

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 86/2

9039 SENATE STATE AFFAIRS

1 (3) an interest based on a contract in which the legislator or legislative  
2 employee or the spouse or dependent child of the legislator or legislative employee  
3 is entitled to receive a benefit from a business or other entity, including a personal  
4 services contract;

5 (4) an interest created by membership on the board of directors of a  
6 corporation regardless of whether the effect of the action on that interest is greater  
7 than the effect on a substantial class of persons to which the legislator or legislative  
8 employee belongs as a member of a profession, occupation, industry, or region."

9 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE SENATE

TO: SB 141

1 Page 8, lines 16 - 19:

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

5 Insert "(1) means

6 (A) the spouse of the person;

7 (B) another person cohabiting with the person in a conjugal  
8 relationship with the person;

9 (C) a child, including a stepchild and an adoptive child of  
10 the person;

11 (D) a parent, sibling, grandparent, aunt, and uncle of the  
12 person; and

13 (E) includes a person described in (1) of this subsection who is  
14 related to the person by marriage [HAS THE MEANING GIVEN IN  
15 AS 24.60.990(a)(5) AND INCLUDES THE GRANDPARENTS, AUNTS, AND  
16 UNCLES OF A PERSON, AND ALSO INCLUDES A PERSON DESCRIBED IN  
17 THIS SUBSECTION OR AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON  
18 BY MARRIAGE]."

19 Page 19, after line 30:

20 Insert a new bill section to read:

21 \*\* Sec. 41. AS 24.60.990(a)(5) is amended to read:

22 (5) "immediate family" means

23 (A) the spouse of the person;

24 (B) another person cohabiting with the person in a conjugal

- 1 relationship with the person; or  
2 (C) a parent, child [, PARENTS, CHILDREN], including a  
3 stepchild and an adoptive child, and sibling [SIBLINGS] of a person if the  
4 parent, child, or sibling resides with the person, is financially dependent  
5 on the person, or shares a substantial financial interest with the person;"

- 6 Remember the following bill section accordingly.

9-LS0174VK.15 ✓  
Cramer  
12/29/95

## AMENDMENT K.15

OFFERED IN THE SENATE

TO: SB 141

1 Page 15, after line 16:

2 Insert new bill sections to read:

3 \* Sec. 32. AS 24.60.170(g) is amended to read:

4 (g) If the committee investigation determines that a probable violation of this  
5 chapter exists that may be corrected by action of the subject of the complaint and that  
6 does not warrant sanctions other than correction, the committee may issue an opinion  
7 recommending corrective action. This opinion shall be provided to the complainant  
8 and to the subject of the complaint, and is open to inspection by the public. The  
9 subject of the complaint may comply with the opinion or may request a hearing  
10 before the committee under (j) of this section. After the hearing the committee may  
11 amend or affirm the opinion. If the subject of the complaint agrees to comply with  
12 the opinion but later fails to complete the corrective action in a timely manner,  
13 the committee may formally charge the person as provided in (h) of this section  
14 or may refer the matter to the appropriate house of the legislature, in the case  
15 of a legislator, or, in the case of a legislative employee, to the employee's  
16 appointing authority. The appropriate house of the legislature or the appointing  
17 authority, as appropriate, may take action to enforce the corrective action or may  
18 decline to take action and refer the matter to the committee. In that case, the  
19 committee may formally charge the person under (h) of this section.

20 \* Sec. 33. AS 24.60.170(h) is amended to read:

21 (h) If the subject of a complaint fails to comply with an opinion and the  
22 committee formally charges the person (ISSUED) under (g) of this section, or if the  
23 committee determines after investigation that there is probable cause to believe that  
24 the subject of the complaint has committed a violation of this chapter that may require  
25 sanctions instead of or in addition to corrective action, the committee shall formally

9-LS0174VK.15

1 charge the person. The charge shall be served on the person charged, in a manner  
 2 consistent with the service of summons under the rules of civil procedure, and a copy  
 3 of the charge shall be sent to the complainant. The person charged may file a  
 4 responsive pleading to the committee admitting or denying some or all of the  
 5 allegations of the charge."

6 Renumber the following bill sections accordingly.

7 Page 16, line 26, after "sanction":

8 Insert "The appointing authority shall enforce the sanction and shall report to  
 9 the committee at a time specified by the committee concerning the employee's  
 10 compliance with the sanction"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 141

1 Page 16, after line 16:

2 Insert new bill sections to read:

3 \* Sec. 34. AS 24.60.174(a) is amended to read:

4 (a) If the person found to have violated this chapter is or was a member of  
5 the legislature, the committee's recommendations shall be forwarded by the chair of  
6 the committee to the presiding officer of the appropriate house of the legislature. If  
7 the committee recommends sanctions other than expulsion from the legislature,  
8 the committee recommendation

9 (1) must include a suggested timetable for the compliance reports  
10 required under (e) of this section, if any; and

11 (2) may include recommended fines that the legislature may  
12 impose if the legislator who was found to have violated this chapter does not  
13 comply with the sanctions imposed by the legislature in a timely manner.

14 \* Sec. 35. AS 24.60.174 is amended by adding a new subsection to read:

15 (e) When a house of the legislature imposes a sanction other than expulsion  
16 on a member or former member, it shall advise the committee at the time of imposing  
17 the sanction of the terms it has imposed and of the timetable for compliance adopted  
18 with the sanctions. A legislator or former legislator on whom sanctions other than  
19 expulsion have been imposed shall report to the committee as required by the  
20 timetable. If the committee determines that the legislator or former legislator has not  
21 complied fully and in a timely manner with the sanctions imposed by the legislature,  
22 the committee may recommend that the legislature impose a fine or additional  
23 sanctions."

24 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE SENATE  
TO: SB 141

1 Page 8, line 31, after "accept":

2 Insert "(1)"

3 Page 9, line 2:

4 After "services"

5 Insert "or (2) a gift of the services of a trainee who is participating in an educational  
6 program approved by the committee if the services are used for legislative purposes. The  
7 committee shall approve training under a program of the University of Alaska and training  
8 through 29 U S C 1501 - 1792b (Job Training and Partnership Act)"

9 After "volunteer"

10 Insert "or educational trainee"

11 Page 9, line 5, after "volunteer"

12 Insert "or educational trainee"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 141

1 Page 1, after line 6:

2 Insert a new bill section to read:

3 \*\* Sec. 2. AS 24.60.030(a) is amended to read:

4 (a) A legislator or legislative employee may not

5 (1) solicit, agree to accept, or accept a benefit other than official  
6 compensation for the performance of public duties; this paragraph may not be  
7 construed to prohibit lawful solicitation for and acceptance of campaign contributions  
8 or the acceptance of a lawful gratuity under AS 24.60.080;

9 (2) use public funds, facilities, equipment, services, or another  
10 government asset or resource for a nongovernmental purpose or for the private benefit  
11 of either the legislator, legislative employee, or another person; this paragraph does  
12 not prohibit

13 (A) limited use of state property and resources for personal  
14 purposes if the use does not interfere with the performance of public duties  
15 and the cost or value related to the use is nominal;

16 (B) the use of mailing lists, computer data, or other information  
17 lawfully obtained from a government agency and available to the general  
18 public for nongovernmental purposes; or

19 (C) telephone use that does not carry a special charge:

20 (3) knowingly seek, accept, use, allocate, grant, or award public funds  
21 for a purpose other than that approved by law, or make a false statement in  
22 connection with a claim, request, or application for compensation, reimbursement, or  
23 travel allowances from public funds;

24 (4) require a legislative employee to perform services for the private  
25 benefit of the legislator or employee at any time, or allow a legislative employee to

1 perform services for the private benefit of a legislator or employee on government  
2 time; it is not a violation of this paragraph if the services were performed in an  
3 unusual or infrequent situation and the person's services were reasonably necessary  
4 to permit the legislator or legislative employee to perform official duties;

5 (5) use or authorize the use of state funds, facilities, equipment,  
6 services, or another government asset or resource for the purpose of political fund  
7 raising or campaigning; this paragraph does not prohibit

8 (A) limited use of state property and resources for personal  
9 purposes if the use does not interfere with the performance of public duties  
10 and the cost or value related to the use is nominal;

11 (B) the use of mailing lists, computer data, or other information  
12 lawfully obtained from a government agency and available to the general  
13 public for nongovernmental purposes; [OR]

14 (C) telephone use that does not carry a special charge; or

15 (D) maintaining campaign records, including records  
16 required by or relating to the Alaska Public Offices Commission, in a  
17 legislator's office."

Renumber the following bill sections accordingly.

*file reports?  
done by  
leg. aides?*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 141

1 Page 16, lines 12 - 13: *24.60.170(1)*

2 Delete "However, the committee may permit the subject of the complaint to  
3 attend a meeting other than the deliberations on probable cause"

4 Insert "However, the committee shall permit the subject of the complaint and the  
5 subject's attorney to attend any meeting concerning the complaint, including confidential  
6 meetings. The committee shall notify the subject of the complaint of the schedule of its  
7 proceedings."

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 141

1 Page 14, after line 11:

2 Insert a new bill section to read:

3 **\*\* Sec. 30. AS 24.60.170(b) is amended to read:**

4 (b) A complaint may be initiated by any person. The complaint must be in  
5 writing and signed under oath by the person making the complaint. The committee  
6 shall upon request provide a form for a complaint to a person wishing to file a  
7 complaint. The committee shall immediately provide a copy of the complaint to the  
8 person who is the subject of the complaint. The committee shall advise the  
9 complainant of the provisions concerning release of confidential information set  
10 out in (i) of this section."

11 Renumber the following bill sections accordingly.

12 Page 15, line <sup>30</sup>~~29~~, after "pertains";

13 Insert "however, the committee may not impose restrictions on the release of  
14 information by the subject of the complaint unless the complainant has agreed to be  
15 bound by similar restrictions and has not made public the information contained in the  
16 complaint, information about the complaint, or the fact of filing the complaint"

*As to  
complainant  
releasing info  
or committee  
releasing info.?*

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 141

1 Page 1, after line 6:

2 Insert a new bill section to read:

3 "• Sec. 2. AS 24.60.030(a) is amended to read:

4 (a) A legislator or legislative employee may not

5 (1) solicit, agree to accept, or accept a benefit other than official  
6 compensation for the performance of public duties; this paragraph may not be  
7 construed to prohibit lawful solicitation for and acceptance of campaign contributions  
8 or the acceptance of a lawful gratuity under AS 24.60.080;9 (2) use public funds, facilities, equipment, services, or another  
10 government asset or resource for a nongovernmental purpose or for the private benefit  
11 of either the legislator, legislative employee, or another person; this paragraph does  
12 not prohibit13 (A) limited use of state property and resources for personal  
14 purposes if the use does not interfere with the performance of public duties  
15 and the cost or value related to the use is nominal; this subparagraph does  
16 not apply to telephone or facsimile use;17 (B) the use of mailing lists, computer data, or other information  
18 lawfully obtained from a government agency and available to the general  
19 public for nongovernmental purposes; or20 (C) telephone or facsimile use; however, a legislator or  
21 legislative employee who incurs a special charge for use of the telephone  
22 or facsimile machine shall reimburse the state for the cost [THAT DOES  
23 NOT CARRY A SPECIAL CHARGE];24 (3) knowingly seek, accept, use, allocate, grant, or award public funds  
25 for a purpose other than that approved by law, or make a false statement in

1 connection with a claim, request, or application for compensation, reimbursement, or  
2 travel allowances from public funds;

3 (4) require a legislative employee to perform services for the private  
4 benefit of the legislator or employee at any time, or allow a legislative employee to  
5 perform services for the private benefit of a legislator or employee on government  
6 time; it is not a violation of this paragraph if the services were performed in an  
7 unusual or infrequent situation and the person's services were reasonably necessary  
8 to permit the legislator or legislative employee to perform official duties;

9 (5) use or authorize the use of state funds, facilities, equipment,  
10 services, or another government asset or resource for the purpose of political fund  
11 raising or campaigning; this paragraph does not prohibit

12 (A) limited use of state property and resources for personal  
13 purposes if the use does not interfere with the performance of public duties  
14 and the cost or value related to the use is nominal; this subparagraph does  
15 not apply to telephone or facsimile use;

16 (B) the use of mailing lists, computer data, or other information  
17 lawfully obtained from a government agency and available to the general  
18 public for nongovernmental purposes; or

19 (C) telephone or facsimile use; however, a legislator or  
20 legislative employee who incurs a special charge for use of the telephone  
21 or facsimile machine shall reimburse the state for the cost [THAT DOES  
22 NOT CARRY A SPECIAL CHARGE]."

23 Renumber the following bill sections accordingly.

Miscellaneous amendments; comments.

*(Section 37 - check purpose... simplifies APOC reporting procedures...gifts would still be reported to Ethics Committee, who would then in turn report to APOC...this eliminates duplicate reporting and confusion thereof.)*

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Pending amendments:

M.1 by Sen. Phillips re: ban of legislative spouse lobbying

K.26 by Sen. Donley re: Legal defense fund.

K.29 - by Sen. Donley re: Sec. 5 re: employees performing duties on govt. time: delete references to "incidental political campaign activities".

K.28 by Sen. Donley re: Page 2, Sec. 3 - re: campaign fund raising notices, invitations" Would allow staff distribution of campaign fund-raising notices while on govt. property.

K.33 by Sen. Donley Sec. 15 - discounts available when on state business. (deletes references to "official state business" and "only if receipt of discount benefits the state.")

K.35 by Sen. Donley: Section 2 - re: AS 24.60.030(a) re: use of state equipment/property: employee or legislator shall reimburse state for cost of use; also addresses personal telephone/fax charges; a legislative employee shall comply with policy on use of state property adopted by employee's supervisor. *(How does this tie in with K.27??)*

*Handwritten signature/initials*

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR PHILLIPS

TO: CSSB 141(STA) Version "M" (dated 4/18/95)

1 Page 1, line 1, after "":

2 Insert "prohibiting the spouses and spousal equivalents of legislators from serving  
3 as legislative lobbyists:"

4 Page 1, after line 6:

5 Insert new bill sections to read:

6 \* Sec. 2. AS 24.45.161(a) is amended to read:

7 (a) This chapter does not apply to

8 (1) an individual, except as provided in AS 24.45.165 for spouses  
9 and spousal equivalents of legislators,

10 (A) who lobbies without payment of compensation or other  
11 consideration and makes no disbursement or expenditure for or on behalf of  
12 a public official to influence legislative or administrative action other than to  
13 pay the individual's reasonable personal travel and living expenses, and

14 (B) who limits lobbying activities to appearances before public  
15 sessions of the legislature, or its committees or subcommittees, or to public  
16 hearings or other public proceedings of state agencies,

17 (2) an elected or appointed state or municipal public officer or an  
18 employee of the state or a municipality acting in an official capacity or within the  
19 scope of employment except as provided in AS 24.45.165 for spouses and spousal  
20 equivalents of legislators.

21 (3) any newspaper or other periodical of general circulation, book  
22 publisher, radio or television station (including an individual who owns, publishes, or  
23 is employed by that newspaper or periodical, radio or television station) that publishes  
24 news items, editorials, or other comments, or paid advertisements, that directly or

1 indirectly urge legislative or administrative action if the newspaper, periodical, book  
 2 publisher, radio or television station, or individual engages in no further or other  
 3 activities in connection with urging or advocating legislative or administrative action  
 4 other than to appear before public sessions of the legislature, or its committees or  
 5 subcommittees, or public hearings or other public proceedings of state agencies.

6 (4) a person who appears before the legislature or either house, or  
 7 standing, special, or interim committee, in response to an invitation issued under (c)  
 8 of this section.

9 \* Sec. 3. AS 24.45 is amended by adding a new section to read:

10 Sec. 24.45.165. SPOUSES AND SPOUSAL EQUIVALENTS OF  
 11 LEGISLATORS. (a) A spouse or spousal equivalent of a legislator may not engage  
 12 in lobbying the legislature during the legislator's term of office.

13 (b) In this section,

14 (1) "engage in lobbying" means to act as a lobbyist;

15 (2) "spousal equivalent" means a person who is a legislator's spousal  
 16 equivalent living together with the legislator in a conjugal relationship that is not a  
 17 legal marriage.

18 \* Delete Sect. 13

Remember: the following bill sections accordingly

AMENDMENT

OFFERED IN THE SENATE  
TO SB 141

BY SENATOR DONLEY

1 Page 10, after line 10:

2 insert a new bill section to read:

3 \*\* Sec. 22. AS 24 60 is amended by adding a new section to article 2 to read:

4 Sec. 24 60 111 LEGAL DEFENSE AND ELECTION CHALLENGE FUNDS

5 (a) A legislator or legislative employee may establish a fund to assist with the  
6 payment of attorney fees and other costs arising from the legislator's or employee's  
7 defense of a civil, criminal, or administrative action brought against the legislator or  
8 employee, or from the prosecution or defense of an administrative or judicial action  
9 concerning a contested election in which the legislator or employee is a candidate.  
10 Contributions to a fund under this section are not subject to the restrictions of  
11 AS 24 60 090.

12 (b) The commission shall adopt regulations relating to the methods of  
13 establishing a fund under this section, the accounting requirements for a fund, the uses  
14 for which money from the fund may be expended, and the disposition of surplus  
15 money in the fund. A person who violates these regulations is guilty of a class B  
16 misdemeanor and is subject to civil sanctions as recommended by the commission  
17 under AS 24 60 171.

18 Remember the following bill numbers accordingly:

AMENDMENT

OFFERED IN THE SENATE  
TO <sup>S</sup> SB 141574 11/1/96

BY SENATOR DONLEY

1 Page 2, line 14

2 Delete "incidental."

3 Page 2, line 17

4 Delete "incidental political"

5 Insert "Political"

6 Page 2, line 19

7 Delete "insert"

8 Delete "incidental"

9 Page 2, lines 20 - 21

10 Delete "Incidental political campaign activities shall be kept to a minimum."

*John W. King*

*John W. King*

2/7/96

AMENDMENT

OFFERED IN THE SENATE

TO: SB 141

BY SENATOR DONLEY

- 1 Page 2, line 20:
- 2 Delete "fund-raising notices."
- 3 Page 2, line 21, after "election":
- 4 insert "other than event or fund-raising notices."

AMENDMENT

OFFERED IN THE SENATE  
TO SB 141

BY SENATOR DONLEY

- 1 Page 7, lines 7 - 8.
- 2 Delete "official"
- 3 Delete "but only if receipt of the discount benefits the state"

AMENDMENT

OFFERED IN THE SENATE

TO: SB 141

1 Page 1, after line 6:

2 Insert a new bill section to read:

3 •• Sec. 2. RS 24.60.030(a) is amended to read:

4 (a) A legislator or legislative employee may not

5 (1) solicit, agree to accept, or accept a benefit other than official  
6 compensation for the performance of public duties; this paragraph may not be  
7 construed to prohibit lawful solicitation for and acceptance of campaign contributions  
8 or the acceptance of a lawful gratuity under RS 24.60.080;

9 (2) use public funds, facilities, equipment, services, or another  
10 government asset or resource for a nongovernmental purpose or for the private benefit  
11 of either the legislator, legislative employee, or another person; this paragraph does  
12 not prohibit

13 (A) (LIMITED) use of state property and resources for personal  
14 purposes if the use does not interfere with the performance of public duties  
15 and either the cost or value related to the use is nominal or the legislator or  
16 legislative employee reimburses the state for the cost; a legislative  
17 employee shall comply with the policy on use of state property adopted by  
18 the employee's supervisor; this subparagraph does not apply to telephone  
19 or facsimile use;

20 (B) the use of mailing lists, computer data, or other information  
21 lawfully obtained from a government agency and available to the general  
22 public for nongovernmental purposes; or

23 (C) telephone or facsimile use; however, a legislator or  
24 legislative employee who incurs a special charge for use of the telephone  
25 or facsimile machine shall reimburse the state for the cost [THAT DOES

1 NOT CARRY A SPECIAL CHARGE);

2 (3) knowingly seek, accept, use, allocate, grant, or award public funds  
3 for a purpose other than that approved by law, or make a false statement in  
4 connection with a claim, request, or application for compensation, reimbursement, or  
5 travel allowances from public funds;

6 (4) require a legislative employee to perform services for the private  
7 benefit of the legislator or employee at any time, or allow a legislative employee to  
8 perform services for the private benefit of a legislator or employee on government  
9 time; it is not a violation of this paragraph if the services were performed in an  
10 unusual or infrequent situation and the person's services were reasonably necessary  
11 to permit the legislator or legislative employee to perform official duties;

12 (5) use or authorize the use of state funds, facilities, equipment,  
13 services, or another government asset or resource for the purpose of political fund  
14 raising or campaigning; this paragraph does not prohibit

15 (A) [LIMITED] use of state property and resources for personal  
16 purposes if the use does not interfere with the performance of public duties  
17 and either the cost or value related to the use is nominal or the legislator or  
18 legislative employee reimburses the state for the cost; a legislative  
19 employee shall comply with the policy on use of state property adopted by  
20 the employee's supervisor; this subparagraph does not apply to telephone  
21 or facsimile use;

22 (B) the use of mailing lists, computer data, or other information  
23 lawfully obtained from a government agency and available to the general  
24 public for nongovernmental purposes; or

25 (C) telephone or facsimile use; however, a legislator or  
26 legislative employee who incurs a special charge for use of the telephone  
27 or facsimile machine shall reimburse the state for the cost [THAT DOES  
28 NOT CARRY A SPECIAL CHARGE].

29 Renumber the following bill sections accordingly.

# Alaska State Legislature

## Select Committee on Legislative Ethics

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January 12, 1996

Senator Bert Sharp  
Chair, Senate State Affairs Committee  
Room 514  
State Capitol  
Juneau, AK 99801-1182

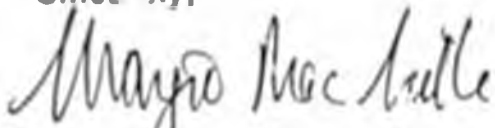
Dear Senator Sharp;

SB 141, an Act relating to Legislative Ethics, is currently in your committee. You hold an initial hearing on the bill in April of 1995. On behalf of the Select Committee on Legislative Ethics, I respectfully request that SB 141 be scheduled for a second hearing before the Senate State Affairs Committee.

I am enclosing three amendments to SB 141, for your consideration. At our January 9, 1996 meeting, the Ethics Committee voted to forward these amendments to the appropriate committee. I have also provided a brief analysis for each of the proposed amendments. Please contact Susie Barnett at our committee office should you need any additional information.

Thank you for your consideration of this request.

Sincerely,



Margie Mac Neille, Chair  
Select Committee on Legislative Ethics

January 12, 1996

**ANALYSIS OF AMENDMENTS**  
**FORWARDED TO SENATE STATE AFFAIRS COMMITTEE**

**Amendment K.10: AS 24.60.030(g) CONFLICTS OF INTEREST**

The prohibition on taking legislative, administrative, or political action in the current ethics code requires meeting three tests before it takes effect:

1. The legislator or legislative employee must have a substantial equity or ownership interest.
2. The equity or ownership interest will be affected by legislative, administrative or political action.
- and
3. The effect of the action on the legislator or employee will be greater than the effect on others in the legislator's or employee's profession, occupation, industry or region.

Test #1: The term "substantial" is not defined in the code. The ethics committee has found the term substantial to be relative. For example, owning \$2000 stock in a major oil company would not be considered substantial whereas owning \$2000 stock in a fledgling business that only issued \$10,000 total in stock would be considered substantial.

Test #2: An example: A legislator's equity or ownership interest, if the legislator owned an air service business, would be affected by a bill to reduce taxes on airplane fuel.

Test # 3: Under current law, in addition to establishing whether the equity or ownership interest is substantial and whether or not the interest would be affected, the legislator or legislative employee must assess if the affect of the action will be greater on the legislator or employee than others in the affected group. For example, if a legislator who owns a piece of property in an inaccessible area introduced an amendment to the capital budget that provided for a road that went only to his or her property, the effect on the legislator's interest would be greater than on the interests of the other property owners in the area.

There is an exception when the Uniform Rules require the legislator to take action. For example, the Uniform Rules state that every legislator present in a House or Senate floor session must vote. According to Rule 34(b), a legislator *may* ask to be excused from voting, however, the body must give unanimous consent for the legislator to abstain. If any member objects, the legislator must vote. Note that the Uniform Rules do not *require* a legislator to be excused nor has either legislative body traditionally excused legislators from voting.

The proposed amendment has the effect of changing the *prohibition* on taking action to a *disclosure requirement* prior to taking action if one has any of the "interests" listed in the amendment, which are expanded beyond equity or ownership interest to include employment, contracts and membership on a board. It also sets out that the disclosure is to be publicly announced if the action is being taken in a committee meeting or on the floor. Actions being taken other than in committee or on the floor, e.g. drafting a bill or testifying in an administrative hearing, would be disclosed in writing to the ethics committee within 7 days.

#### **AMENDMENT K.17: AS 24.60.990(a)(5) IMMEDIATE FAMILY**

Lines 1-18 of this amendment change the definition of "immediate family" as it applies to gifts by adding "another person cohabiting with the person in a conjugal relationship with the person" to the list of those people that a legislator or legislative employee may receive gifts from without restriction or disclosure.

The second part of the amendment changes the definition of "immediate family" as it applies to the contract, lease and grant sections (Secs. 8 & 9) of SB 141. Under current law, a legislator or legislative employee would be in violation of the ethics code if an immediate family member, with whom the legislator or employee does not communicate or share finances, were to participate in a state contract, lease or grant prohibited in the ethics code. The proposed amendment would set the restrictions laid out in SB 141 on the spouse, the spousal equivalent and a parent, child and sibling of the person if the parent child or sibling resides with the person, is financially dependent on the person or shares a substantial financial interest with the person. In other words, if the legislator or legislative employee reasonably ought to know that a relative is seeking a contract, grant or lease, then the restrictions apply.

#### **AMENDMENT K.15 CORRECTIVE ACTIONS. SANCTIONS AS 24.60.170(g) & (h)**

This amendment clarifies procedures in the event a person, after a finding of probable cause of a violation of the ethics code, agrees to comply with the committee's recommended corrective actions but later fails to complete the corrective action. Under the new language the committee may formally charge the person or refer the matter to the appropriate house of the legislature or appointing authority. It empowers the legislature or the

appointing authority to enforce the actions or to decline to enforce and refer the matter back to the committee. If it is referred back to the committee, the committee maintains the power to formally charge the person.

Lines 7-10 (Page 2) of the amendment apply to cases where legislative employees have been formally charged, found in violation and sanctions have been recommended by the committee to the appointing authority. The appointing authority would be required to report back to the committee at a time specific concerning the employee's compliance.

The committee has discussed but has not yet addressed a procedure dealing with a legislator's non-compliance with sanctions imposed by the legislative body.

AMENDMENT K.10

OFFERED IN THE SENATE

TO: SB 141

1 Page 3, after line 10:

2 Insert a new bill section to read:

3 \* \* Sec. 5. AS 24.60.030(g) is repealed and reenacted to read:

4 (g) A legislator or legislative employee who has a substantial financial interest  
5 that may be affected by legislative, administrative, or political action may not take the  
6 legislative, administrative, or political action unless the legislator or legislative  
7 employee first discloses the financial interest as required by this subsection. Before  
8 acting on a matter subject to this subsection in a legislative committee or a house of  
9 the legislature, a legislator or legislative employee shall disclose the financial interest  
10 to the committee or the legislative house, as appropriate. The disclosure shall be  
11 reported in the journal or in the committee minutes, as appropriate. If the action is  
12 not taken in a legislative committee or a house of the legislature, the legislator or  
13 legislative employee shall disclose the financial interest to the committee, to be  
14 received by the committee within seven days after the legislator or legislative  
15 employee took the action. The disclosure is a public document. The disclosure to the  
16 committee must include the nature of the financial interest and a short description of  
17 how the action taken affects the interest. The committee shall promptly forward the  
18 disclosure to the clerk of the house or the senate secretary for publication in the  
19 journal. In this subsection, a financial interest includes

20 (1) an equity or ownership interest in a business, investment, real  
21 property, lease, or other enterprise if the effect of the action on that interest is greater  
22 than the effect on a substantial class of persons to which the legislator or legislative  
23 employee belongs as a member of a profession, occupation, industry, or region;

24 (2) an interest based on employment of the legislator or legislative  
25 employee or the spouse or dependent child of the legislator or legislative employee;

1                   (3) an interest based on a contract in which the legislator or legislative  
2 employee or the spouse or dependent child of the legislator or legislative employee  
3 is entitled to receive a benefit from a business or other entity, including a personal  
4 services contract;

5                   (4) an interest created by membership on the board of directors of a  
6 corporation regardless of whether the effect of the action on that interest is greater  
7 than the effect on a substantial class of persons to which the legislator or legislative  
8 employee belongs as a member of a profession, occupation, industry, or region."

9    Renumber the following bill sections accordingly.

9-LS0174K.17✓

Cramer

1/11/96

AMENDMENT

OFFERED IN THE SENATE

TO: SB 141

1 Page 8, lines 16 - 19:

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

5 Insert "(1) means6 (A) the spouse of the person;

7 (B) another person cohabiting with the person in a conjugal  
 8 relationship with the person;

9 (C) a child, including a stepchild and an adoptive child of  
 10 the person;

11 (D) a parent, sibling, grandparent, aunt, and uncle of the  
 12 person; and

13 (2) Includes a person described in (1) of this subsection who is  
 14 related to the person by marriage [HAS THE MEANING GIVEN IN  
 15 AS 24.60.990(a)(5) AND INCLUDES THE GRANDPARENTS, AUNTS, AND  
 16 UNCLES OF A PERSON, AND ALSO INCLUDES A PERSON DESCRIBED IN  
 17 THIS SUBSECTION OR AS 24.60.990(a)(5) WHO IS RELATED TO THE PERSON  
 18 BY MARRIAGE]."

19 Page 19, after line 30:

20 Insert a new bill section to read:

21 \*\* Sec. 41. AS 24.60.990(a)(<sup>5</sup>) is amended to read:

22 (5) "immediate family" means

23 (A) the spouse of the person;24 (B) another person cohabiting with the person in a conjugal

9-LS0174K.17

1 relationship with the person; or  
2 (C) a parent, child [, PARENTS, CHILDREN], including a  
3 stepchild and an adoptive child, and sibling [SIBLINGS] of a person if the  
4 parent, child, or sibling resides with the person, is financially dependent  
5 on the person, or shares a substantial financial interest with the person;"

6 Renumber the following bill section accordingly.

9-LS0174\K.15 ✓  
Cramer  
12/29/95

AMENDMENT K.15

OFFERED IN THE SENATE

TO: SB 141

1 Page 15, after line 16:

2 Insert new bill sections to read:

3 \*\* Sec. 32. AS 24.60.170(g) is amended to read:

4 (g) If the committee investigation determines that a probable violation of this  
5 chapter exists that may be corrected by action of the subject of the complaint and that  
6 does not warrant sanctions other than correction, the committee may issue an opinion  
7 recommending corrective action. This opinion shall be provided to the complainant  
8 and to the subject of the complaint, and is open to inspection by the public. The  
9 subject of the complaint may comply with the opinion or may request a hearing  
10 before the committee under (j) of this section. After the hearing the committee may  
11 amend or affirm the opinion. If the subject of the complaint agrees to comply with  
12 the opinion but later fails to complete the corrective action in a timely manner,  
13 the committee may formally charge the person as provided in (h) of this section  
14 or may refer the matter to the appropriate house of the legislature, in the case  
15 of a legislator, or, in the case of a legislative employee, to the employee's  
16 appointing authority. The appropriate house of the legislature or the appointing  
17 authority, as appropriate, may take action to enforce the corrective action or may  
18 decline to take action and refer the matter to the committee. In that case, the  
19 committee may formally charge the person under (h) of this section.

20 ♦ Sec. 33. AS 24.60.170(h) is amended to read:

21 (b) If the subject of a complaint fails to comply with an opinion and the  
22 committee formally charges the person [ISSUED] under (g) of this section, or if the  
23 committee determines after investigation that there is probable cause to believe that  
24 the subject of the complaint has committed a violation of this chapter that may require  
25 sanctions instead of or in addition to corrective action, the committee shall formally

9-LS0174K.15

1 charge the person. The charge shall be served on the person charged, in a manner  
2 consistent with the service of summons under the rules of civil procedure, and a copy  
3 of the charge shall be sent to the complainant. The person charged may file a  
4 responsive pleading to the committee admitting or denying some or all of the  
5 allegations of the charge."

6 Renumber the following bill sections accordingly.

7 Page 16, line 26, after "sanction":

8 Insert "The appointing authority shall enforce the sanction and shall report to  
9 the committee at a time specified by the committee concerning the employee's  
10 compliance with the sanction"

AMENDMENT

K-19

OFFERED IN THE SENATE

TO: SB 141

1 Page 16, after line 16:

2 Insert new bill sections to read:

3 \* Sec. 34. AS 24.60.174(a) is amended to read:

4 (a) If the person found to have violated this chapter is or was a member of  
5 the legislature, the committee's recommendations shall be forwarded by the chair of  
6 the committee to the presiding officer of the appropriate house of the legislature. If  
7 the committee recommends sanctions other than expulsion from the legislature,  
8 the committee recommendation

9 (1) must include a suggested timetable for the compliance reports  
10 required under (c) of this section, if any; and

11 (2) may include recommended fines that the legislature may  
12 impose if the legislator who was found to have violated this chapter does not  
13 comply with the sanctions imposed by the legislature in a timely manner.

14 \* Sec. 35. AS 24.60.174 is amended by adding a new subsection to read:

15 (c) When a house of the legislature imposes a sanction other than expulsion  
16 on a member or former member, it shall advise the committee at the time of imposing  
17 the sanction of the terms it has imposed and of the timetable for compliance adopted  
18 with the sanctions. A legislator or former legislator on whom sanctions other than  
19 expulsion have been imposed shall report to the committee as required by the  
20 timetable. If the committee determines that the legislator or former legislator has not  
21 complied fully and in a timely manner with the sanctions imposed by the legislature,  
22 the committee may recommend that the legislature impose a fine or additional  
23 sanctions."

24 Renumber the following bill sections accordingly.

# Alaska State Legislature

## Select Committee on Legislative Ethics

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Mailing Address:  
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**DATE:** March 30, 1995

**TO:** Senator Bert Sharp, Chair  
Senate State Affairs

**FROM:** Susie Barnett, Staff  
Select Committee on Legislative Ethics

**RE:** Review of SB 141, An Act relating to legislative ethics.

This document is intended to supplement SB 141, relating to changes to the Ethics Code, AS 24.60. The purpose of this document is to provide an analysis of the bill and a discussion on why the committee forwarded the proposed amendments.

**SECTION 1: AS 24.25.010(e) SUBPOENA POWERS.** The ethics code specifically grants the ethics committee the authority to subpoena witnesses under AS 24.60.150(b)(2). The statute to be amended by this bill, AS 24.25.010, sets out general guidance for legislative subpoenas and includes a reference requiring the concurrence of the Senate President or Speaker of the House. Subsection (e) provides that the concurrence requirement does not apply to the Legislative Council or the Legislative Budget and Audit Committee. Like the ethics committee, both the council and LBA are permanent interim committees and both have express grants of authority to subpoena witnesses. It is the opinion of the ethics committee and the committee's legal council, that not including the ethics committee in the AS 24.25.010(e) exemption was an oversight, especially given the specific grant of authority.

**SECTION 2: AS 24.60.030(c) MASS MAILING:** The ethics code currently prohibits use of state funds to print or distribute a mass mailing from or about a legislator who is a candidate for state office, during the period 90 days before the primary and ending the day after the general election. The proposed language expands the prohibition to include legislators and legislative employees who are candidates for federal and municipal offices or to telephone and electric cooperatives and a person other than a

legislator or employee who is a candidate for election to the legislature. While other sections of the ethics code clearly prohibit use of state funds for campaign purposes, this section highlights what are considered to be a critical periods and provides a guideline for those who issue mailings during those times. It remains the committee's desire that state funds should never be used for campaign purposes.

**SECTION 3: AS 24.60.030(d) CAMPAIGN LITERATURE** The ethics committee received inquiries as to whether the current prohibitions on distributing or posting campaign literature in state facilities included notices of fundraising events for candidates. The proposed change adds fundraising notices to the list. The prohibitions currently apply only to legislators or someone on behalf of a legislator. This language expands that to include legislative employees.

**SECTION 4: AS 24.60.030(f) BOARD MEMBERSHIP:** The bill would put in statute what is current practice for disclosure, with two exceptions. The committee now requests disclosure of a new membership on a board within 30 days and board membership disclosures are not published in the journal. The amendment would change the new membership disclosure period to 60 days and would require the committee to publish the disclosures in the journal. The committee feels that receipt, but non-publication, of disclosures does not meet the "public disclosure" standard.

**SECTION 5: AS 24.60.030 GOVERNMENT TIME** This new subsection reflects the committee's discussions and formal advisory opinion on the issue of "government time". The committee clearly finds most legislative employees do not have a standard 8-5 workday. Under the proposed language, the committee would consider the schedule set by the employee's supervisor in any complaint proceedings. The committee does not condone participation in campaign activities while on government time. To emphasize this, the proposed language sets out the requirement that employee take leave for the period of time he or she is participating in any political campaign activity during a workday. The term "political campaign activity" has been interpreted broadly by the committee to include local, state, federal elections and ballot measures.

**SECTION 6: AS 24.60.031(a) FUNDRAISING DURING SESSION** The current code does not specify exactly when the prohibition on fundraising during session begins and ends. The committee issued an advisory opinion in 1994 stating that, for the purposes of compliance with the ethics code, the session begins and ends at the fall of the gavel. If a legislator were to accept a campaign contribution on the first or last day of session, but before or after the gavel falls, it would appear on the legislator's APOC report as received on a day in which the legislature was in session. This would give the public the impression that the legislator violated the

ethics code. The committee feels it would be in the legislators' and the public's best interest to restrict acceptance of contributions on the day when either house is in session, even on a day on which the legislature 'sine dies' at 12:05 a.m. The proposed language retains the restrictions on fundraising during session for state legislative political purposes and eliminates the unnecessary term for "campaign purposes". This proposal tightens the language that might have allowed someone to expend money raised during session under a general letter of intent without a declaration of candidacy.

**SECTION 7: AS 24.60.039 EMPLOYMENT DISCRIMINATION** The Ethics Committee shares jurisdiction with the Human Rights Commission on complaints filed against a legislator or legislative employee concerning violations of the employment discrimination statute, AS 18.60.220. Current law requires the committee to deal with a complaint alleging a violation of that statute in the same manner they would deal with any other complaint. The committee feels that given the Human Rights Commission's history in handling complaints concerning employment discrimination, the committee should have the option to refer complaints of employment discrimination to the commission and defer consideration of the complaint until after the commission has completed its proceedings. The proposed language would allow the committee to refer complaints to the commission.

**SECTION 8: AS 24.60.040(a) CONTRACTS AND LEASES** The committee recognizes that a citizen legislature and "session only" employment for a portion of legislative employees requires certain flexibility in financial restrictions. The proposed language broadens the contract and lease criteria beyond the current code, which restricts a legislator or legislative employee from having a financial interest in a state contract or lease unless:

- it is let through competitive bidding in accordance with the Procurement Code or
- it is worth \$1000 or less annually or
- it is standardized, under publicly established guidelines and generally available to the public at large.

The new language allows participation in contracts or leases that are let under AS 36.30, the State Procurement Code, which addresses a variety of award methods, including sole-source. It also allows participation in contracts and lease that are let under similar procedures to those in AS 36.30 which addresses such agencies as the University and the Railroad. The new language sets a reporting threshold from \$1000 to \$5000.

This relaxing of prohibitions is balanced by the new disclosure requirement. Currently a legislator or legislative employee does not

disclose to the ethics committee participation in contracts or leases permitted by the code. The proposed language requires disclosure by the legislator, legislative employee and family members of participation in any state contract or lease over \$5000 annually. It also clarifies that for the purposes of complying with the ethics code, a grant that results in a contract is subject to this section.

**SECTION 9, AS 24.60.040, CONTRACTS AND LEASES.** The new subsection further clarifies that a grant, contract or lease that falls under one of the State Loan or Benefit Programs in AS 24.60.050, is not subject to this section. (The committee publishes a list of programs that do not meet the criteria in AS 24.60.050 and requires disclosure of participation in any of the listed programs. )

The committee also recognizes that not all family members live with, or are in communication with legislators and legislative employees and therefore, eased the 'family member' disclosure requirement to generally read: A legislator or legislative employee who knows, or reasonably ought to know, that a family member is participating in a state contract or lease must disclose that participation.

**SECTION 10: AS 24.60.050(c) REFRAIN FROM PUBLICATION** Allows the committee to protect an individual's right to privacy concerning participation in state loan and benefit programs. This follows an advisory opinion issued by the committee in 1994 explaining that it chose to not publish the name of a person who received a benefit from the Violent Crimes Compensation Committee but did publish that a person covered by the ethics code had received a benefit.

**SECTION 11: AS 24.60.060(b) PROTECTIVE ORDER** The subject of an ethics complaint would be in violation of the code for releasing information deemed confidential under a protective order issued by the committee. This change would allow the committee to broaden discovery by the subject while still protecting any innocent, or 'not involved' parties.

**SECTION 12: AS 24.60.070(b) DEADLINE FOR CLOSE ECONOMIC ASSOCIATION:** The current code required disclosure but did not set a deadline. The February 15 deadline is in line with others and the 60 day disclosure for new associations matches the new language for disclosures throughout the bill.

**SECTION 13: AS 24.60.070: SPOUSAL LOBBYIST.** This new section would require legislators and legislative employees who are married to or who are the spousal equivalents of a lobbyist, to disclose, under Close Economic Association, the name and address of each of the lobbyist's

clients and the total monetary value received from each client annually. Changes to the list would have to be reported within 48 hours.

**SECTION 14: AS 24.60.080(a): GIFTS** The committee feels that the purpose in restricting gifts is to decrease the opportunities to be influenced or conflicted. The committee found that an annual gift of \$250 or less is unlikely to "buy the vote or influence of an elected official". The bill increases the gift limit from \$100 to \$250 annually. The language also clarifies that those gifts that come under subsection (c): hospitality, discounts, food shared as a cultural norm, travel/hospitality for obtaining information on legislative matters, gifts from immediate family and gifts not connected to legislative status are exceptions to the general prohibition on accepting gift. Gifts on behalf of a charitable organization, (new subsection (h)) are exempted from both accepting and soliciting prohibitions. New language has been added that restricts legislators and legislative employees from accepting, from a lobbyist during session, anything of monetary value other than food or beverage for immediate consumption. This change matches the restrictions currently in the APOC statutes for lobbyists.

**SECTION 15: AS 24.60.080(c) GIFT EXEMPTIONS** The committee has received inquiries as to whether a stay at a person's vacation home is an acceptable gift. This language clarifies that the committee does not consider a stay in a vacation home, regardless of location, to be an exempted gift.

The committee does believe legislators and legislative employees should be able to accept discounts that benefit the state. The proposed language would allow, for example, those covered by the ethics code to accept an offer of a 25% discount on flights paid by State TRs, even if the offer was made only to legislators and legislative employees. Under current code, that offer would not be allowed to be accepted.

**SECTION 16: AS 24.60.080(d) GIFT REPORTING** Proposed changes to Sections 200-260 (discussed further down in this document) of the ethics code, remove APOC out from under the responsibility of dealing with reports of gifts received by legislators and legislative directors. This is an effort to ease confusion over what is reported to whom. Under the proposed changes, all gifts would be reported to the ethics committee. The changes in this section correspond to those made in previous sections e.g. \$250 limit and changing reporting date for gifts not related to legislative status to February 15 deadline and the change from reporting gifts to APOC.

Currently, a legislator or legislative employee who receives a gift of over \$100 "not related to legislative status" is required to report.

confidentially, the name of donor and description of the gift received under this category. If the gift has a value of over \$250, the actual value must also be reported. The new language follows the type of reporting previously required by APOC, which is reporting only the name of donor and description of gift for all gifts, regardless of purpose or status, over \$250.

The committee feels the public wishes to hold elected officials to more stringent disclosure requirements than they do legislative employees. Therefore, this bill would require public disclosure of the source and description of all allowable gifts over \$250, as stated above, by legislators. The confidential aspect of the disclosure of 'gifts not related to legislative status' would be eliminated for legislators.

Legislative employees would also be required to submit disclosures of the source and description of all allowable gifts over \$250. However, legislative employees would retain the right to confidential disclosure of those 'gifts not related to legislative status'.

**SECTION 17: AS 24.60.080(f) Foreign Gifts** Allows acceptance of gift from a foreign government for protocol purposes so long as the gift is delivered to the legislative council within 60 day. This bill increases the threshold to \$250 to correspond with other changes relating to gifts.

**SECTION 18: AS 24.60.080(f) FAMILY** Clarifies that the term "family member", when used in relation to inheritance from a family member (i) or gifts received by a family member (k), means the same as immediate family in the definition section.

**SECTION 19: AS 24.60.080 GIFTS. New Subsections**

(h) Permits soliciting and accepting gifts on behalf of charitable organizations, which is in accordance with the advisory opinion issued by the committee last year. Allows the committee to set guidelines concerning these types of gifts.

(i) Requires reporting of receipt, but not value of, an inheritance from a person other than a family member. The current statute does not address inheritance. This information is currently required under APOC reporting of gifts. The bill reflects the change from reporting gifts to APOC.

(j) The committee issued an opinion interpreting the restriction on accepting volunteer 'services' over \$100 in value. This bill reflects that opinion and sets out that gifts of volunteer services for legislative purposes may be accepted by a legislator, legislative committee or legislative agency as a gift to the state, so long as the person donating the services is not paid by another source. For purposes of maintaining confidentiality, the ethics committee is not permitted to accept volunteer

services. The committee feels it is important that those in legislative service, including volunteers, generally comply with the ethics code. However, a volunteer does not have to comply with the following sections: contracts and leases, close economic associations, nepotism or representation before state agencies. The nepotism exemption allows family members to volunteer their time to legislative offices.

(k) The current law does not specifically address whether gifts, from another source, to a family member of a legislator or legislative employee fall within the restrictions and/or reporting requirements. The issue has been discussed by the committee in relation to spouses of legislators receiving gifts of travel to attend conferences with the legislator. The proposed language requires disclosure by a legislator or legislative employee who knows, or reasonably ought to know, that a family member has received a gift because of the family member's connection to the legislator or legislative employee. The bill provides this guideline: if the gift was given directly to the legislator or employee and if it would have to be reported by the legislator or employee, then the same gift, if the gift was given to a family member because of his/her connection to a legislator or legislative employee, would require disclosure. In other words, gifts of travel for matters of legislative concern given to allow the spouse to travel with the legislator, would have to be reported. The same holds true for gifts that legislators or legislative employees would be prohibited from accepting, that are received by family members. For example, gift of over \$250 given to the spouse of a legislator, primarily because of the connection to the legislator, would have to be reported.

The language, "or reasonably ought to know", concerning family members reduces the burden on those covered by the ethics code to research gifts provided to family members with whom there is little or no contact.

(l) Sets out that the value of the gift is fair market value, to the extent that fair market value can be determined. An example of how this might apply is: a tourism company provides a one hour helicopter ride to show a legislator the area in which they would like to expand their tours. The legislator would use the rate charged to helicopter passengers for a one hour tour in reporting the gift.

**SECTION 20: AS 24.60.085(a) EARNED INCOME AND HONORARIA** The committee feels that legislators and legislative employees should not be restricted from charging less or not charging for personal services and that this was not the intent behind the current law, which restricts legislators and legislative employees from accepting compensation that is not commensurate with fees generally charged. This bill would allow an attorney to do pro bono work or an engineer to charge a reduced rate for review of plans for a non-profit organization.

**SECTION 21: AS 24.60.100 REPRESENTATION** Current law does not set reporting deadlines for representation before a state agency. This change corresponds to the other changes of February 15 and 60 days for new representation.

**SECTION 22: AS 24.60.130(f). COMMITTEE PER DIEM AND TRAVEL** The language formalizes the public members' entitlement to receive per diem and travel compensation, as has been customary with legislative branch committees that have non-legislative members, such as the Code Revision Committee. The public members are not entitled to be paid for their time in service to the committee. AS 39.20.180 sets the rates and terms for per diem and travel for state boards and commissions. The change would apply those rates and terms to the public members of the committee.

**SECTION 23: AS 24.60.130(h). MEMBER DISQUALIFICATION** The process for appointing a new member to serve in the place of a disqualified member is in new subsection AS 24.60.130(o).

The new language prohibits a member from participating in a complaint proceeding against a subject of a complaint that is supervised by the member.

**SECTION 24: AS 24.60.130(o) APPOINTMENT OF COMMITTEE ALTERNATES** The current law sets out that if a member is disqualified during session, the presiding officer, with 2/3 concurrence, appoints another member for that proceeding. If disqualification is during interim, the presiding officer appoints a new member with the concurrence of that house's subcommittee. The committee feels this process conflicts with the strict confidentiality requirements of the ethics code. The committee has interpreted the code to require them to not even acknowledge publicly if it has any complaints before it. Involving either body of the legislature defeats that level of confidentiality and public knowledge of the disqualified member could lead to speculation as to who is the subject of the complaint. The new language directs the presiding officers to appoint alternates to the committee who will serve when the chair of the committee or subcommittee appoints them, due to a legislative member being disqualified in a complaint proceeding. The appointment of the alternate by the chair is confidential.

**SECTION 25: AS 24.60.134(a) RESTRICTIONS ON PUBLIC MEMBERS OF THE COMMITTEE.** The committee feels the public members must strive to be above reproach during their service on the ethics committee. The proposed language strengthens the political restrictions on the public members, staff to the committee and those under contract to the

committee, by clarifying that prohibitions of participation in political management or in a political campaign extend to ballot initiatives and to campaigns for federal, state and local offices, regardless of whether the campaign is partisan or nonpartisan. The restrictions on attending a fundraising event or making a campaign contribution remain, as in current law, tied to the legislature. A public member, employee or contractor to the committee may not attend a fundraiser or make a contribution to a candidate for the legislature, an incumbent legislator or legislative employee who is a candidate for another public office or a person running for another office against an incumbent legislator or legislative employee. The restriction on lobbying activities also remains the same as current law.

**SECTION 26: AS 24.60.134 RESTRICTIONS: NEW SUBSECTIONS** The committee advocates further restricting public members, employees and contractors of the committee from participating in or attending a political fundraising event held on behalf of a political party. Current law does not address this issue. New subsection (c) adds this restriction.

Proposed subsection (d) reflects the committee's recognition that the political restrictions on contractors to the committee do not necessarily need to extend to the contractor's corporation or partnership as that could be an unreasonable burden. The proposed language permits the contractor to request the committee to exempt some members of the corporation or partnership from having to comply with some or all prohibitions against political activity. The committee currently contracts for outside legal counsel with an attorney who is part of a large firm with branch offices outside of Alaska. A strict reading of current law prohibits all employees of that law firm to comply with the restrictions in the Alaska legislative ethics code, which they have agreed to.

**SECTION 27: AS 24.60.150(b) GUIDELINES** The proposed language permits the committee to adopt guidelines under a public process. A person who acted within the guidelines could not be penalized for violating the ethics code. The current procedure of issuing Advisory Opinions allows interpretations based only on the facts presented by a requestor. Situations have come up wherein the committee feels guidelines, based on a broad set of circumstances and an interpretation of the law, would assist those covered by the code in avoiding inadvertent violations. An example might be a set of guidelines for those in 'lay off' status, clarifying that a person in lay off status is not a legislative employee for purposes of compliance with the ethics code and providing a list of requirements upon rehire. One such requirement, under current law, would be calendar year disclosures, regardless of status during that calendar year.

**SECTION 28: AS 24.60.160 ADVISORY OPINIONS** The proposed language in this section allows the committee to issue an advisory opinion to a person who anticipates becoming a legislative employee, 45 days prior to employment. Current law restricts the committee to issuing advisory opinions to those already in legislative employment, legislators and legislators-elect. Current law sets 30 days as the response time for the committee to a request for an advisory opinion. This is not realistic as the committee does not meet on a regular basis. The proposed change allows the committee 60 days to respond.

The new language in subsection(b) clarifies that the committee retains the authority to restrict attendance during deliberations in executive session on an advisory opinion.

**SECTION 29: AS 24.60.170(a) COMPLAINTS** Current law requires the committee to process a complaint received, even if against all members of the legislature or all members of one house of the legislature. The proposed change, prohibiting the committee to consider a complaint of that nature, would allow the committee to return the complaint without action. Current law prohibits considering a complaint against a terminated legislative employee. Proposed language would allow the committee to reinstate a complaint that was closed upon an employee's termination, if the employee was rehired within five years of date the complaint was filed. In other words, if an employee quit to avoid complaint proceedings and the employee was rehired 6 months later, the committee may take up the initial complaint again. New language also allows the committee to follow the same procedure with a former legislator who resumes legislative service within five years of the date of the complaint.

**SECTION 30: AS 24.60.170(c) COMPLAINTS** The proposed change would put into law the current adopted procedure of the committee, which is to assign complaints to staff for preliminary examination for legal sufficiency and credibility of information. Staff would then make a recommendation to the committee based on information and evidence contained in the complaint. Staff and the committee would be specifically permitted to solicit additional information from the complainant and the subject. The subject is not obligated to provide information. The new language clarifies that the committee is permitted to dismiss frivolous complaints for lack of credible information. Further clarifies, as is current practice, that proceedings under this subsection are confidential and that confidentiality may be waived by the subject in compliance with AS 24.170(i), the subsection dealing with discovery by the subject.

**SECTION 31: AS 24.60.170(f) LACK OF PROBABLE CAUSE** Clarifies that the deliberations and vote on the dismissal order and decision on a

finding of "lack of probable cause that a violation of the ethics code occurred" are not open to the public or to the subject of the complaint.

**SECTION 32: AS 24.60.170(I) DISCOVERY** Subsection (i) in current law is confusing as to when the subject of a complaint may engage in discovery. The committee feels the appropriate time for discovery and what seems to be the intent of the code, is at the point a person is formally charged. The change from subsection (b) to subsection (h) would clarify that intent. However, the new language permits the committee to adopt procedures concerning discovery which include allowing discovery at an earlier stage than formal charges and imposing reasonable restrictions on release of information to protect the privacy of persons not under investigation.

**SECTION 33: AS 24.60.170(I) ATTENDANCE AT EXECUTIVE SESSIONS and WAIVER OF CONFIDENTIALITY.** The Uniform Rules set out that a legislator may not be excluded from an executive session. The proposed language clarifies that all meetings of the committee concerning complaints are closed to the public and to legislators who are not committee members. Under this amendment, the committee may permit the subject of a complaint to attend a meeting, unless the committee is in deliberations on probable cause that a violation occurred.

Language clarifies that the subject of the complaint may waive the confidentiality provisions under this subsection but may not waive the committee's confidentiality duty to others. For example, if a complaint named three subjects and one of the subjects waived confidentiality, the committee would adhere to the confidentiality requirements for the other two.

**SECTION 34: AS 24.60.176: RECOMMENDATIONS WHERE VIOLATOR IS A LEGISLATIVE EMPLOYEE.** The current code sets out that the "appointing authority" determines sanctions to be imposed on a violator who is an employee. (Appointing authority is defined in Section 35 of this bill.) The proposed language in this section establishes that those listed in Section 35 have the authority to impose sanctions on violators who are legislative employees.

**SECTION 35: AS 24.60.176(b): APPOINTING AUTHORITY.** This new subsection defines which body is the appointing authority for each set of legislative employees.

**SECTION 36: AS 24.60.178 NEW SECTION: SANCTIONS** Current law does not set out possible sanctions that could be recommended by the committee. The new section lists recommendations to be made by the committee for violators of the code for the legislature to impose or

require: fines on members who violated the code, divestiture of specified assets or withdrawal from certain associations, additional disclosure, suspension or termination from legislative employment (if an employee), restitution or reimbursement, public or private written reprimand, censure, removal from committee positions, probation, expulsion or any other appropriate measure. Subsection (c) clarifies that the committee may recommend that the subject be required to pay all or some of the costs related to the investigation or adjudication of a complaint. The committee's intent is to allow those covered by the code to be aware of possible sanctions and to empower the legislature to impose or require any of the above sanctions on legislators, including fines.

**SECTION 37: AS 24.60.200 FINANCIAL DISCLOSURE BY LEGISLATORS** Under current law, legislators and legislative directors are required to annually file a complete financial disclosure statement to APOC. This statement is similar to the conflict of interest statements filed by statewide and local elected officials. The proposed changes to the APOC Legislative Financial Disclosure statement deal only with gifts. All other reporting under this section remains the same and remains the responsibility of APOC. The new language removes the responsibility for dealing with reports of any gifts from APOC. The corresponding change described above in AS 24.60.080(d) places that responsibility solely with the ethics committee. Note below that the deadline for submitting the statement to APOC is changed from April 15 to February 15.

**SECTION 38: AS 24.60.210 DEADLINE TO REPORT TO APOC** The deadline for submitting the statement to APOC is proposed as February 15 instead of April 15. The committee feels this coordinates with all other reporting dates and is a more realistic time for legislators and legislative directors to be able to complete the form, rather than the last month of session. This change also allows the public more complete information of possible conflicts of interest earlier in the legislative session.

**SECTION 39: AS 24.60.260(a) FINES** Current law does not include any penalty for late disclosures to the ethics committee. The proposed changes in this subsection and the new subsection below (c) would allow a person to file a late disclosure but that person would be subject to a fine or to having a complaint filed against them.

**SECTION 40: AS 24.60.260(c) FINES** **New subsection:** Permits the committee to impose fines for late disclosures. Fines are not to exceed \$2 per day to a maximum of \$25 per disclosure for inadvertent late filing. The committee may impose an additional fine of \$100 for intentionally not filing a disclosure.

**SECTION 41: EFFECTIVE DATE:** APOC has recommended that a January 1 effective date would correspond to their calendar year reporting and would avoid confusion for legislators and legislative directors for the period of time between January 1 and whatever other date might be selected.

# Alaska State Legislature

## Select Committee on Legislative Ethics

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### CHANGES IN CS SB 141 (STA) AN ACT RELATING TO LEGISLATIVE ETHICS

Sec. 13, Page 6, Lines 10 & 11: Spousal equivalent was added to bring this language into line with the rest of subsection (d) and the word [CLIENTELE] was replaced with the employer of to avoid requiring reporting of each individual member in an association or each member of the board of a company versus reporting the name of the association or company itself.

Sec. 13, Page 6, Line 12: Delete [CLIENT] and insert Employer. Again, this would avoid requiring reporting of each individual member in an association versus reporting the name of the association itself.

Sec. 16, Page 8, lines 6,7,8: After the word "under" (c)(4) has been inserted. The committee had agreed to send copies of all public gift disclosures to APOC, it was an oversight to have not included gifts of travel and hospitality in this section.

Sec. 30, Page 15, Line 1: After the word "subject" change the word [TO] to of so that it reads "the subject of the complaint". This was a typographical error.

Submitted to Senator Bert Sharp, April 28, 1995  
S. Barnett, Staff to the Select Committee on legislative Ethics

9-LS0174M

Cramer

4/18/95

## CS FOR SENATE BILL NO. 141(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL FOR  
THE SELECT COMMITTEE ON LEGISLATIVE ETHICS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to legislative ethics; and providing for an effective date."

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

3 • Section 1. AS 24.25.010(e) is amended to read:

4 (e) This section does not apply to the legislative council, the Select  
5 Committee on Legislative Ethics, or [NOR TO] the Legislative Budget and Audit  
6 Committee.

7 • Sec. 2. AS 24.60.030(c) is repealed and reenacted to read:

8 (c) Unless approved by the committee, during a campaign period for an  
9 election in which the legislator or legislative employee is a candidate, a legislator or  
10 legislative employee may not use or permit another to use state funds, other than funds  
11 to which the legislator is entitled as an office allowance, to print or distribute a  
12 political mass mailing to individuals eligible to vote for the candidate. In this  
13 subsection,

14 (1) a "campaign period" is the period that

15 (A) begins 90 days before an election to the board of an electric

1 or telephone cooperative organized under AS 10.25, a municipal election or a  
2 primary election or that begins on the date of the governor's proclamation  
3 calling a special election; and

4 (B) ends the day after the cooperative election, municipal  
5 election, or the general or special election;

6 (2) a mass mailing is considered to be political if it is from or about a

7 (A) legislator who is a candidate for reelection to the legislature  
8 or election to another federal, state, or municipal office or to the board of a  
9 telephone or electric cooperative;

10 (B) legislative employee who is a candidate for election to the  
11 legislature or another federal, state, or municipal elective office or to the board  
12 of a telephone or electric cooperative;

13 (C) person other than a legislator or a legislative employee who  
14 is a candidate for election to the legislature.

15 • Sec. 3. AS 24.60.030(d) is amended to read:

16 (d) A legislator, a legislative employee, or another person on behalf of the  
17 legislator or legislative employee, or a campaign committee of the legislator or  
18 legislative employee, may not distribute or post campaign literature, placards, posters,  
19 fund-raising notices, or other communications intended to influence the election of  
20 a candidate in an election in public areas in a facility ordinarily used to conduct state  
21 government business.

22 • Sec. 4. AS 24.60.030(f) is amended to read:

23 (f) A legislative employee may not serve in a position that requires  
24 confirmation by the legislature. A legislator or legislative employee may serve on a  
25 board of an organization, including a governmental entity, that regularly has a  
26 substantial interest in the legislative activities of the legislator or employee, if the  
27 legislator or employee discloses the board membership to the committee. A legislator  
28 or legislative employee who is required to make a disclosure under this subsection  
29 shall file an annual written report with the committee by February 15 of each  
30 year stating the name of each organization on whose board the person serves. If  
31 the legislator or legislative employee becomes a member of a board after filing the

1 annual disclosure statement, or after February 15 if no annual disclosure  
2 statement is filed, the legislator or legislative employee shall file a supplemental  
3 disclosure within 60 days after appointment or election to the board. The  
4 committee shall maintain a public record of the disclosure and forward the  
5 disclosure to the appropriate house for inclusion in the journal. This subsection  
6 does not require a legislator or legislative employee who is appointed to a board  
7 by the presiding officer to make a disclosure of the appointment to the committee  
8 if the appointment has been published in the appropriate legislative journal  
9 during the calendar year.

10 • Sec. 5. AS 24.60.030 is amended by adding a new subsection to read:

11 (h) In this section, when determining whether an employee is considered to be  
12 performing a task on government time, the committee shall consider the employee's  
13 work schedule as set by the employee's immediate supervisor. An employee who  
14 engages in political campaign activities other than minimal, incidental campaign  
15 activities as described in this subsection during the employee's work day shall take  
16 leave for the period of campaigning. Incidental political campaign activities while on  
17 government time are permissible if the activities are part of the normal legislative  
18 duties of the employee, including answering short telephone calls and incidental  
19 handling of incoming correspondence. Incidental political campaign activities shall  
20 be kept to a minimum.

21 • Sec. 6. AS 24.60.031(a) is amended to read:

22 (a) A legislator or legislative employee may not

23 (1) on a day when either house of [WHILE] the legislature is in  
24 regular or special session, solicit or accept a contribution or a promise or pledge to  
25 make a contribution for a state legislative campaign;

26 (2) accept money from an event held on a day when either house of  
27 the legislature is in regular or special [DURING A LEGISLATIVE] session if a  
28 substantial purpose of the event is either to raise money on behalf of the member or  
29 legislative employee for [CAMPAIGN PURPOSES OR TO RAISE MONEY FOR]  
30 state legislative political purposes, or

31 (3) expend money in a state legislative campaign that was raised by or

1 on behalf of a legislator on a day when either house of the legislature was in  
2 [DURING] a legislative session under a declaration of candidacy or a general letter  
3 of intent to become a candidate for public office.

4 • Sec. 7. AS 24.60.039 is amended by adding a new subsection to read:

5 (b) If a person files a complaint with the committee under AS 24.60.170  
6 alleging a violation of this section, the committee may refer the complainant to the  
7 State Commission on Human Rights and may defer its consideration of the complaint  
8 until after the complainant establishes to the satisfaction of the committee that the  
9 commission has completed its proceedings in the matter.

10 • Sec. 8. AS 24.60.040(a) is amended to read:

11 (a) A legislator or legislative employee, or a member of the immediate family  
12 of a legislator or legislative employee may not be a party to or have an interest in a  
13 state contract or lease unless the contract or lease is let (THROUGH COMPETITIVE  
14 SEALED BIDDING) under AS 36.30 (State Procurement Code) or, for agencies that  
15 are not subject to AS 36.30, under similar procedures or the total annual amount  
16 of the state contract or lease is \$5,000 (\$1,000) or less, or is a standardized contract  
17 or lease that was developed under publicly established guidelines and is generally  
18 available to the public at large, members of a profession, occupation, or group. A  
19 person has an interest in a state contract or lease under this section if the person  
20 receives direct or indirect financial benefits. A legislator or legislative employee who  
21 participates in, or who knows or reasonably ought to know that a family member  
22 is participating in, a state contract or lease that has an annual value of \$5,000 or  
23 more shall disclose the participation to the committee by February 15 of each  
24 year. The disclosure must state the amount of the contract or lease and the name  
25 of the state agency issuing the contract or lease, and must identify the procedures  
26 under which the contract or lease was issued. If the disclosure concerns a  
27 contract or lease in which a family member of the discloser is participating, the  
28 disclosure must identify the relationship between the participant and the discloser.

29 • Sec. 9. AS 24.60.040 is amended by adding a new subsection to read:

30 (c) This section does not apply to a contract or lease issued under a state  
31 program or loan that is subject to AS 24.60.050. A grant that results in a contract but

1 that is not subject to AS 24.60.050 is subject to this section.

2 • Sec. 10. AS 24.60.050(c) is amended to read:

3 (c) A legislator or legislative employee who participates in a program or  
4 receives a loan that is not exempt from disclosure under (a) of this section shall file  
5 a written report with the committee by February 15 of each year stating the amounts  
6 of the loans outstanding or benefits received during the preceding calendar year from  
7 nonqualifying programs. If the committee requests additional information necessary to  
8 determine the propriety of participating in the program or receiving the loan, it shall  
9 be promptly provided. The committee shall promptly compile a list of the statements  
10 indicating the loans and programs and amounts and send it to the presiding officer of  
11 each house who shall have it published in the supplemental journals within three weeks  
12 after [OF] the filing date. A legislator or legislative employee who believes that  
13 disclosure of participation in a program would be an invasion of the participant's  
14 right to privacy under the state constitution may request the committee to keep  
15 the disclosure confidential. If the committee finds that publication would  
16 constitute an invasion of privacy, the committee shall publish only the fact that  
17 a person has participated in the program and the amount of benefit that the  
18 unnamed person received. The committee shall maintain the disclosure of the  
19 name of the person as confidential and may only use the disclosure in a  
20 proceeding under AS 24.60.170. If the disclosure becomes part of the record of  
21 a proceeding under AS 24.60.170, the disclosure may be made public as provided  
22 in that section.

23 • Sec. 11. AS 24.60.060 is amended by adding a new subsection to read:

24 (b) A legislator or legislative employee who is the subject of a complaint  
25 under AS 24.60.170 violates this section if the legislator or legislative employee  
26 violates a protective order issued under AS 24.60.170(1).

27 • Sec. 12. AS 24.60.070(b) is amended to read:

28 (b) A legislator or legislative employee required to make a disclosure  
29 under this section shall make an annual disclosure no later than February 15 of  
30 each year of the legislator's or legislative employee's close economic associations  
31 then in existence. If the legislator or legislative employee forms a close economic

1 association after that date, the disclosure must be made within 60 days after  
2 forming the association. A disclosure under this section must be sufficiently detailed  
3 that a reader of the disclosure can ascertain the nature of the association.

4 • Sec. 13. AS 24.60.070 is amended by adding a new subsection to read:

5 (d) When making a disclosure under (a) of this section concerning a  
6 relationship with a lobbyist to whom the legislator or legislative employee is married  
7 or who is the legislator's or legislative employee's spousal equivalent, the legislator or  
8 legislative employee shall also disclose the name and address of each employer of the  
9 lobbyist and the total monetary value received from the lobbyist's employer. The  
10 legislator or legislative employee shall report changes in the employer of the spouse  
11 or spousal equivalent within 48 hours after the change. In this subsection,

12 (1) "employer of the lobbyist" means the person from whom the  
13 lobbyist received amounts or things of value for engaging in lobbying on behalf of  
14 the person;

15 (2) "spousal equivalent" means a person with whom the legislator or  
16 legislative employee is living in a conjugal relationship not a legal marriage.

17 • Sec. 14. AS 24.60.080(a) is amended to read:

18 (a) Except as provided in (c) and (h) of this section, a [A] legislator or  
19 legislative employee may not solicit, accept, or receive, directly or indirectly, a gift  
20 worth \$250 [\$100] or more, whether in the form of money, services, a loan, travel,  
21 entertainment, hospitality, promise, or other form, or gifts from the same person worth  
22 less than \$250 [\$100] that in a calendar year aggregate to \$250 [\$100] or more in  
23 value. Except for food or beverage for immediate consumption, a legislator or  
24 legislative employee [, AND] may not solicit, accept, or receive during a legislative  
25 session a gift with any monetary value from a lobbyist or a person acting on behalf  
26 of a lobbyist.

27 • Sec. 15. AS 24.60.080(c) is amended to read:

28 (c) Notwithstanding (a) of this section, it is not a violation of this section for  
29 a legislator or legislative employee to accept

30 (1) hospitality, other than hospitality described in (4) of this subsection

31 (A) with incidental transportation at the residence of a person.

1 however, a vacation home is not considered a residence for the purposes  
2 of this subparagraph; or

3 (B) at a social event or meal;

4 (2) discounts that are available

5 (A) generally to the public or to a large class of persons to  
6 which the person belongs; or

7 (B) when on official state business but only if receipt of the  
8 discount benefits the state;

9 (3) food or foodstuffs indigenous to the state that are shared generally  
10 as a cultural or social norm;

11 (4) travel and hospitality primarily for the purpose of obtaining  
12 information on matters of legislative concern.

13 (5) gifts from the immediate family of the person; or

14 (6) gifts that are not connected with the recipient's legislative status.

15 \* Sec. 16. AS 24 60 080(d) is amended to read:

16 (d) A legislator or legislative employee who accepts a gift under (c)(4) [OR  
17 (6)] of this section shall disclose the gift if it has a value of \$250 [5100] or more; the  
18 [. THE] disclosure must include the name and occupation of the person making the  
19 gift and the approximate value of the gift. A gift under (c)(4) of this section required  
20 to be disclosed under this subsection shall be disclosed to the committee within 30  
21 days after [OF] the receipt of the gift. Except as provided in (i) of this section, a  
22 gift [TO THE COMMITTEE GIFTS] under (c)(6) of this section that has a value of  
23 \$250 or more shall be disclosed to the committee annually on or before February 15  
24 [APRIL 15] of the following calendar year; the [AND THE] disclosure needs to  
25 include only a description of the gift and the identity of the donor [THE VALUE  
26 ONLY IF THE VALUE OF THE GIFT EXCEEDS \$250]. The committee shall  
27 maintain a public record of the disclosure it receives relating to gifts under (c)(4) of  
28 this section and shall forward the disclosure to the appropriate house for inclusion in  
29 the journal. Disclosures from legislative employees relating to gifts under (c)(6) of  
30 this section shall be maintained, but are confidential and may only be used by the  
31 committee and its employees and contractors in the investigation of a possible violation

1 of this section or in a proceeding under AS 24.60.170. If the disclosures from  
2 legislative employees become part of the record of a proceeding under AS 24.60.170,  
3 the confidentiality provisions of that section apply to the disclosures. The committee  
4 shall maintain a public record of the disclosures it receives from legislators  
5 concerning gifts under (c)(6) of this section and shall forward the disclosures to  
6 the appropriate house for inclusion in the journal. The committee shall forward  
7 disclosures it receives from legislators concerning gifts under (c)(4) and (6) of this  
8 section to the Alaska Public Offices Commission.

9 • Sec. 17. AS 24.60.080(f) is amended to read:

10 (f) Notwithstanding (a) of this section, a legislator or legislative employee may  
11 accept a gift of property worth \$250 [~~\$100~~] or more, other than money, from a foreign  
12 government or from an official of a foreign government if the person accepts the gift  
13 on behalf of the legislature. The person shall, within 60 days after [OF] receiving the  
14 gift, deliver the gift to the legislative council, which shall determine the appropriate  
15 disposition of the gift.

16 • Sec. 18. AS 24.60.080(g) is amended to read:

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

21 • Sec. 19. AS 24.60.080 is amended by adding new subsections to read:

22 (h) Notwithstanding (a) of this section, a legislator or legislative employee may  
23 solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable  
24 organization in accordance with guidelines adopted by the committee.

25 (i) A legislator or legislative employee who receives an inheritance from a  
26 person other than a family member shall disclose the fact of the receipt of an  
27 inheritance and the identity of the person from whom it was received to the committee  
28 within 60 days after receiving notice of the inheritance. The committee shall maintain  
29 a public record of the disclosure. This subsection does not require disclosure of the  
30 value of the inheritance.

31 (j) A legislator, a legislative committee other than the Select Committee on

1 Legislative Ethics, or a legislative agency may accept a gift of volunteer services for  
2 legislative purposes so long as the person making the gift of services is not receiving  
3 compensation from another source for the services. A legislative volunteer shall be  
4 considered to be a legislative employee for purposes of compliance with AS 24.60.030  
5 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and  
6 24.60.178. If a person believes that a legislative volunteer has violated the provisions  
7 of one of those sections, the person may file a complaint under AS 24.60.170. The  
8 provisions of AS 24.60.170 apply to the proceeding. This subsection does not permit  
9 a legislator or legislative employee to accept a gift of services for nonlegislative  
10 purposes.

11 (k) A legislator or legislative employee who knows or reasonably ought to  
12 know that a family member has received a gift because of the family member's  
13 connection with the legislator or legislative employee shall report the receipt of the gift  
14 by the family member to the committee if the gift would have to be reported under this  
15 section if it had been received by the legislator or legislative employee or if receipt of  
16 the gift by a legislator or legislative employee would be prohibited under this section.

17 (l) In this section, the value of a gift shall be determined by the fair market  
18 value of the gift to the extent that the fair market value can be determined.

19 • Sec. 20. AS 24.60.085(a) is amended to read:

20 (a) A legislator or legislative employee may not

21 (1) seek or accept compensation for personal services that is  
22 significantly greater than the value of [INVOLVES PAYMENTS THAT ARE NOT  
23 COMMENSURATE WITH] the services rendered taking into account the higher rates  
24 generally charged by specialists in a profession; or

25 (2) accept a payment of anything of value, except for actual and  
26 necessarily incurred travel expenses, for an appearance or speech by the legislator or  
27 legislative employee; this paragraph does not apply to the salary paid to a legislator  
28 or legislative employee for making an appearance or speech as part of the legislator's  
29 or legislative employee's normal course of employment.

30 • Sec. 21. AS 24.60.100 is amended to read:

31 Sec. 24.60.100. REPRESENTATION. A legislator or legislative employee

1 who represents another person for compensation before an agency, board, or  
2 commission of the state shall disclose the name of the person represented, the subject  
3 matter of the representation, and the body before which the representation is to take  
4 place to the committee. The disclosure shall be made within 60 days after  
5 beginning the representation. In addition, a legislator or legislative employee  
6 shall, no later than February 15, make an annual disclosure of all of the clients  
7 represented during the previous calendar year. The committee shall maintain a  
8 public record of a [THE] disclosure under this section and forward the disclosure to  
9 the respective house for inclusion in the journal. A legislator or legislative employee  
10 may not represent another person for compensation before an agency, committee, or  
11 other entity of the legislative branch.

12 • Sec. 22. AS 24.60.130(f) is amended to read:

13 (f) The committee may contract for professional services and may employ staff  
14 as it considers necessary. A committee employee, including a person who provides  
15 personal services under a contract with the committee, may not be a legislator, an  
16 elected or appointed official of a state or local governmental entity, an officer of a  
17 political party, a candidate for public office, or a registered lobbyist. The legislative  
18 council shall provide office space, equipment, and additional staff support for the  
19 committee. The committee shall submit a budget for each fiscal year to the finance  
20 committees of the legislature and shall annually submit an estimated budget to the  
21 governor for information purposes in preparation of the state operating budget. Public  
22 members of the committee serve without compensation for their services, but are  
23 entitled to travel and per diem expenses authorized for members of state boards  
24 and commissions under AS 39.20.180.

25 • Sec. 23. AS 24.60.130(h) is amended to read:

26 (h) A member is disqualified from participating as a member in any  
27 proceeding before the committee involving a complaint against the member or an  
28 employee whose work is supervised by the member or an advisory opinion  
29 requested by the member. If a regular legislative member is disqualified under this  
30 subsection, an alternate shall be appointed under (g) of this section. [IF THE  
31 LEGISLATURE IS IN SESSION WHEN A LEGISLATIVE MEMBER IS

1 DISQUALIFIED UNDER THIS SUBSECTION, THE PRESIDING OFFICER OF  
2 THAT MEMBER'S HOUSE SHALL, WITH THE CONCURRENCE BY ROLL CALL  
3 VOTE OF TWO-THIRDS OF THE FULL MEMBERSHIP OF THAT HOUSE,  
4 APPOINT ANOTHER MEMBER FROM THAT HOUSE TO ACT AS A MEMBER  
5 OF THE COMMITTEE IN THE PROCEEDING. IF THE LEGISLATURE IS NOT  
6 IN SESSION WHEN A LEGISLATIVE MEMBER IS DISQUALIFIED, THE  
7 PRESIDING OFFICER OF THE HOUSE OF WHICH THE DISQUALIFIED  
8 LEGISLATOR IS A MEMBER SHALL APPOINT ANOTHER MEMBER FROM  
9 THAT HOUSE, WITH A RECORDED CONCURRENCE OF A MAJORITY VOTE  
10 OF THE SUBCOMMITTEE OF THAT HOUSE, TO ACT AS A MEMBER OF THE  
11 COMMITTEE IN THE PROCEEDING.]

12 \* Sec. 24. AS 24.60.130 is amended by adding a new subsection to read:

13 (o) When appointing members of the legislature to serve on the committee, the  
14 speaker of the house or the president of the senate, as appropriate, shall appoint an  
15 alternate member for each regular member. An alternate must have the same  
16 qualifications as the regular member for whom the alternate stands as alternate and is  
17 subject to confirmation as required for the regular member. If a regular legislative  
18 member of the committee or a subcommittee is disqualified under (h) of this section  
19 from serving on the committee or the subcommittee during a proceeding under  
20 AS 24.60.170, the chair of the committee or a subcommittee shall appoint the regular  
21 member's alternate to serve in place of the regular member in the proceeding unless  
22 the alternate is also disqualified from serving. The appointment shall be treated as  
23 confidential to the same extent that the identity of the subject of a complaint is  
24 required to be kept confidential.

25 \* Sec. 25. AS 24.60.134(a) is amended to read:

26 (a) Except as provided in (d) of this section, in [N] addition to the  
27 requirements of this chapter, a public member of the committee, an employee of the  
28 committee, or a person under contract to provide personal services to the committee  
29 may not, during the person's term of office or employment or during the life of  
30 the contract, participate in

31 (1) [PARTICIPATE IN] political management or in a political

1 campaign for a candidate for election to federal, state, or local office, regardless  
2 of whether the campaign is partisan or nonpartisan, or for a ballot measure of  
3 any type [DURING THE PERSON'S TERM OF OFFICE, EMPLOYMENT, OR  
4 CONTRACT];

5 (2) [PARTICIPATE IN] the campaign of, attend campaign fund-raising  
6 events for, or make a financial contribution to

7 (A) a candidate for the legislature;

8 (B) an incumbent legislator or legislative employee who is a  
9 candidate for another public office; or

10 (C) a person running for another office against an incumbent  
11 legislator or legislative employee; or

12 (3) [PARTICIPATE IN] lobbying activities that would require the  
13 person to register as a lobbyist except as required to inform the legislature concerning  
14 legislation requested by the committee or other matters related to the committee.

15 \* Sec. 26. AS 24.60.134 is amended by adding new subsections to read:

16 (c) In addition to the prohibitions under (a) of this section, a public member  
17 of the committee, an employee of the committee, or a person under contract to provide  
18 personal services to the committee may not, during the duration of the person's term  
19 of office or employment, or during the life of the contract, participate in or attend a  
20 fund-raising event held on behalf of a political party.

21 (d) A person under contract to provide personal services to the committee who  
22 is part of a corporation or partnership that includes individuals who will not be  
23 participating directly in the work performed by the entity for the committee may  
24 request the committee to exclude members of the entity from some or all of the  
25 provisions of this section. The committee may grant the request if it finds that doing  
26 so will not lead to the appearance that the committee is subject to undue political  
27 influence and if there is no appearance of impropriety.

28 \* Sec. 27. AS 24.60.150(b) is amended to read:

29 (b) The committee may

30 (1) recommend legislation to the legislature the committee considers  
31 desirable or necessary to promote and maintain high standards of ethical conduct in

1 government:

2 (2) subpoena witnesses, administer oaths, and take testimony relating  
3 to matters before the committee, and may require the production for examination of  
4 any books or papers relating to any matter under investigation before the committee;

5 (3) adopt guidelines to implement this chapter; in adopting  
6 guidelines, the committee shall provide notice of its intended action and an  
7 opportunity for public comment; a person who reasonably relies on a guideline  
8 adopted by the committee may not be penalized for having violated a conflicting  
9 provision of this chapter.

10 \* Sec. 28. AS 24.60.160 is amended to read:

11 Sec. 24.60.160. ADVISORY OPINIONS. (a) The committee shall issue an  
12 advisory opinion within 60 [30] days on the request of a person to whom the chapter  
13 applies or a person elected to the legislature who at the time of election is not a  
14 member of the legislature as to whether the facts and circumstances of a particular case  
15 constitute a violation of ethical standards. If it finds that it is advisable to do so, the  
16 committee may issue an opinion under this section on the request of a person who  
17 reasonably expects to become subject to this chapter within the next 45 days. The  
18 60 day [30-DAY] period for issuing an opinion may be extended by the committee if  
19 the person requesting the opinion consents.

20 (b) An [THE] opinion issued under this section is binding on the committee  
21 in any subsequent proceedings concerning the facts and circumstances of the particular  
22 case unless material facts were omitted or misstated in the request for the advisory  
23 opinion. Except as provided in this chapter, an advisory opinion is confidential but  
24 shall be made public if a written request by the person who requested the opinion is  
25 filed with the committee. A person who requested an opinion, including a  
26 legislator, may not require admittance to an executive session of the committee  
27 when it is deliberating concerning the advisory opinion request.

28 \* Sec. 29. AS 24.60.170(a) is amended to read:

29 (a) The committee shall consider a complaint alleging a violation of this  
30 chapter if the alleged violation occurred within five years before [OF] the date that the  
31 complaint is filed with the committee and, when the subject of the complaint is a

1 former member of the legislature, the complaint is filed within one year after [OF] the  
2 subject's departure from the legislature. The committee may not consider a complaint  
3 filed against all members of the legislature, against all members of one house of  
4 the legislature, or against a person employed by the legislative branch of government  
5 after the person has terminated legislative service. However, the committee may  
6 reinstitute proceedings concerning a complaint that was closed because a former  
7 employee terminated legislative service or because a legislator left the legislature  
8 if the former employee or legislator resumes legislative service, whether as an  
9 employee or legislator, within five years after the alleged violation. The committee  
10 may also initiate complaints on its own motion, subject to the same time limitations.  
11 The time limitations of this subsection do not bar proceedings against a person who  
12 intentionally prevents discovery of a violation of this chapter.

13 \* Sec. 30. AS 24.60.170(c) is amended to read:

14 (c) When the committee receives a complaint under (a) of this section, it may  
15 assign the complaint to a staff person. The staff person shall conduct a  
16 preliminary examination of the complaint and recommend to the committee  
17 whether the allegations of the complaint, if true, constitute a violation of this  
18 chapter and whether there is credible information to indicate that a further  
19 investigation and proceeding is warranted. The recommendation shall be based  
20 on the information and evidence contained in the complaint as supplemented by  
21 the complainant and the subject of the complaint, if requested to do so by the  
22 staff member. The committee shall consider the recommendation of the staff  
23 member and shall determine whether the allegations of the complaint, if true,  
24 constitute a violation of this chapter. If the committee determines that the allegations,  
25 if proven, would not give rise to a violation, that the complaint is frivolous on its  
26 face, that there is insufficient credible information that can be uncovered to  
27 warrant further investigation by the committee, or that [IF] the committee's lack  
28 of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the  
29 complaint [,] and shall notify the complainant and the subject of the complaint of the  
30 dismissal. The committee may ask the complainant to provide clarification or  
31 additional information before it makes a decision under this subsection and may

1 request information concerning the matter from the subject of the complaint. The  
2 subject of a complaint is not obligated to provide the information. A proceeding  
3 conducted under this subsection, documents that are part of a proceeding, and a  
4 dismissal under this subsection are confidential as provided in (f) of this section  
5 unless the subject of the complaint waives confidentiality as provided in that  
6 subsection.

7 \* Sec. 31. AS 24.60.170(f) is amended to read:

8 (f) If the committee determines after investigation that there is not probable  
9 cause to believe that the subject of the complaint has violated this chapter, the  
10 committee shall dismiss the complaint. The committee may also dismiss portions of  
11 a complaint if it finds no probable cause to believe that the subject of the complaint  
12 has violated this chapter as alleged in those portions. The committee shall issue a  
13 decision explaining its dismissal. Committee deliberations and vote on the  
14 dismissal order and decision are not open to the public or the subject of the  
15 complaint. A copy of the dismissal order and decision shall be sent to the  
16 complainant and to the subject of the complaint. Notwithstanding (f) of this section,  
17 a dismissal order and decision is open to inspection and copying by the public.

18 \* Sec. 32. AS 24.60.170(i) is amended to read:

19 (i) A person charged under (h) ~~[(b)]~~ of this section may engage in discovery  
20 in a manner consistent with the Alaska Rules of Civil Procedure. The committee may  
21 adopt procedures that

22 (1) impose reasonable restrictions on the time for this discovery and on  
23 the materials that may be discovered;

24 (2) permit a person who is the subject of a complaint to engage in  
25 discovery at an earlier stage of the proceedings;

26 (3) impose reasonable restrictions on the release of information that  
27 the subject of a complaint acquires from the committee in the course of discovery,  
28 or on information obtained by use of the committee's authority, in order to  
29 protect the privacy of persons not under investigation to whom the information  
30 pertains.

31 \* Sec. 33. AS 24.60.170(l) is amended to read:

1 (l) Proceedings of the committee relating to complaints before it are  
2 confidential until the committee determines that there is probable cause to believe that  
3 a violation of this chapter has occurred. The complaint and all documents produced  
4 or disclosed as a result of the committee investigation are confidential and not subject  
5 to inspection by the public. If in the course of an investigation or probable cause  
6 determination the committee finds evidence of probable criminal activity, the  
7 committee shall transmit a statement and factual findings limited to that activity to the  
8 appropriate law enforcement agency. If the committee finds evidence of a probable  
9 violation of AS 15.13, the committee shall transmit a statement to that effect and  
10 factual findings limited to the probable violation to the Alaska Public Offices  
11 Commission. All meetings of the committee before the determination of probable  
12 cause are closed to the public and to legislators who are not members of the  
13 committee. However, the committee may permit the subject of the complaint to  
14 attend a meeting other than the deliberations on probable cause. The  
15 confidentiality provisions of this subsection may be waived by the subject of the  
16 complaint, except that the subject of the complaint may not waive the  
17 confidentiality duty the committee owes to others.

18 \* Sec. 34. AS 24.60.176 is amended to read:

19 Sec. 24.60.176. RECOMMENDATIONS WHERE VIOLATOR IS A  
20 LEGISLATIVE EMPLOYEE. If the person found to have violated this chapter is or  
21 was a legislative employee, the committee's recommendations shall be forwarded to  
22 the appropriate appointing authority that shall, as soon as is reasonably possible,  
23 determine the sanctions, if any, to be imposed. The appointing authority may not  
24 question the committee's findings of fact. The appointing authority shall assume the  
25 validity of the committee's findings [,] and determine and impose the appropriate  
26 sanctions. The appointing authority has the power to impose a sanction  
27 recommended by the committee or to impose a different sanction.

28 • Sec. 35. AS 24.60.176 is amended by adding a new subsection to read:

29 (b) In this section, "appointing authority" means

30 (1) the legislative council for employees of the Legislative Affairs  
31 Agency and of the legislative council and for legislative employees not otherwise

1 covered under this subsection;

2 (2) the Legislative Budget and Audit Committee for the legislative  
3 fiscal analyst and employees of the division of legislative finance, the legislative  
4 auditor and employees of the division of legislative audit, and employees of the  
5 Legislative Budget and Audit Committee;

6 (3) the appropriate finance committee for employees of the senate or  
7 house finance committees;

8 (4) the appropriate rules committee for employees of standing  
9 committees of the legislature other than the finance committees, for employees of the  
10 senate secretary's office and the office of the chief clerk of the house of  
11 representatives, and for employees of individual legislators;

12 (5) the ombudsman for employees of the office of the ombudsman,  
13 other than the ombudsman;

14 (6) the legislature for the ombudsman.

15 \* Sec. 36. AS 24.60 is amended by adding a new section to read:

16 Sec. 24.60.178. RECOMMENDED SANCTIONS. (a) When the committee  
17 finds that a person has violated this chapter, the committee may recommend  
18 appropriate sanctions, including sanctions set out in (b) of this section.

19 (b) The sanctions that the committee may recommend include

20 (1) imposition of a civil penalty of not more than \$5,000 for each  
21 offense or twice the amount improperly gained, whichever is greater;

22 (2) divestiture of specified assets or withdrawal from specified  
23 associations;

24 (3) additional, detailed disclosure, either as a public disclosure or as a  
25 confidential disclosure to the committee;

26 (4) in the case of a legislative employee, suspension of employment  
27 with or without pay for a stated period of time or until stated conditions are met, or  
28 termination from legislative employment;

29 (5) restitution of property or reimbursement of improperly received  
30 benefits;

31 (6) public or private written reprimand;

1 (7) censure, including, in the case of a legislator, removal from a  
2 committee chair or co-chair position and a determination that the legislator will not  
3 be appointed to serve as a committee chair or co-chair during the remainder of that  
4 legislature;

5 (8) placing the person on probationary status;

6 (9) in the case of a legislator, expulsion from the house of the  
7 legislature;

8 (10) any other appropriate measure.

9 (c) In addition to or in place of a sanction recommended under (b) of this  
10 section, the committee may recommend that the subject of a complaint be required to  
11 pay all or a portion of the costs related to the investigation and adjudication of a  
12 complaint.

13 \* Sec. 37. AS 24.60.200 is amended to read:

14 Sec. 24.60.200. FINANCIAL DISCLOSURE BY LEGISLATORS AND  
15 LEGISLATIVE DIRECTORS. A legislator and a legislative director shall file a  
16 disclosure statement, under oath and on penalty of perjury, with the Alaska Public  
17 Offices Commission giving the following information about the income received by  
18 them, their spouses, their dependent children, and their nondependent children who are  
19 living with them:

20 (1) the information that a public official is required to report under  
21 AS 39.50.030; however, a legislator or legislative director is not required to report  
22 [ , EXCEPT THAT] sources of income [OTHER THAN GIFTS] of \$1,000 or less,  
23 [AND] loans of \$1,000 or less, or any gifts [NEED NOT BE REPORTED];

24 (2) as to income in excess of \$1,000 received as compensation for  
25 personal services, the name and address of the source of the income, and a statement  
26 describing the nature of the services performed; if the source of income is known or  
27 reasonably should be known to have a substantial interest in legislative, administrative,  
28 or political action and the recipient of the income is a legislator or a legislative  
29 director, the amount of income received from the source shall be disclosed;

30 (3) as to each loan or loan guarantee over \$1,000 from a source with  
31 a substantial interest in legislative, administrative, or political action, the name and

1 address of the person making the loan or guarantee, the amount of the loan, the terms  
2 and conditions under which the loan or guarantee was given, the amount outstanding  
3 at the time of filing, and whether or not a written loan agreement exists [;

4 (4) THE SOURCE OF A GIFT, OTHER THAN AN INHERITANCE,  
5 RECEIVED DURING THE PRECEDING CALENDAR YEAR BY THE PERSON,  
6 THE PERSON'S SPOUSE OR DEPENDENT CHILD, OR A NONDEPENDENT  
7 CHILD OF THE PERSON WHO IS LIVING WITH THE PERSON, IF THE  
8 AMOUNT OF THE GIFT EXCEEDS \$100 AND IS RECEIVED FROM A PERSON  
9 WHO IS NOT A MEMBER OF THE RECIPIENT'S FAMILY].

10 \* Sec. 38. AS 24.60.210 is amended to read:

11 Sec. 24.60.210. DEADLINES FOR FILING [OF] DISCLOSURE  
12 STATEMENTS. A legislator and a legislative director shall file an annual report with  
13 the Alaska Public Offices Commission, covering the previous calendar year, containing  
14 the disclosures required by AS 24.60.200, on or before February 15 [APRIL 15] of  
15 each year.

16 \* Sec. 39. AS 24.60.260(a) is amended to read:

17 (a) A person required to make a disclosure under this chapter may not  
18 knowingly make a false or deliberately misleading or incomplete disclosure to the  
19 committee or to the Alaska Public Offices Commission. A person who files [, OR  
20 FILE] a disclosure after a deadline set by this chapter or by a regulation adopted by  
21 the committee or by the Alaska Public Offices Commission has violated this chapter  
22 and may be subject to imposition of a fine as provided in (c) of this section or  
23 AS 24.60.240.

24 \* Sec. 40. AS 24.60.260 is amended by adding a new subsection to read:

25 (c) The committee may impose a fine on a person who files a disclosure after  
26 a deadline set by this chapter. The amount of the fine imposed under this subsection  
27 may not exceed \$2 for each day to a maximum of \$25 per disclosure for an  
28 inadvertent late disclosure. If the committee finds that a person intentionally waited  
29 until after a deadline had passed to file a disclosure or, knowing a disclosure was  
30 required under this chapter, intentionally failed to make the disclosure, the committee  
31 may impose an additional fine of \$100 under this subsection.

1

\* Sec. 41. This Act takes effect January 1, 1996.

**SB**

**142**

FISCAL NOTE

No. 7  
 Bill Version: SB 142  
 Publish Date: 3-27-95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act creating the AK Human Resources Investment Council."  
 Sponsor: Governor  
 Requester: Rules Committee

Department Affected: Office of the Governor  
 BRU: Commissioners & Special Offices  
 Component: Human Resources Investment Council  
 COMPONENT SERIAL NO. \_\_\_\_\_

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	171.7	272.1	278.1	284.8	291.4	299.7
TRAVEL	34.6	48.0	48.0	48.0	48.0	48.0
CONTRACTUAL	66.8	83.0	80.2	77.5	74.7	72.0
SUPPLIES	3.0	6.0	6.0	6.0	6.0	6.0
EQUIPMENT	33.5	5	5	5	5	5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>309.6</b>	<b>409.6</b>	<b>412.8</b>	<b>416.8</b>	<b>420.6</b>	<b>426.2</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN						
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FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
OTHER 1007 FA	309.6	409.6	412.8	416.8	420.6	426.2
<b>TOTAL</b>	<b>309.6</b>	<b>409.6</b>	<b>412.8</b>	<b>416.8</b>	<b>420.6</b>	<b>426.2</b>

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL TIME	1	1	1	1	1	1
PART TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: 0

ANALYSIS: (Attach a separate page if necessary.)  
 Requires no new GF funding - see attached analysis

Prepared by: Michael A. Natch, Director  
 Division: Division of Administrative Services  
 Approved by Commissioner: David Rawson  
 Agency: Office of the Governor

Phone: 465 2876  
 Date: 3/23/95

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Fiscal note assumes 27 member council and Executive Director appointments in early July and two organizational meetings during the transition period from July 1, 1995 to January 1, 1996. It is anticipated that commencing with FY97, the Council will be receiving block grants from the federal government and passing these funds back to the departments.

**PERSONAL SERVICES**

171.7

First six months Executive Director, balance of staff after 1/1/96. Subsequent fiscal years reflect anticipated merit increases. FISCAL NOTE REQUESTS AUTHORIZATION FOR ONE NEW PCN ONLY. Additional three positions are existing positions that will be transferred from other agencies for the Council staff.

12 months: Executive Director Rg. 23  
 6 months: Program Manager Rg. 21  
 Research Analyst Rg. 19  
 Admin. Assistant Rg. 14

**TRAVEL**

34.6

Two organizational meetings prior to 1/1/96, and one additional face-to-face meeting. Subsequent years, quarterly meetings. Assumes 10 Anchorage members, 7 Fairbanks members, 5 Juneau Executive Branch commissioners, 5 Juneau public members and two Anchorage council staff members. Current market conditions are enabling travelers to fly to Anchorage at reduced rates. However, long-term continuation of these rates is unknown and fiscal note assumes travel costs at normal airfare. Lower rates will be utilized when available. The Office of the Governor will absorb the costs of administering travel and per diem.

**Airfare:**

Two Anchorage meetings = 14,734  
 Per diem/local trans. = 6,526  
 One Juneau meeting = 9,290  
 Per diem/local trans. = 4,036

**CONTRACTUAL**

66.8

Professional Services: = 42,200

labor economist time for  
 project and data base analysis

**Communication:**

Teleconference meetings = 1,750  
 12 meetings first year, subsequent years 3 meetings  
 and one statewide public hearing

Telephone:	=	6,000	
(toll costs, base/local fixed costs, fax 1000/mo x 6.0 months first year)			
Postage:	=	1,900	
(300/mo x 6 months first year)			
Transportation:			
Freight and express charges			
100/mo x 6.0 (first year)	=	600	
Advertising/Printing:			
Public notice requirements	=	2,000	
Minor Repair, Maintenance:	=	750	
(second and subsequent years)			
Rental for office space:			
900 nsf x \$2.15 x 6 mos	=	11,610	
subsequent years 23,220			
Rental space for council meetings and public hearings	=	1,000	
<b>SUPPLIES</b>			<b>3.0</b>
Data processing/office/duplicating supplies \$500/mo x 6 mos.	=	3,000	
<b>EQUIPMENT</b>			<b>33.5</b>
Communication:			
Phone system	=	4,000	
Data Processing Equipment:			
PCs, system printers, network token rings, cabling, network and work stations software	=	17,000	
Furniture/Office equipment:			
offices/work stations			
file cabinets, bookcases	=	6,500	
Fax machine	=	2,500	
Mail Machine/Scale	=	3,500	

#### Assumptions for AHRIC Fiscal Notes:

- Each department with a seat on the AHRIC contributes to the cost of administering the council.
- The primary sources of funding and staff will be the JTC and GCOVE, which the AHRIC replaces.
- The STEP program will cover the cost of the executive director for at least the first year.
- The rest of the cost is shared among the departments on a proportionate basis according to how much each department spends on activities likely to be associated with the AHRIC.
- The University's share will be made up from the School to Work Program.
- The FY 96 fiscal note assumes sunset of the JTC and GCOVE on January 1, 1996 and one half year of interagency transfers to Governor's Office.
- Departments may contribute in kind services such as research or administrative assistance to make up their share.
- Once the legislation is passed, memorandums of agreement will be signed between the departments and Governor's Office detailing cost sharing arrangements.
- It is very likely that within the next two years the AHRIC will administer block grants for workforce development from the federal government and distribute funds back to the departments – thus out year fiscal notes are highly speculative.
- Formation of the AHRIC within the Governor's Office is only the first step in a comprehensive long-term workforce development effort.

No. 6

Bill Version: SB 142

(S) Publish Date: 3-27-95

# FISCAL NOTE

BIL.

## STATE OF ALASKA 1995 LEGISLATIVE SESSION

Revision Date: March 17, 1995  
Title: An Act creating the Alaska Human Resources  
Investment Council...  
Sponsor: Governor  
Requestor: Rules Committee

Department: Commerce and Economic Development  
BRU: Economic Development  
Component: Economic Development

COMPONENT SERIAL NO. 801

### Expenditures/Revenues

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>
<b>CAPITAL EXPENDITURES</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>
<b>CHANGE IN REVENUES</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

### FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

Estimate of any current year (FY 95) cost: \$ \_\_\_\_\_

### POSITIONS

FULL-TIME	
PART-TIME	
TEMPORARY	

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

The following amounts will be expensed as interagency transfers to the Office of the Governor to fund administration of the AHRIC. DCED will absorb the cost, no additional funding is requested.

FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
07	06	04	04	05	05

Prepared by: Guy Bell, Director  
Division: Administrative Services  
Approved by Commissioner: William L. Hensley  
Agency: Commerce and Economic Development

Phone: 465-2505  
Date: March 17, 1995  
Date: 3/17/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 5

Bill Version: SB142

(S) Publish Date: 3-27-95

Revision Date: \_\_\_\_\_  
 Title: An Act establishing the Alaska Human Resource  
 Investment Council  
 Sponsor: Governor  
 Requestor: Governor

Dept. Affected: Health and Social Services  
 BRU: Public Assistance Admin  
 Component: Alaska Work Programs  
 COMPONENT SERIAL NO. 238  
 See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGES IN REVENUES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other (please specify)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

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

Estimate of any current year (FY95) cost: \_\_\_\_\_

\$0.0

**ANALYSIS:**

(Attach a separate page if necessary)

This bill establishes a lead state planning and coordinating entity for certain federal, State, and local employment and training and human resources. This entity, known as the Alaska Human Resource Investment Council (AHRIC), consolidates several existing councils, including AJTC. As a voting member of the AJTC, the passing of this bill will transfer DHSS' membership to AHRIC. The cost for participation will be shared by all agencies from existing budgets. Participation as an AHRIC member is business as usual. No additional funds are requested.

Prepared by: \_\_\_\_\_  
 Division: \_\_\_\_\_

Jim Nordlund, Director  
Public Assistance

Phone: (907) 465-2680  
 Date: 03/17/95

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Karen Perdue, Commissioner  
Department of Health & Social Services

Date: 3/17/95

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# FISCAL NOTE

No. 4

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

Bill Version: 58142

(S) Publish Date: 3-27-95

Revision Date: \_\_\_\_\_  
 Title: Establish the Alaska Human  
Resource Investment Council  
 Sponsor: Rules Committee  
 Requestor: Governor

Department Affected: Labor  
 BRU: Employment Security  
 Component: \_\_\_\_\_  
Employment/Unemployment Services  
 COMPONENT SERIAL NO. 1807

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>CHANGE IN REVENUE FUND SOURCE #</b>						
--	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ None

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

The proposed bill would establish the Alaska Human Resource Investment Council by consolidating three existing employment and training councils. The Department of Labor will absorb a share of the support of the new council within existing funds.

Prepared by: Rebecca J. Nance, Director *Rebecca Nance* Phone: 465-2712  
 Division: Employment Security Division Date: 3/17/95

Approved by Commissioner: Tom Cashen, Commissioner  
 Agent: Department of Labor *Tom Cashen* Date: 3/17/95

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FISCAL NOTE

No. 3

Bill Version: SB 142

(S) Publish Date: 3-27-95

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: "An Act creating the AK Human Resource Investment Council . . ." BRU: Employ/Training/Rural Development  
 Sponsor: Governor Component: JPTA  
 Requestor: Rules Committee COMPONENT SERIAL NO. 1180

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANECUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>						

REVENUE FUND SOURCE: \_\_\_\_\_

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current (FY95) Impact \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

This agency, being involved in human resources development, will be participatory in council organization and activities. The council's administrative costs will be funded by interagency transfer to the Office of the Governor from existing budgeted funds.

Prepared by: Remond Henderson, Director Remond Henderson Phone: 465-4708  
 Division: Administrative Services Date: 3/20/95

Approved by Commissioner: Remond Henderson for Mike Irwin Date: 3/21/95

Agency: Community & Regional Affairs

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# FISCAL NOTE

No. 2  
 Bill Version: SB142  
 (S) Publish Date: 3/27/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: Establishing an Alaska Human Resource Investment Council  
 Sponsor: Governor Knowles  
 Requester: \_\_\_\_\_

Department Affected: Education  
 BRU: Education Program Support  
 Component: Adult and Vocational Education Administration  
 COMPONENT SERIAL NO. 180

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

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

This legislation establishes an Alaska Human Resource Investment Council as the lead state planning and coordinating entity for federal, state, and local employment training and human resource programs. Subject to legislative appropriation, the budget for the council is to be drawn from money available to the programs that are coordinated by the council. The department will support the AHRIC from existing funds available for that purpose.

Prepared by: Vince Barry, Director Phone: 465-9689  
 Division: Education Program Support Date: March 20, 1995  
 Approved by Commissioner: *Shirley Holloway* Shirley Holloway, Ph.D.  
 Agency: Education Date: March 20, 1995

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FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 1  
Bill Version: SB 142  
(S) Publish Date: 3-27-95

Revision Date:  
Title: ALASKA HUMAN RESOURCE INVESTMENT COUNCIL

Department Affected: University of Alaska  
BRU: ALL  
Component: ALL

Sponsor:  
Requestor:

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FD SOURCE						
-------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)						
1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND						
1006 GF/MHTIA						
OTHER						
TOTAL FUNDING	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Wendy Matheny, Budget Analyst Phone: 463-3086  
 Division: Statewide Budget Office Date: 3/20/95  
 Approved by: Wendy Redman, Vice President Date: 3/20/95  
 Agency: University Relations

Distribution by preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agencies

**MEMORANDUM**

April 18th, 1995

TO: Senate State Affairs Committee  
Chairman Senator Sharp  
Members Senator Leman  
Senator Donley

Vice Chair Senator Phillips  
Senator Duncan

FROM: Janice Tatlow, Member of the Anchorage Mat-Su Private Industry Council-  
representing Mat-Su Private Sector

RE: Senate Bill 142 Establishing a Human Resource Investment Council

I am very concerned that a strong link with the local communities may not exist in the configuration of the Human Resources Investment Council. A provision has been made for representation under No (5) line 10 of the list of representatives for the Council for representation from a Private Industry Council (PIC).

**Recommendations:**

Line 9/10 (5) four representatives from business and industry, with at least two representatives from private industry councils representing private sector businesses.

Line 22 (10) at least one and up to four additional members of the private sector to assure a private sector majority and regional and local representation on the council, with a least one member from private industry councils representing private sector business.

Line 24 (b) Additional non voting members may be appointed to the council from government and non government entities, to included the Managers of each of Alaska's three Service Delivery Areas.

There are 3 Private Industry Councils in Alaska - 1. Anchorage Mat-Su PIC, Fairbanks PIC and the Balance of State PIC. Each PIC has developed strong linkages within their respective regions. Each PIC has provided services to the citizens and businesses that have met the needs of the participant and the demand of local/ State labor market. PIC members and the non voting SDA managers may provide very valuable insight into what works and what doesn't work at the local level. In addition the PIC'S serve the training needs of youth and adults and related assistance, PIC members and non voting SDA managers will certainly help to broaden the vision of the Council. Also, this will lessen the risk that some participant groups may not have a voice in the Alaska Human Resource Investment Council

I am very supportive of the establishment of the AHRIC and see this Council as the piece tie or umbrella the One Stop Career Development Centers and the Block Grant process.

You may already know JTPO of DCRA wrote for a initial funding to write for grant funds from the Federal Government to pilot project 3 Career Development Centers in Alaska. A 23 member TAG team has been working very hard to meet the May 15th deadline.

**SENATE COMMITTEE RE**  
**First Committee of Referral**

DATE: 3/28/95

FURTHER: Finance

Date of 5-Day Notice: 4/6/95  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: \_\_\_\_\_

State Affairs Committee considered SB 142

Establishing the Alaska Human Resource Investment Council; etd.

and recommends:

- be replaced with \_\_\_\_\_ CS SB 142 (S.A)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s) \_\_\_\_\_
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

Senate Bill:

- same title
- new title
- House Bill:
- same title
- technical title
- new: SCR \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Loren J. Jensen</i>	✓				
<i>Rod E. King</i>	✓				
<i>Deborah Bailey</i>	✓				
<i>[Signature]</i>	✓				
CHAIR: <i>[Signature]</i>	✓				

**NEW FISCAL NOTE(S):**

FY 96

Department	Date	Zero	Fiscal
GOV	3/23		309.6
DCED	3/17	✓	
DHSS	3/17	✓	
LABOR	3/17	✓	
DCRA	3/20	✓	
DOE	3/20	✓	
U of A	3/20	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill

**MEMORANDUM**

April 18th, 1995

**TO:** Senate State Affairs Committee

Chairman: Senator Sharp

Members: Senator Lemay

Senator Donley

Vice Chair: Senator Phillips

Senator Duncan

**FROM:** Janice Tallow, Member of the Anchorage Mat-Su Private Industry Council-  
representing Mat-Su Private Sector

**RE:** Senate Bill 142 Establishing a Human Resource Investment Council

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**Recommendations:**

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I am very supportive of the establishment of the AHRIC and see this Council as the piece tie or umbrella the One Stop Career Development Centers and the Block Grant process.

You may already know JTPO of DCRA wrote for a initial funding to write for grant funds from the Federal Government to pilot project 3 Career Development Centers in Alaska. A 23 member TAG team has been working very hard to meet the May 15th deadline.



TO: SENATOR RANDY PHILLIPS

FROM: DAVE REES  
AJTC  
ALYESKA

SUBJECT: SB 142 HEARING  
STATE AFFAIRS COMMITTEE  
4/13/95

Randy: I am out of town and range of the LIOs so I thought I'd just pass this note along. Most of the testimony I would have made is what I covered on Saturday in Eagle River. The philosophical basics are covered in the attached but a few bullet points on the value of the HRIC concept are:

- \$800 Million in wages was paid out in 1994 to people living outside of Alaska. (AK DOL reports)
- \$40-50 Million per year in Federal & State training & employment grants is spread out in various programs across 7 agencies.
- 65,000 people in Alaska on welfare with good job training could enter the job markets if targeted toward long-term jobs.
- Closing plants (like Sitka - 300 jobs) & downsizing industry (like Oil - 1000+ jobs) will continue but dislocated workers can move to new or emerging economies with good retraining programs.
- Block grants will provide less money but less strings and absorbed costs: someone will have to decide where dollars go, who delivers, etc.

Thanks  
Dave

Post-It™ brand fax transmittal memo 787i		# of pages ▶	
To	SEN. RANDY PHILLIPS	From	DAVE REES
Co.	AK STATE SENATE	Co.	ALYESKA / AJTC
Dept.		Phone #	278-1611 x 4179
Fax #	465-4979	Fax #	659-2940

## SB 142 / HB 280

**"The Alaska Human Resource Investment" Policy Bill**

## The bill:

- Creates a Council based on a workforce development policy: recognizes the connection between human resource development and economic development.
- Prepares Alaska for the on-coming changes in Federal block grants for employment and training, as well as an opportunity to provide a more focused and coordinated approach to our State programs.
- Puts an advisory body in place at the Governor's shoulder to marshal our programs and our available resources to get people into the workforce.
- Focuses on the "seamless" approach to workforce preparation, whether it's the school-to-work transition, the welfare-to-work entry or retraining of a changing workforce.
- Provides a Council with over-sight and guidance to look across the economy, that trims programs that aren't targeted, that assures that Alaskans are not behind the curve for new jobs in new or changing markets.
- Establishes a private-sector dominated council to assure that the workforce preparation is real, and is being systematically prepared for jobs that exist when people are trained.

The first three councils to be merged are the Alaska Job Training Council, the Governor's State Council on Vocational Education, and the Employment Securities Council. While each of these groups have done well in carrying out both the Federal mandates that established them, as well as the State directives from the Governor or the cabinet, there has never been a broad-based council that looks across the employment, education and job-training activities of the State and its institutions. Several states now have these HRICs and are finding the payoffs from having this

We need a reality-based, systematic way to prepare our Alaskan workforce, to assure that Alaskans get Alaskan jobs, that we have the workforce to support and entice economic development. If we can be better at engaging people in the process of preparing for work, we will solve many of our problems of welfare, crime and prisons, and put more control of Alaska in the hands of Alaskans.

Please support these bills. The AHRIC will get us started.

LAST SESSION'S Human Resource Dev. Policy

BASIS Journal Text

05/02/94 HOUSE JOURNAL PAGE 3910

SB 255

The Conference Committee with limited powers of free conference considering CSSB 255(STA) am H and CSSB 255(STA) recommend the following be adopted:

CONFERENCE CS FOR SENATE BILL NO. 255

"An Act establishing a comprehensive policy relating to human resource development in the state."

05/02/94 HOUSE JOURNAL PAGE 3911

SB 255

The following fiscal notes apply to CCSSB 255:

Senate zero fiscal note, Dept. of Community & Regional Affairs, 2/11/94

Senate zero fiscal note, Dept. of Labor, 2/11/94

Senate zero fiscal note, University of Alaska, 2/11/94

Senate zero fiscal note, Dept. of Education, 2/11/94

Senate zero fiscal note, Dept. of Health & Social Services, 2/11/94

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

BASIS Journal Text

05/02/94 HOUSE JOURNAL PAGE 3911

Senate zero fiscal note, Dept. of Administration, 2/11/94

Senate zero fiscal note, Dept. of Military & Veterans' Affairs, 2/11/94

Senate zero fiscal note, Senate Community & Regional Affairs Committee/Dept. of Corrections, 2/11/94

Senate zero fiscal note, Dept. of Fish & Game, 2/11/94

Senate zero fiscal note, Dept. of Commerce & Economic Development, 2/11/94

The report was received in the Chief Clerk's office at 9:45 a.m., May 2, 1994.

The report was signed by Representatives Sanders, Chair, and Kott and Senators Phillips, Chair, Leman and Zharoff.

The report is under Unfinished Business.

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD		FIRST	LAST	QUIT

SB 255

1 "An Act establishing a comprehensive policy relating to human resource  
 2 development in the state."  
 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
 4 \* Section 1. AS 44.99 is amended by adding a new section to article 2 to  
 read:  
 5 Sec. 44.99.130. STATEMENT OF HUMAN RESOURCE DEVELOPMENT  
 6 POLICY FOR THE STATE. (a) State programs and activities in the fields of  
 7 economic development, education, vocational education, job training, and  
 social service  
 8 shall be coordinated to further the state's primary goal of enabling the  
 people of the  
 9 state to become part of a literate, skilled, and productive work force and  
 to have an  
 10 opportunity to earn a living wage. The Department of Administration, the  
 Department  
 11 of Commerce and Economic Development, the Department of Community and  
 12 Regional Affairs, the Department of Corrections, the Department of  
 Education, the

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD	FISCAL	FIRST	LAST	QUIT
BASIS	Text for CSSB 255(CRA)								Page	1 of	3

SB 255

12 Regional Affairs, the Department of Corrections, the Department of  
 Education, the  
 13 Department of Fish and Game, the Department of Health and Social Services,  
 the  
 14 Department of Labor, the Department of Military and Veterans' Affairs, and  
 the  
 1 University of Alaska shall plan, coordinate, and implement their programs  
 and  
 2 activities to better achieve the state's primary goal.  
 3 (b) Public officials responsible for economic development programs and  
 4 systems in the state shall coordinate planning with public officials  
 responsible for job  
 5 training and human resource development programs and systems concerning  
 anticipated  
 6 economic development activities so that those programs and systems can  
 prepare  
 7 clients for the forthcoming employment opportunities in a timely manner.  
 8 (c) Public officials responsible for education programs and systems,  
 including

Selection=>

PF1	PF2	PF3	PF4	PF5	PF6	PF7	PF8	PF9	PF10	PF11	PF12
HELP		EXIT	MENU		PRINT	BWD	FWD	FISCAL	FIRST	LAST	QUIT
BASIS	Text for CSSB 255(CRA)								Page	2 of	3

SB 255

8 (c) Public officials responsible for education programs and systems,  
 including  
 9 vocational education, shall structure those programs and systems to prepare  
 students  
 10 to enter the work force. To this end, the state's educational system shall  
 ensure that  
 11 students develop competency in basic and technological skills along with  
 work force  
 12 readiness values.  
 13 (d) Public officials responsible for the state's job training system

shall  
 14 coordinate with business, industry, and labor in the state to anticipate and provide  
 15 appropriate training for new employment opportunities that are opening up because of  
 16 economic development and other employment opportunities that are already present or  
 17 developing in the state.

18 (e) Social service programs of the state shall encourage people who are

Selection->  
 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
 HELP EXIT MENU PRINT BWD FWD FISCAL FIRST LAST QUIT  
 BASIS Text for CSSB 255(CRA) Page 2 of 3  
 SB 255

18 (e) Social service programs of the state shall encourage people who are  
 19 unemployed to make the transition from welfare to employment and self-sufficiency.

20 Public officials responsible for these programs shall coordinate the public assistance,  
 21 social services, and human resource development services available to a client.

22 (f) Public officials responsible for human resource programs shall coordinate  
 23 to minimize duplication of programs, increase sharing of resources, and make access  
 24 to information and services more convenient to the people of the state.

25 (g) To plan, monitor, and coordinate the programs, systems, and activities  
 26 identified in this section, the governor shall use the Alaska Job Training Council as the  
 27 recognized state job training coordinating council. The council shall submit a report

Selection->  
 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
 HELP EXIT MENU PRINT BWD FWD FISCAL FIRST LAST QUIT  
 BASIS Text for CSSB 255(CRA) Page 2 of 3  
 SB 255

27 recognized state job training coordinating council. The council shall submit a report  
 28 making recommendations on ways in which the state can enhance the coordination and  
 29 delivery of economic development and human resource development programs and  
 30 systems, education programs and systems, including vocational education, the job  
 31 training system, and social service programs to enable the people of the state to  
 1 become part of a literate, skilled, and productive work force and to have an  
 2 opportunity to earn a living wage. The council shall submit the report every other year  
 3 to the governor and to the legislature, in years alternating with the Governor's  
 4 Coordination and Special Services Plan.

Selection->  
 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
 HELP EXIT MENU PRINT BWD FWD FISCAL FIRST LAST QUIT