out of Committee March 15, 1989  
6 Do Pass

## TABLE OF CONTENTS

### HCR 19: Statue of Former Governor Egan

- Item 1:** HCR 19 by Cotten, Boucher, Ellis, Navarre, Cato, Gruenberg, Donley, Foster, Grussendorf, Swackhammer and Brown
- CS HCR 19 (SA)
- Item 2:** Fiscal Notes from Department of Natural Resources and Office of the Lieutenant Governor

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 3, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

HCR 19

HOUSE CONCURRENT RESOLUTION NO. 19

[STATUE OF FORMER GOVERNOR EGAN]

Relating to a statue of former Governor William A. Egan.

RECOMMENDATIONS:

- be replaced with CS HCR 19 (SA)  the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact DNR
- zero fiscal note \_\_\_\_\_
- zero with analysis \_\_\_\_\_

- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
_____			
_____			
_____			
_____			
_____			
_____			
_____			
_____			

[Signature]

Chairman's signature

Item 2

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HCR 19  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 14-Mar-89 Agency Affected: Natural Resources  
Title: Relating to a statue of former BRU: Parks & Outdoor Recreation  
Governor William A. Egan  
Sponsor: Couten, Boucher, Ellis, Navarre, Cato, Gruenberg, Components: Historic Resource  
Swackhammer, Donley, Foster, Grussendorf, Brown Management  
Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		0.0				
TRAVEL		0.0				
CONTRACTUAL		75.0				
SUPPLIES		0.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	75.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		75.0				
FEDERAL FUNDS						
OTHER: Prog. Rec.		0.0				
TOTAL	0.0	75.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

As chairman of the Historical Commission, the Lt. Governor will administer this project.

Prepared by: Carol Wilson Phone: 465-2400  
Division: Commissioner's Office Date: 14-Mar-89  
Approved by Commissioner: Lennie Gorsuch Date: 14-Mar-89  
Agency: Department of Natural Resources

- Distribution (by preparer) :
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: 15-Mar-89 Agency Affected: Natural Resources  
 Title: Relating to a statue of former BRU: Parks & Outdoor Recreation  
 Governor William A. Egan  
 Sponsor: Cotten, Boucher, Ellis, Navarre, Cato, Gruenberg, Components: Historic Resource  
Swackhammer, Donley, Foster, Grussendorf, Brown Management  
 Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		0.0				
TRAVEL		0.0				
CONTRACTUAL		0.0				
SUPPLIES		0.0				
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL		0.0 - 75.0				
---------	--	------------	--	--	--	--

REVENUE		0.0 - 150.0				
---------	--	-------------	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0.0 - 75.0				
FEDERAL FUNDS						
OTHER: Prog. Rec.		0.0 - 150.0				
TOTAL	0.0	150.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The statue will cost an estimated \$150,000. It will be funded through private donations, but some state funding may be needed. Because the total amount of donations that will be received is not known, a range of funding from both state and private sources is shown.

The Historical Commission has no staff or funding to manage this project. As Chairman of the Commission, the Lt. Governor will administer the project.

Prepared by: Carol Wilson Phone: 465-2400  
 Division: Commissioner's Office Date: 14-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 14-Mar-89  
 Agency: Department of Natural Resources

Distribution (by preparer) :

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Relating to a statue of  
former Governor William A. Egan  
 Sponsor: Cotten, Boucher, et al.  
 Requestor: Rep. Sam Cotten

Agency Affected: Dept. of Natural Res.  
 BRU: Ak. Historical Commission

Components: Division of Parks

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Sally R. Hanson *Sally R. Hanson* Phone: 465-3520  
 Division: Office of the Lieutenant Governor *SRH* Date: 3-16-89

Approved by Commissioner: Stephen McAlpine, Lt. Gov. Date: 3-16-89  
 Agency: Chairman, Ak. Historical Commission

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

RECEIVED

MAR 1 1989

BY COTTEN, BOUCHER, ELLIS,  
NAVARRE, CATO, GRUENBERG,  
DONLEY, FOSTER, GRUSSENDORF,  
SWACKHAMMER AND BROWN

1 IN THE HOUSE

2

HOUSE CONCURRENT RESOLUTION NO. 19

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Relating to a statue of former Governor

6

William A. Egan.

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

8

WHEREAS former Governor William A. Egan dedicated his life to serving

9

Alaska and its people, and in the process achieved a record unmatched by

10

any other Alaskan; and

11

WHEREAS former Governor William A. Egan was a member of the Alaska

12

Territorial House of Representatives from 1941 to 1943 and authored a

13

statehood referendum bill in 1941; and

14

WHEREAS former Governor William A. Egan served in the United States

15

Army from 1943 to 1946; and

16

WHEREAS former Governor William A. Egan was the mayor of Valdez in

17

1946, the speaker of the Alaska Territorial House of Representatives in

18

1951, an Alaska territorial senator from 1953 to 1956, a delegate to and

19

president of the Alaska Constitutional Convention from 1955 to 1956, and a

20

Tennessee-plan United States senator from Alaska from 1956 to 1958; and

21

WHEREAS former Governor William A. Egan served three terms as Governor

22

of Alaska, was chosen Alaskan of the Year in 1971, and received an honorary

23

LL.D. from the University of Alaska in 1972; and

24

WHEREAS former Governor William A. Egan died May 6, 1984, leaving

25

behind a legacy of high standards and excellence in public service, com-

26

bined with the humanity and humility of the true public servant; and

27

WHEREAS the central location formerly occupied by the sculpture Nimbus

28

in the state's capital would make a fitting location for a monument to this

29

great Alaskan statesman;

1 BE IT RESOLVED that the Alaska State Legislature recommends that a  
2 full standing statue of former Governor William A. Egan be commissioned and  
3 placed in the courtyard location formerly occupied by Nimbus; and be it

4 FURTHER RESOLVED that the Alaska State Legislature recommends that  
5 private money be accepted to help finance the construction and placement of  
6 this fitting memorial to former Governor William A. Egan, and that the  
7 memorial be titled "Bill Egan, the Father of our State"; and be it

8 FURTHER RESOLVED that the Alaska State Legislature recommends that the  
9 Alaska Historical Commission be used to implement this project.

b. EXAMPLE / Checklist Contact sheet

LEGISLATIVE SPONSOR: House State Affairs

TC DATE/DAY: Wed, Mar 15

Pub. Hear Work Ses. Inv. Hear

TIME: 8:30-10:00

LEGISLATIVE REFERENCE: HJR 19

JUNEAU ROOM: C-100

SUBJECT: Statue for Pommer

BRIDGE: \_\_\_\_\_

Gov. Egan

# OF PORTS: \_\_\_\_\_

CONTACT: Ann PH: 4931

DATE TAKEN/BY: 3/4/89

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: Judith Bittner  
762-2626

CHAIRING SITE: Juneau

CHAIRPERSON: Rep. Boucher

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

\_\_\_\_\_  
SIGNATURE OF SPONSOR/CONTACT PERSON

\_\_\_\_\_  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS